UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE FIRST SESSION OF THE
ONE HUNDRED FIFTEENTH CONGRESS
OF THE UNITED STATES OF AMERICA

2017

AND

PROCLAMATIONS

VOLUME 131

IN TWO PARTS

PART 1

PUBLIC LAWS 115–1 THROUGH 115–90

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PUBLIC LAWS

ENACTED DURING

FIRST SESSION OF THE ONE HUNDRED FIFTEENTH CONGRESS

OF THE

UNITED STATES OF AMERICA

Begun and held at the City of Washington on Tuesday, January 3, 2017, adjourned sine die on Wednesday, January 3, 2018. Until noon Friday, January 20, 2017, BARACK H. OBAMA, *President;* JOSEPH R. BIDEN, JR., *Vice President;* PAUL D. RYAN, *Speaker of the House of Representatives; from Friday, January 20, 2017,* DONALD J. TRUMP, *President;* MICHAEL R. PENCE, *Vice President;* PAUL D. RYAN, *Speaker of the House of Representatives.*

Public Law 115–1
115th Congress

An Act

To amend title 5, United States Code, to codify the Presidential Innovation Fellows Program, and for other purposes.

Jan. 20, 2017
[H.R. 39]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Tested Ability to Leverage Exceptional National Talent Act of 2017.
5 USC 101 note.

This Act may be cited as the "Tested Ability to Leverage Exceptional National Talent Act of 2017" or the "TALENT Act of 2017".

SEC. 2. PRESIDENTIAL INNOVATION FELLOWS PROGRAM.

(a) IN GENERAL.—Chapter 31 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER V—PRESIDENTIAL INNOVATION FELLOWS PROGRAM

5 USC prec. 3171.

"§ 3171. Presidential Innovation Fellows Program

5 USC 3171.

"(a) POLICY.—It is in the national interest for the Government to attract the brightest minds skilled in technology or innovative practices to serve in the Government to work on some of the Nation's biggest and most pressing challenges. This subchapter establishes a program to encourage successful entrepreneurs, executives, and innovators to join the Government and work in close cooperation with Government leaders, to create meaningful solutions that can help save lives and taxpayer money, fuel job creation, and significantly improve how the Government serves the American people.

"(b) ESTABLISHMENT.—The Administrator of General Services shall continue the Presidential Innovation Fellows Program (hereinafter referred to as the 'Program') to enable exceptional individuals with proven track records to serve time-limited appointments in executive agencies to address some of the Nation's most significant challenges and improve existing Government efforts that would particularly benefit from expertise using innovative techniques and technology.

"(c) ADMINISTRATION.—The Program shall be administered by a Director, appointed by the Administrator under authorities of the General Services Administration. The Administrator shall provide necessary staff, resources and administrative support for the Program.

Appointment.

"(d) APPOINTMENT OF FELLOWS.—The Director shall appoint fellows pursuant to the Program and, in cooperation with executive agencies, shall facilitate placement of fellows to participate in

projects that have the potential for significant positive effects and are consistent with the President's goals.

"(e) APPLICATION PROCESS.—

"(1) IN GENERAL.—The Director shall prescribe the process for applications and nominations of individuals to the Program.

"(2) PROGRAM STANDARDS.—Following publication of these processes, the Director may accept for consideration applications from individuals. The Director shall establish, administer, review, and revise, if appropriate, a Governmentwide cap on the number of fellows. The Director shall establish and publish salary ranges, benefits, and standards for the Program.

"(f) SELECTION, APPOINTMENT, AND ASSIGNMENT OF FELLOWS.—

"(1) PROCEDURES.—The Director shall prescribe appropriate procedures for the selection, appointment, and assignment of fellows.

"(2) CONSULTATION.—Prior to the selection of fellows, the Director shall consult with the heads of executive agencies regarding potential projects and how best to meet those needs. Following such consultation, the Director shall select and appoint individuals to serve as fellows.

"(3) TIME LIMITATION.—Fellows selected for the Program shall serve under short-term, time-limited appointments. Such fellows shall be appointed for no less than 6 months and no longer than 2 years in the Program. The Director shall facilitate the process of placing fellows at requesting executive agencies.

"(g) RESPONSIBILITIES OF AGENCIES.—Each executive agency shall work with the Director and the Presidential Innovation Fellows Program advisory board established under section 3172 to attempt to maximize the Program's benefits to the agency and the Government, including by identifying initiatives that have a meaningful effect on the people served and that benefit from involvement by one or more fellows. Such agencies shall ensure that each fellow works closely with responsible senior officials for the duration of the assignment.

5 USC 3172.

"§ 3172. Presidential Innovation Fellows Program advisory board

Recommendations.

"(a) IN GENERAL.—The Administrator of General Services shall continue an advisory board to advise the Director of the Presidential Innovation Fellows Program by recommending such priorities and standards as may be beneficial to fulfill the mission of the Presidential Innovation Fellows Program and assist in identifying potential projects and placements for fellows. The advisory board may not participate in the selection process under section 3171(f).

Designation.

"(b) CHAIR; MEMBERSHIP.—The Administrator shall designate a representative to serve as the Chair of the advisory board. In addition to the Chair, the membership of the advisory board shall include—

"(1) the Deputy Director for Management of the Office of Management and Budget;

"(2) the Director of the Office of Personnel Management;

"(3) the Administrator of the Office of Electronic Government of the Office of Management and Budget;

"(4) the Assistant to the President and Chief Technology Officer; and

"(5) other individuals as may be designated by the Administrator.

"(c) CONSULTATION.—The advisory board may consult with industry, academia, or nonprofits to ensure the Presidential Innovation Fellows Program is continually identifying opportunities to apply advanced skillsets and innovative practices in effective ways to address the Nation's most significant challenges.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 5, United States Code, is amended by adding at the end the following: 5 USC prec. 3010.

"SUBCHAPTER V—PRESIDENTIAL INNOVATION FELLOWS PROGRAM

"3171. Presidential Innovation Fellows Program.
"3172. Presidential Innovation Fellows Program advisory board.".

(c) TRANSITION.—The Presidential Innovation Fellows Program established pursuant to Executive Order No. 13704 (5 U.S.C. 3301 note) as in existence on the day before the date of enactment of this Act shall be considered the Presidential Innovation Fellows Program described in the amendments made by this Act. 5 USC 3171 note.

(d) NO ADDITIONAL FUNDS AUTHORIZED.—No additional funds are authorized to be appropriated to carry out this Act or the amendments made by this Act. This Act and the amendments made by this Act shall be carried out using amounts otherwise authorized.

Approved January 20, 2017.

LEGISLATIVE HISTORY—H.R. 39:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Jan. 10, 11, considered and passed House.
Jan. 17, considered and passed Senate.

Public Law 115–2
115th Congress

An Act

Jan. 20, 2017
[S. 84]

To provide for an exception to a limitation against appointment of persons as Secretary of Defense within seven years of relief from active duty as a regular commissioned officer of the Armed Forces.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

10 USC 113 note.

SECTION 1. EXCEPTION TO LIMITATION AGAINST APPOINTMENT OF PERSONS AS SECRETARY OF DEFENSE WITHIN SEVEN YEARS OF RELIEF FROM ACTIVE DUTY AS REGULAR COMMISSIONED OFFICERS OF THE ARMED FORCES.

(a) IN GENERAL.—Notwithstanding the second sentence of section 113(a) of title 10, United States Code, the first person appointed, by and with the advice and consent of the Senate, as Secretary of Defense after the date of the enactment of this Act may be a person who is, on the date of appointment, within seven years after relief, but not within three years after relief, from active duty as a commissioned officer of a regular component of the Armed Forces.

Applicability.

(b) LIMITED EXCEPTION.—This section applies only to the first person appointed as Secretary of Defense as described in subsection (a) after the date of the enactment of this Act, and to no other person.

Approved January 20, 2017.

LEGISLATIVE HISTORY—S. 84 (H.R. 393):

HOUSE REPORTS: No. 115–13 (Comm. on Armed Services) accompanying H.R. 393.
CONGRESSIONAL RECORD, Vol. 163 (2017):
Jan. 12, considered and passed Senate.
Jan. 13, considered and passed House.

Public Law 115–3
115th Congress

An Act

To ensure the Government Accountability Office has adequate access to information.

Jan. 31, 2017
[H.R. 72]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

GAO Access and Oversight Act of 2017.
31 USC 701 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "GAO Access and Oversight Act of 2017".

SEC. 2. ACCESS TO CERTAIN INFORMATION.

(a) ACCESS TO CERTAIN INFORMATION.—Subchapter II of chapter 7 of title 31, United States Code, is amended by adding at the end the following:

"§ 721. Access to certain information

31 USC 721.

"(a) No provision of the Social Security Act, including section 453(l) of that Act (42 U.S.C. 653(l)), shall be construed to limit, amend, or supersede the authority of the Comptroller General to obtain any information or to inspect any record under section 716 of this title.

"(b) The specific reference to a statute in subsection (a) shall not be construed to affect access by the Government Accountability Office to information under statutes that are not so referenced.".

(b) AGENCY REPORTS.—Section 720(b) of title 31, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting "or planned" after "action taken"; and

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

"(1) the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the congressional committees with jurisdiction over the agency program or activity that is the subject of the recommendation, and the Government Accountability Office before the 61st day after the date of the report; and".

(c) AUTHORITY TO OBTAIN RECORDS.—Section 716 of title 31, United States Code, is amended in subsection (a)—

(1) by striking "(a)" and inserting "(2)"; and

(2) by inserting after the section heading the following:

"(a)(1) The Comptroller General is authorized to obtain such agency records as the Comptroller General requires to discharge the duties of the Comptroller General (including audit, evaluation, and investigative duties), including through the bringing of civil actions under this section. In reviewing a civil action under this section, the court shall recognize the continuing force and effect

Courts.

of the authorization in the preceding sentence until such time as the authorization is repealed pursuant to law.".

31 USC prec. 701.

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 31, United States Code, is amended by inserting after the item relating to section 720 the following:

"721. Access to certain information.".

Approved January 31, 2017.

LEGISLATIVE HISTORY—H.R. 72:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Jan. 4, considered and passed House.
Jan. 17, considered and passed Senate.

Public Law 115–4
115th Congress

Joint Resolution

Providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to "Disclosure of Payments by Resource Extraction Issuers".

Feb. 14, 2017
[H.J. Res. 41]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Securities and Exchange Commission relating to "Disclosure of Payments by Resource Extraction Issuers" (published at 81 Fed. Reg. 49359 (July 27, 2016)), and such rule shall have no force or effect.

Approved February 14, 2017.

LEGISLATIVE HISTORY—H.J. Res. 41:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Feb. 1, considered and passed House.
Feb. 2, 3, considered and passed Senate.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2017):
Feb. 14, Presidential remarks.

Public Law 115–5
115th Congress

Joint Resolution

Feb. 16, 2017
[H.J. Res. 38]

Disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Office of Surface Mining Reclamation and Enforcement of the Department of the Interior relating to the "Stream Protection Rule" (published at 81 Fed. Reg. 93066 (December 20, 2016)), and such rule shall have no force or effect.

Approved February 16, 2017.

LEGISLATIVE HISTORY—H.J. Res. 38:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Feb. 1, considered and passed House. Considered in Senate.
Feb. 2, considered and passed Senate.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2017):
Feb. 16, Presidential remarks.

Public Law 115–6
115th Congress

An Act

To authorize the National Science Foundation to support entrepreneurial programs for women.

Feb. 28, 2017
[H.R. 255]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Promoting Women in Entrepreneurship Act.
42 USC 1861 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Promoting Women in Entrepreneurship Act".

42 USC 1885a note.

SEC. 2. FINDINGS.

The Congress finds that—

(1) women make up almost 50 percent of the workforce, but less than 25 percent of the workforce in science, technology, engineering, and mathematics (STEM) professions;

(2) women are less likely to focus on the STEM disciplines in undergraduate and graduate study;

(3) only 26 percent of women who do attain degrees in STEM fields work in STEM jobs;

(4) there is an increasing demand for individuals with STEM degrees to extend their focus beyond the laboratory so they can be leaders in discovery commercialization;

(5) studies have shown that technology and commercialization ventures are successful when women are in top management positions; and

(6) the National Science Foundation's mission includes supporting women in STEM disciplines.

SEC. 3. SUPPORTING WOMEN'S ENTREPRENEURIAL PROGRAMS.

Section 33 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a) is amended—

(1) by striking "and" at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting "; and"; and

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

"(12) encourage its entrepreneurial programs to recruit and support women to extend their focus beyond the laboratory and into the commercial world.".

Approved February 28, 2017.

LEGISLATIVE HISTORY—H.R. 255:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Jan. 10, considered and passed House.
Feb. 14, considered and passed Senate.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2017):
Feb. 28, Presidential remarks.

Public Law 115–7
115th Congress

An Act

To inspire women to enter the aerospace field, including science, technology, engineering, and mathematics, through mentorship and outreach.

Feb. 28, 2017
[H.R. 321]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Inspiring the Next Space Pioneers, Innovators, Researchers, and Explorers (INSPIRE) Women Act.
51 USC note prec. 40901.

This Act may be cited as the "Inspiring the Next Space Pioneers, Innovators, Researchers, and Explorers (INSPIRE) Women Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) NASA GIRLS and NASA BOYS are virtual mentoring programs using commercially available video chat programs to pair National Aeronautics and Space Administration mentors with young students anywhere in the country. NASA GIRLS and NASA BOYS give young students the opportunity to interact and learn from real engineers, scientists, and technologists.

(2) The Aspire to Inspire (A2I) program engages young girls to present science, technology, engineering, and mathematics (STEM) career opportunities through the real lives and jobs of early career women at NASA.

(3) The Summer Institute in Science, Technology, Engineering, and Research (SISTER) program at the Goddard Space Flight Center is designed to increase awareness of, and provide an opportunity for, female middle school students to be exposed to and explore nontraditional career fields with Goddard Space Flight Center women engineers, mathematicians, scientists, technicians, and researchers.

SEC. 3. SUPPORTING WOMEN'S INVOLVEMENT IN THE FIELDS OF AEROSPACE AND SPACE EXPLORATION.

The Administrator of the National Aeronautics and Space Administration shall encourage women and girls to study science, technology, engineering, and mathematics, pursue careers in aerospace, and further advance the Nation's space science and exploration efforts through support of the following initiatives:

(1) NASA GIRLS and NASA BOYS.

(2) Aspire to Inspire.

(3) Summer Institute in Science, Technology, Engineering, and Research.

SEC. 4. PLAN.

Deadline.

Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Science,

Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for how NASA can best facilitate and support both current and retired astronauts, scientists, engineers, and innovators, including early career female astronauts, scientists, engineers, and innovators, to engage with K–12 female STEM students and inspire the next generation of women to consider participating in the fields of science, technology, engineering, and mathematics and to pursue careers in aerospace. This plan shall—

(1) report on existing activities with current and retired NASA astronauts, scientists, engineers, and innovators;

(2) identify how NASA could best leverage existing authorities to facilitate and support current and retired astronaut, scientist, engineer, and innovator participation in NASA outreach efforts;

(3) propose and describe a program specific to retired astronauts, scientists, engineers, and innovators; and

(4) identify any additional authorities necessary to institute such a program.

Approved February 28, 2017.

LEGISLATIVE HISTORY—H.R. 321:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Jan. 10, considered and passed House.
Feb. 14, considered and passed Senate.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2017):
Feb. 28, Presidential remarks.

Public Law 115–8
115th Congress

Joint Resolution

Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007.

Feb. 28, 2017
[H.J. Res. 40]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007 (published at 81 Fed. Reg. 91702 (December 19, 2016)), and such rule shall have no force or effect.

Approved February 28, 2017.

LEGISLATIVE HISTORY—H.J. Res. 40:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Feb. 2, considered and passed House.
Feb. 14, 15, considered and passed Senate.

Public Law 115–9
115th Congress

An Act

Mar. 13, 2017
[H.R. 609]

To designate the Department of Veterans Affairs health care center in Center Township, Butler County, Pennsylvania, as the "Abie Abraham VA Clinic".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) Abie Abraham of Lyndora, Pennsylvania, was stationed during World War II with the 18th Infantry in New York; 3 years with the 14th Infantry in Panama; 15th Infantry, unassigned in China, while the U.S.S. Panay was sunk; 30th Infantry, Presidio, San Francisco; and the 31st Infantry, Manila, Philippines, for 9 years.

(2) During World War II, Abraham fought, was captured, endured the Bataan Death March and as a prisoner of war for 3½ years, was beaten, stabbed, shot, survived malaria and starvation to be rescued by the 6th Rangers.

(3) Abraham stayed behind at the request of General Douglas MacArthur for 2½ more years disinterring the bodies of his fallen comrades from the Bataan Death March and the prison camps, helping to identify their bodies and see that they were properly laid to rest.

(4) After his promotion in 1945, Abraham came back to the United States where he served as a recruiter and then also served 2 years in Germany until his retirement with 30 years of service as a Master Sergeant.

(5) Abraham received numerous medals for his service, including the Purple Heart, and had several documentaries on the Discovery Channel and History Channel.

(6) Abraham wrote the books "Ghost of Bataan Speaks" in 1971 and "Oh, God, Where Are You" in 1977 to help the public better understand what our brave men endured at the hands of the Imperial Japanese Army as prisoners of war.

(7) Abraham was a life member of the Veterans of Foreign Wars, the American Legion, the Purple Heart Combat/Infantry Organization, the American Ex-POWs, the Disabled American Veterans, and the American Defenders of Bataan.

(8) Abraham was a volunteer at Veterans Affairs Butler Healthcare for 23 years from 1988 to 2011 and had 36,851 service hours caring for our veterans.

SEC. 2. ABIE ABRAHAM VA CLINIC.

(a) DESIGNATION.—The Department of Veterans Affairs health care center in Center Township, Butler County, Pennsylvania, shall

after the date of the enactment of this Act be known and designated as the "Abie Abraham VA Clinic".

(b) REFERENCES.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the health care center referred to in subsection (a) shall be deemed to be a reference to the "Abie Abraham VA Clinic".

Approved March 13, 2017.

LEGISLATIVE HISTORY—H.R. 609:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Feb. 13, considered and passed House.
Feb. 17, considered and passed Senate.

Public Law 115–10
115th Congress

An Act

Mar. 21, 2017
[S. 442]

To authorize the programs of the National Aeronautics and Space Administration, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Aeronautics and Space Administration Transition Authorization Act of 2017.
51 USC 10101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Aeronautics and Space Administration Transition Authorization Act of 2017".

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

SEC. 2. DEFINITIONS.

51 USC 10101 note.

In this Act:

(1) ADMINISTRATION.—The term "Administration" means the National Aeronautics and Space Administration.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Aeronautics and Space Administration.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Science, Space, and Technology of the House of Representatives.

(4) CIS-LUNAR SPACE.—The term "cis-lunar space" means the region of space from the Earth out to and including the region around the surface of the Moon.

(5) DEEP SPACE.—The term "deep space" means the region of space beyond low-Earth orbit, to include cis-lunar space.

(6) GOVERNMENT ASTRONAUT.—The term "government astronaut" has the meaning given the term in section 50902 of title 51, United States Code.

(7) ISS.—The term "ISS" means the International Space Station.

(8) ISS MANAGEMENT ENTITY.—The term "ISS management entity" means the organization with which the Administrator has a cooperative agreement under section 504(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(a)).

(9) NASA.—The term "NASA" means the National Aeronautics and Space Administration.

(10) ORION.—The term "Orion" means the multipurpose crew vehicle described under section 303 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18323).

(11) SPACE LAUNCH SYSTEM.—The term "Space Launch System" has the meaning given the term in section 3 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18302).

(12) UNITED STATES GOVERNMENT ASTRONAUT.—The term "United States government astronaut" has the meaning given the term "government astronaut" in section 50902 of title 51, United States Code, except it does not include an individual who is an international partner astronaut.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. FISCAL YEAR 2017.

There are authorized to be appropriated to NASA for fiscal year 2017, $19,508,000,000, as follows:

(1) For Exploration, $4,330,000,000.

(2) For Space Operations, $5,023,000,000.

(3) For Science, $5,500,000,000.

(4) For Aeronautics, $640,000,000.

(5) For Space Technology, $686,000,000.

(6) For Education, $115,000,000.

(7) For Safety, Security, and Mission Services, $2,788,600,000.

(8) For Construction and Environmental Compliance and Restoration, $388,000,000.

(9) For Inspector General, $37,400,000.

TITLE II—SUSTAINING NATIONAL SPACE COMMITMENTS

SEC. 201. SENSE OF CONGRESS ON SUSTAINING NATIONAL SPACE COMMITMENTS.

It is the sense of Congress that—

(1) honoring current national space commitments and building upon investments in space across successive Administrations demonstrates clear continuity of purpose by the United States, in collaboration with its international, academic, and industry partners, to extend humanity's reach into deep space, including cis-lunar space, the Moon, the surface and moons of Mars, and beyond;

(2) NASA leaders can best leverage investments in the United States space program by continuing to develop a balanced portfolio for space exploration and space science, including continued development of the Space Launch System, Orion, Commercial Crew Program, space and planetary science missions such as the James Webb Space Telescope, Wide-Field Infrared Survey Telescope, and Europa mission, and ongoing operations of the ISS and Commercial Resupply Services Program;

(3) a national, government-led space program that builds on current science and exploration programs, advances human knowledge and capabilities, and opens the frontier beyond Earth for ourselves, commercial enterprise, and science, and with our international partners, is of critical importance to our national destiny and to a future guided by United States values and freedoms;

(4) continuity of purpose and effective execution of core NASA programs are essential for efficient use of resources in pursuit of timely and tangible accomplishments;

(5) NASA could improve its efficiency and effectiveness by working with industry to streamline existing programs and requirements, procurement practices, institutional footprint, and bureaucracy while preserving effective program oversight, accountability, and safety;

(6) it is imperative that the United States maintain and enhance its leadership in space exploration and space science, and continue to expand freedom and economic opportunities in space for all Americans that are consistent with the Constitution of the United States; and

(7) NASA should be a multi-mission space agency, and should have a balanced and robust set of core missions in space science, space technology, aeronautics, human space flight and exploration, and education.

SEC. 202. FINDINGS.

Congress makes the following findings:

(1) Returns on the Nation's investments in science, technology, and exploration accrue over decades-long timeframes, and a disruption of such investments could prevent returns from being fully realized.

(2) Past challenges to the continuity of such investments, particularly threats regarding the cancellation of authorized programs with bipartisan and bicameral support, have disrupted completion of major space systems thereby—

(A) impeding planning and pursuit of national objectives in space science and human space exploration;

(B) placing such investments in space science and space exploration at risk; and

(C) degrading the aerospace industrial base.

(3) The National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2895), National Aeronautics and Space Administration Authorization Act of 2008 (Public Law 110–422; 122 Stat. 4779), and National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18301 et seq.) reflect a broad, bipartisan agreement on the path forward for NASA's core missions in science, space technology, aeronautics, human space flight and exploration, and education, that serves as the foundation for the policy updates by this Act.

(4) Sufficient investment and maximum utilization of the ISS and ISS National Laboratory with our international and industry partners is—

(A) consistent with the goals and objectives of the United States space program; and

(B) imperative to continuing United States global leadership in human space exploration, science, research, technology development, and education opportunities that contribute to development of the next generation of American scientists, engineers, and leaders, and to creating the opportunity for economic development of low-Earth orbit.

(5) NASA has made measurable progress in the development and testing of the Space Launch System and Orion exploration systems with the near-term objectives of the initial integrated test flight and launch in 2018, a human mission in 2021, and continued missions with an annual cadence in cis-lunar space and eventually to the surface of Mars.

(6) The Commercial Crew Program has made measurable progress toward reestablishing the capability to launch United States government astronauts from United States soil into low-Earth orbit by the end of 2018.

(7) The Aerospace Safety Advisory Panel, in its 2015 Annual Report, urged continuity of purpose noting concerns over the potential for cost overruns and schedule slips that could accompany significant changes to core NASA programs.

TITLE III—MAXIMIZING UTILIZATION OF THE ISS AND LOW-EARTH ORBIT

51 USC 50111 note.

SEC. 301. OPERATION OF THE ISS.

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

(1) after 15 years of continuous human presence in low-Earth orbit, the ISS continues to overcome challenges and operate safely;

(2) the ISS is a unique testbed for future space exploration systems development, including long-duration space travel;

(3) the expansion of partnerships, scientific research, and commercial applications of the ISS is essential to ensuring the greatest return on investments made by the United States and its international space partners in the development, assembly, and operations of that unique facility;

(4) utilization of the ISS will sustain United States leadership and progress in human space exploration by—

(A) facilitating the commercialization and economic development of low-Earth orbit;

(B) serving as a testbed for technologies and a platform for scientific research and development; and

(C) serving as an orbital facility enabling research upon—

(i) the health, well-being, and performance of humans in space; and

(ii) the development of in-space systems enabling human space exploration beyond low-Earth orbit; and

(5) the ISS provides a platform for fundamental, microgravity, discovery-based space life and physical sciences research that is critical for enabling space exploration, protecting humans in space, increasing pathways for commercial space development that depend on advances in basic research, and contributes to advancing science, technology, engineering, and mathematics research.

(b) OBJECTIVES.—The primary objectives of the ISS program shall be—

(1) to achieve the long term goal and objectives under section 202 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312); and

(2) to pursue a research program that advances knowledge and provides other benefits to the Nation.

(c) CONTINUATION OF THE ISS.—Section 501 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18351) is amended to read as follows:

"SEC. 501. CONTINUATION OF THE INTERNATIONAL SPACE STATION.

"(a) POLICY OF THE UNITED STATES.—It shall be the policy of the United States, in consultation with its international partners in the ISS program, to support full and complete utilization of the ISS through at least 2024.

"(b) NASA ACTION.—In furtherance of the policy set forth in subsection (a), NASA shall—

"(1) pursue international, commercial, and intragovernmental means to maximize ISS logistics supply, maintenance, and operational capabilities, reduce risks to ISS systems sustainability, and offset and minimize United States operations costs relating to the ISS;

"(2) utilize, to the extent practicable, the ISS for the development of capabilities and technologies needed for the future of human space exploration beyond low-Earth orbit; and

"(3) utilize, if practical and cost effective, the ISS for Science Mission Directorate missions in low-Earth orbit.".

SEC. 302. TRANSPORTATION TO ISS.

51 USC 50111 note.

(a) FINDINGS.—Congress finds that reliance on foreign carriers for United States crew transfer is unacceptable, and the Nation's human space flight program must acquire the capability to launch

United States government astronauts on vehicles using United States rockets from United States soil as soon as is safe, reliable, and affordable to do so.

(b) SENSE OF CONGRESS ON COMMERCIAL CREW PROGRAM AND COMMERCIAL RESUPPLY SERVICES PROGRAM.—It is the sense of Congress that—

(1) once developed and certified to meet the Administration's safety and reliability requirements, United States commercially provided crew transportation systems can serve as the primary means of transporting United States government astronauts and international partner astronauts to and from the ISS and serving as ISS crew rescue vehicles;

(2) previous budgetary assumptions used by the Administration in its planning for the Commercial Crew Program assumed significantly higher funding levels than were authorized and appropriated by Congress;

(3) credibility in the Administration's budgetary estimates for the Commercial Crew Program can be enhanced by an independently developed cost estimate;

(4) such credibility in budgetary estimates is an important factor in understanding program risk;

(5) United States access to low-Earth orbit is paramount to the continued success of the ISS and ISS National Laboratory;

(6) a stable and successful Commercial Resupply Services Program and Commercial Crew Program are critical to ensuring timely provisioning of the ISS and to reestablishing the capability to launch United States government astronauts from United States soil into orbit, ending reliance upon Russian transport of United States government astronauts to the ISS which has not been possible since the retirement of the Space Shuttle program in 2011;

(7) NASA should build upon the success of the Commercial Orbital Transportation Services Program and Commercial Resupply Services Program that have allowed private sector companies to partner with NASA to deliver cargo and scientific experiments to the ISS since 2012;

(8) the 21st Century Launch Complex Program has enabled significant modernization and infrastructure improvements at launch sites across the United States to support NASA's Commercial Resupply Services Program and other civil and commercial space flight missions; and

(9) the 21st Century Launch Complex Program should be continued in a manner that leverages State and private investments to achieve the goals of that program.

(c) REAFFIRMATION.—Congress reaffirms—

(1) its commitment to the use of a commercially developed, private sector launch and delivery system to the ISS for crew missions as expressed in the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2895), the National Aeronautics and Space Administration Authorization Act of 2008 (Public Law 110–422; 122 Stat. 4779), and the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18301 et seq.); and

(2) the requirement under section 50111(b)(1)(A) of title 51, United States Code, that the Administration shall make

use of United States commercially provided ISS crew transfer and crew rescue services to the maximum extent practicable.

(d) USE OF NON-UNITED STATES HUMAN SPACE FLIGHT TRANSPORTATION CAPABILITIES.—Section 201(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18311(a)) is amended to read as follows:

"(a) USE OF NON-UNITED STATES HUMAN SPACE FLIGHT TRANSPORTATION SERVICES.—

"(1) IN GENERAL.—The Federal Government may not acquire human space flight transportation services from a foreign entity unless—

"(A) no United States Government-operated human space flight capability is available;

"(B) no United States commercial provider is available; and

"(C) it is a qualified foreign entity.

"(2) DEFINITIONS.—In this subsection:

"(A) COMMERCIAL PROVIDER.—The term 'commercial provider' means any person providing human space flight transportation services, primary control of which is held by persons other than the Federal Government, a State or local government, or a foreign government.

"(B) QUALIFIED FOREIGN ENTITY.—The term 'qualified foreign entity' means a foreign entity that is in compliance with all applicable safety standards and is not prohibited from providing space transportation services under other law.

"(C) UNITED STATES COMMERCIAL PROVIDER.—The term 'United States commercial provider' means a commercial provider, organized under the laws of the United States or of a State, that is more than 50 percent owned by United States nationals.

"(3) ARRANGEMENTS WITH FOREIGN ENTITIES.—Nothing in this subsection shall prevent the Administrator from negotiating or entering into human space flight transportation arrangements with foreign entities to ensure safety of flight and continued ISS operations.".

(e) COMMERCIAL CREW PROGRAM.—

(1) OBJECTIVE.—The objective of the Commercial Crew Program shall be to assist in the development and certification of commercially provided transportation that—

(A) can carry United States government astronauts safely, reliably, and affordably to and from the ISS;

(B) can serve as a crew rescue vehicle; and

(C) can accomplish subparagraphs (A) and (B) as soon as practicable.

(2) PRIMARY CONSIDERATION.—The objective described in paragraph (1) shall be the primary consideration in the acquisition strategy for the Commercial Crew Program.

(3) SAFETY.—

(A) IN GENERAL.—The Administrator shall protect the safety of government astronauts by ensuring that each commercially provided transportation system under this subsection meets all applicable human rating requirements in accordance with section 403(b)(1) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18342(b)(1)).

(B) LESSONS LEARNED.—Consistent with the findings and recommendations of the Columbia Accident Investigation Board, the Administration shall ensure that safety and the minimization of the probability of loss of crew are the critical priorities of the Commercial Crew Program.

(4) COST MINIMIZATION.—The Administrator shall strive through the competitive selection process to minimize the life cycle cost to the Administration through the planned period of commercially provided crew transportation services.

(f) COMMERCIAL CARGO PROGRAM.—Section 401 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18341) is amended by striking "Commercial Orbital Transportation Services" and inserting "Commercial Resupply Services".

Contracts.

(g) COMPETITION.—It is the policy of the United States that, to foster the competitive development, operation, improvement, and commercial availability of space transportation services, and to minimize the life cycle cost to the Administration, the Administrator shall procure services for Federal Government access to and return from the ISS, whenever practicable, via fair and open competition for well-defined, milestone-based, Federal Acquisition Regulation-based contracts under section 201(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18311(a)).

(h) TRANSPARENCY.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that cost transparency and schedule transparency aid in effective program management and risk assessment.

(2) IN GENERAL.—The Administrator shall, to the greatest extent practicable and in a manner that does not add costs or schedule delays to the program, ensure all Commercial Crew Program and Commercial Resupply Services Program providers provide evidence-based support for their costs and schedules.

Deadline.
Reports.
Contracts.

(i) ISS CARGO RESUPPLY SERVICES LESSONS LEARNED.—Not later than 120 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report that—

(1) identifies the lessons learned to date from previous and existing Commercial Resupply Services contracts;

(2) indicates whether changes are needed to the manner in which the Administration procures and manages similar services prior to the issuance of future Commercial Resupply Services procurement opportunities; and

(3) identifies any lessons learned from the Commercial Resupply Services contracts that should be applied to the procurement and management of commercially provided crew transfer services to and from the ISS or to other future procurements.

51 USC 50111 note.

SEC. 303. ISS TRANSITION PLAN.

(a) FINDINGS.—Congress finds that—

(1) NASA has been both the primary supplier and consumer of human space flight capabilities and services of the ISS and in low-Earth orbit; and

(2) according to the National Research Council report "Pathways to Exploration: Rationales and Approaches for a U.S. Program of Human Space Exploration" extending ISS

beyond 2020 to 2024 or 2028 will have significant negative impacts on the schedule of crewed missions to Mars, without significant increases in funding.

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

(1) an orderly transition for United States human space flight activities in low-Earth orbit from the current regime, that relies heavily on NASA sponsorship, to a regime where NASA is one of many customers of a low-Earth orbit commercial human space flight enterprise may be necessary; and

(2) decisions about the long-term future of the ISS impact the ability to conduct future deep space exploration activities, and that such decisions regarding the ISS should be considered in the context of the human exploration roadmap under section 432 of this Act.

(c) REPORTS.—Section 50111 of title 51, United States Code, is amended by adding at the end the following:

"(c) ISS TRANSITION PLAN.—

"(1) IN GENERAL.—The Administrator, in coordination with the ISS management entity (as defined in section 2 of the National Aeronautics and Space Administration Transition Authorization Act of 2017), ISS partners, the scientific user community, and the commercial space sector, shall develop a plan to transition in a step-wise approach from the current regime that relies heavily on NASA sponsorship to a regime where NASA could be one of many customers of a low-Earth orbit non-governmental human space flight enterprise. Coordination.

"(2) REPORTS.—Not later than December 1, 2017, and biennially thereafter until 2023, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that includes—

"(A) a description of the progress in achieving the Administration's deep space human exploration objectives on ISS and prospects for accomplishing future mission requirements, space exploration objectives, and other research objectives on future commercially supplied low-Earth orbit platforms or migration of those objectives to cis-lunar space;

"(B) the steps NASA is taking and will take, including demonstrations that could be conducted on the ISS, to stimulate and facilitate commercial demand and supply of products and services in low-Earth orbit;

"(C) an identification of barriers preventing the commercialization of low-Earth orbit, including issues relating to policy, regulations, commercial intellectual property, data, and confidentiality, that could inhibit the use of the ISS as a commercial incubator;

"(D) the criteria for defining the ISS as a research success; Criteria.

"(E) the criteria used to determine whether the ISS is meeting the objective under section 301(b)(2) of the National Aeronautics and Space Administration Transition Authorization Act of 2017; Criteria.

"(F) an assessment of whether the criteria under subparagraphs (D) and (E) are consistent with the research areas defined in, and recommendations and schedules under, the current National Academies of Sciences, Assessment.

Engineering, and Medicine Decadal Survey on Biological and Physical Sciences in Space;

"(G) any necessary contributions that ISS extension would make to enabling execution of the human exploration roadmap under section 432 of the National Aeronautics and Space Administration Transition Authorization Act of 2017;

Cost estimate.

"(H) the cost estimates for operating the ISS to achieve the criteria required under subparagraphs (D) and (E) and the contributions identified under subparagraph (G);

Cost estimate.

"(I) the cost estimates for extending operations of the ISS to 2024, 2028, and 2030;

Evaluation.

"(J) an evaluation of the feasible and preferred service life of the ISS beyond the period described in section 503 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18353), through at least 2028, as a unique scientific, commercial, and space exploration-related facility, including—

"(i) a general discussion of international partner capabilities and prospects for extending the partnership;

"(ii) the cost associated with extending the service life;

Assessment.

"(iii) an assessment on the technical limiting factors of the service life of the ISS, including a list of critical components and their expected service life and availability; and

"(iv) such other information as may be necessary to fully describe the justification for and feasibility of extending the service life of the ISS, including the potential scientific or technological benefits to the Federal Government, public, or to academic or commercial entities;

Cost estimate.

"(K) an identification of the necessary actions and an estimate of the costs to deorbit the ISS once it has reached the end of its service life;

"(L) the impact on deep space exploration capabilities, including a crewed mission to Mars in the 2030s, if the preferred service life of the ISS is extended beyond 2024 and NASA maintains a flat budget profile; and

Evaluation.
Determination.

"(M) an evaluation of the functions, roles, and responsibilities for management and operation of the ISS and a determination of—

"(i) those functions, roles, and responsibilities the Federal Government should retain during the lifecycle of the ISS;

"(ii) those functions, roles, and responsibilities that could be transferred to the commercial space sector;

"(iii) the metrics that would indicate the commercial space sector's readiness and ability to assume the functions, roles, and responsibilities described in clause (ii); and

"(iv) any necessary changes to any agreements or other documents and the law to enable the activities described in subparagraphs (A) and (B).

"(3) DEMONSTRATIONS.—If additional Government crew, power, and transportation resources are available after meeting

the Administration's requirements for ISS activities defined in the human exploration roadmap and related research, demonstrations identified under paragraph (2) may—

"(A) test the capabilities needed to meet future mission requirements, space exploration objectives, and other research objectives described in paragraph (2)(A); and

"(B) demonstrate or test capabilities, including commercial modules or deep space habitats, Environmental Control and Life Support Systems, orbital satellite assembly, exploration space suits, a node that enables a wide variety of activity, including multiple commercial modules and airlocks, additional docking or berthing ports for commercial crew and cargo, opportunities for the commercial space sector to cost share for transportation and other services on the ISS, other commercial activities, or services obtained through alternate acquisition approaches.".

SEC. 304. SPACE COMMUNICATIONS.

(a) PLAN.—The Administrator shall develop a plan, in consultation with relevant Federal agencies, to meet the Administration's projected space communication and navigation needs for low-Earth orbit and deep space operations in the 20-year period following the date of enactment of this Act. Consultation. Time period.

(b) CONTENTS.—The plan shall include— Cost estimates.

(1) the lifecycle cost estimates and a 5-year funding profile;

(2) the performance capabilities required to meet the Administration's projected space communication and navigation needs;

(3) the measures the Administration will take to sustain the existing space communications and navigation architecture;

(4) an identification of the projected space communications and navigation network and infrastructure needs;

(5) a description of the necessary upgrades to meet the needs identified in paragraph (4), including—

(A) an estimate of the cost of the upgrades;

(B) a schedule for implementing the upgrades; and

(C) an assessment of whether and how any related missions will be impacted if resources are not secured at the level needed; Assessment.

(6) the cost estimates for the maintenance of existing space communications network capabilities necessary to meet the needs identified in paragraph (4);

(7) the criteria for prioritizing resources for the upgrades described in paragraph (5) and the maintenance described in paragraph (6); Criteria.

(8) an estimate of any reimbursement amounts the Administration may receive from other Federal agencies;

(9) an identification of the projected Tracking and Data Relay Satellite System needs in the 20-year period following the date of enactment of this Act, including in support of relevant Federal agencies, and cost and schedule estimates to maintain and upgrade the Tracking and Data Relay Satellite System to meet the projected needs; Time period.

(10) the measures the Administration is taking to meet space communications needs after all Tracking and Data Relay Satellite System third-generation communications satellites are operational; and

(11) the measures the Administration is taking to mitigate threats to electromagnetic spectrum use.

Deadline.

(c) SCHEDULE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit the plan to the appropriate committees of Congress.

SEC. 305. INDEMNIFICATION; NASA LAUNCH SERVICES AND REENTRY SERVICES.

(a) IN GENERAL.—Subchapter III of chapter 201 of title 51, United States Code, is amended by adding at the end the following:

51 USC 20148.

"§ 20148. Indemnification; NASA launch services and reentry services

Regulations.
Contracts.

"(a) IN GENERAL.—Under such regulations in conformity with this section as the Administrator shall prescribe taking into account the availability, cost, and terms of liability insurance, any contract between the Administration and a provider may provide that the United States will indemnify the provider against successful claims (including reasonable expenses of litigation or settlement) by third parties for death, bodily injury, or loss of or damage to property resulting from launch services and reentry services carried out under the contract that the contract defines as unusually hazardous or nuclear in nature, but only to the extent the total amount of successful claims related to the activities under the contract—

"(1) is more than the amount of insurance or demonstration of financial responsibility described in subsection (c)(3); and

"(2) is not more than the amount specified in section 50915(a)(1)(B).

Contracts.

"(b) TERMS OF INDEMNIFICATION.—A contract made under subsection (a) that provides indemnification shall provide for—

Notice.

"(1) notice to the United States of any claim or suit against the provider for death, bodily injury, or loss of or damage to property; and

"(2) control of or assistance in the defense by the United States, at its election, of that claim or suit and approval of any settlement.

"(c) LIABILITY INSURANCE OF THE PROVIDER.—

"(1) IN GENERAL.—The provider under subsection (a) shall obtain liability insurance or demonstrate financial responsibility in amounts to compensate for the maximum probable loss from claims by—

"(A) a third party for death, bodily injury, or property damage or loss resulting from a launch service or reentry service carried out under the contract; and

"(B) the United States Government for damage or loss to Government property resulting from a launch service or reentry service carried out under the contract.

"(2) MAXIMUM PROBABLE LOSSES.—

Determination.
Deadline.

"(A) IN GENERAL.—The Administrator shall determine the maximum probable losses under subparagraphs (A) and (B) of paragraph (1) not later than 90 days after the date that the provider requests such a determination and submits all information the Administrator requires.

"(B) REVISIONS.—The Administrator may revise a determination under subparagraph (A) of this paragraph if the Administrator determines the revision is warranted based on new information.

"(3) AMOUNT OF INSURANCE.—For the total claims related to one launch or reentry, a provider shall not be required to obtain insurance or demonstrate financial responsibility of more than—

"(A)(i) $500,000,000 under paragraph (1)(A); or

"(ii) $100,000,000 under paragraph (1)(B); or

"(B) the maximum liability insurance available on the world market at reasonable cost.

"(4) COVERAGE.—An insurance policy or demonstration of financial responsibility under this subsection shall protect the following, to the extent of their potential liability for involvement in launch services or reentry services:

"(A) The Government.

"(B) Personnel of the Government.

"(C) Related entities of the Government.

"(D) Related entities of the provider.

"(E) Government astronauts.

"(d) NO INDEMNIFICATION WITHOUT CROSS-WAIVER.—Notwithstanding subsection (a), the Administrator may not indemnify a provider under this section unless there is a cross-waiver between the Administration and the provider as described in subsection (e).

"(e) CROSS-WAIVERS.—

"(1) IN GENERAL.—The Administrator, on behalf of the United States and its departments, agencies, and instrumentalities, shall reciprocally waive claims with a provider under which each party to the waiver agrees to be responsible, and agrees to ensure that its related entities are responsible, for damage or loss to its property, or for losses resulting from any injury or death sustained by its employees or agents, as a result of activities arising out of the performance of the contract.

"(2) LIMITATION.—The waiver made by the Government under paragraph (1) shall apply only to the extent that the claims are more than the amount of insurance or demonstration of financial responsibility required under subsection (c)(1)(B).

"(f) WILLFUL MISCONDUCT.—Indemnification under subsection (a) may exclude claims resulting from the willful misconduct of the provider or its related entities.

"(g) CERTIFICATION OF JUST AND REASONABLE AMOUNT.—No payment may be made under subsection (a) unless the Administrator or the Administrator's designee certifies that the amount is just and reasonable.

"(h) PAYMENTS.—

"(1) IN GENERAL.—Upon the approval by the Administrator, payments under subsection (a) may be made from funds appropriated for such payments.

"(2) LIMITATION.—The Administrator shall not approve payments under paragraph (1), except to the extent provided in an appropriation law or to the extent additional legislative authority is enacted providing for such payments.

"(3) ADDITIONAL APPROPRIATIONS.—If the Administrator requests additional appropriations to make payments under this subsection, then the request for those appropriations shall be made in accordance with the procedures established under section 50915.

"(i) RULES OF CONSTRUCTION.—

"(1) IN GENERAL.—The authority to indemnify under this section shall not create any rights in third persons that would not otherwise exist by law.

"(2) OTHER AUTHORITY.—Nothing in this section may be construed as prohibiting the Administrator from indemnifying a provider or any other NASA contractor under other law, including under Public Law 85–804 (50 U.S.C. 1431 et seq.).

"(3) ANTI-DEFICIENCY ACT.—Notwithstanding any other provision of this section—

"(A) all obligations under this section are subject to the availability of funds; and

"(B) nothing in this section may be construed to require obligation or payment of funds in violation of sections 1341, 1342, 1349 through 1351, and 1511 through 1519 of title 31, United States Code (commonly referred to as the 'Anti-Deficiency Act').

"(j) RELATIONSHIP TO OTHER LAWS.—The Administrator may not provide indemnification under this section for an activity that requires a license or permit under chapter 509.

"(k) DEFINITIONS.—In this section:

"(1) GOVERNMENT ASTRONAUT.—The term 'government astronaut' has the meaning given the term in section 50902.

"(2) LAUNCH SERVICES.—The term 'launch services' has the meaning given the term in section 50902.

"(3) PROVIDER.—The term 'provider' means a person that provides domestic launch services or domestic reentry services to the Government.

"(4) REENTRY SERVICES.—The term 'reentry services' has the meaning given the term in section 50902.

"(5) RELATED ENTITY.—The term 'related entity' means a contractor or subcontractor.

"(6) THIRD PARTY.—The term 'third party' means a person except—

"(A) the United States Government;

"(B) related entities of the Government involved in launch services or reentry services;

"(C) a provider;

"(D) related entities of the provider involved in launch services or reentry services; or

"(E) a government astronaut.".

(b) CONFORMING AMENDMENT.—The table of contents for subchapter III of chapter 201 of title 51, United States Code, is amended by inserting after the item relating to section 20147 the following:

51 USC prec. 20101.

"20148. Indemnification; NASA launch services and reentry services.".

TITLE IV—ADVANCING HUMAN DEEP SPACE EXPLORATION

Subtitle A—Human Space Flight and Exploration Goals and Objectives

SEC. 411. HUMAN SPACE FLIGHT AND EXPLORATION LONG-TERM GOALS.

Section 202(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312(a)) is amended to read as follows:

"(a) LONG-TERM GOALS.—The long-term goals of the human space flight and exploration efforts of NASA shall be—

"(1) to expand permanent human presence beyond low-Earth orbit and to do so, where practical, in a manner involving international, academic, and industry partners;

"(2) crewed missions and progress toward achieving the goal in paragraph (1) to enable the potential for subsequent human exploration and the extension of human presence throughout the solar system; and

"(3) to enable a capability to extend human presence, including potential human habitation on another celestial body and a thriving space economy in the 21st Century.".

SEC. 412. KEY OBJECTIVES.

Section 202(b) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312(b)) is amended—

(1) in paragraph (3), by striking "; and" and inserting a semicolon;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5) to achieve human exploration of Mars and beyond through the prioritization of those technologies and capabilities best suited for such a mission in accordance with the stepping stone approach to exploration under section 70504 of title 51, United States Code.".

SEC. 413. VISION FOR SPACE EXPLORATION.

Section 20302 of title 51, United States Code, is amended—

(1) in subsection (a), by inserting "in cis-lunar space or" after "sustained human presence";

(2) by amending subsection (b) to read as follows:

"(b) FUTURE EXPLORATION OF MARS.—The Administrator shall manage human space flight programs, including the Space Launch System and Orion, to enable humans to explore Mars and other destinations by defining a series of sustainable steps and conducting mission planning, research, and technology development on a timetable that is technically and fiscally possible, consistent with section 70504."; and

(3) by adding at the end the following:

"(c) DEFINITIONS.—In this section:

"(1) ORION.—The term 'Orion' means the multipurpose crew vehicle described under section 303 of the National Aeronautics

and Space Administration Authorization Act of 2010 (42 U.S.C. 18323).

"(2) SPACE LAUNCH SYSTEM.—The term 'Space Launch System' means has the meaning given the term in section 3 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18302).".

SEC. 414. STEPPING STONE APPROACH TO EXPLORATION.

Section 70504 of title 51, United States Code, is amended to read as follows:

"§ 70504. Stepping stone approach to exploration

"(a) IN GENERAL.—The Administration—

"(1) may conduct missions to intermediate destinations in sustainable steps in accordance with section 20302(b) of this title, and on a timetable determined by the availability of funding, in order to achieve the objective of human exploration of Mars specified in section 202(b)(5) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312(b)(5)); and

"(2) shall incorporate any such missions into the human exploration roadmap under section 432 of the National Aeronautics and Space Administration Transition Authorization Act of 2017.

"(b) COST-EFFECTIVENESS.—In order to maximize the cost-effectiveness of the long-term space exploration and utilization activities of the United States, the Administrator shall take all necessary steps, including engaging international, academic, and industry partners, to ensure that activities in the Administration's human space exploration program balance how those activities might also help meet the requirements of future exploration and utilization activities leading to human habitation on the surface of Mars.

"(c) COMPLETION.—Within budgetary considerations, once an exploration-related project enters its development phase, the Administrator shall seek, to the maximum extent practicable, to complete that project without undue delays.

"(d) INTERNATIONAL PARTICIPATION.—In order to achieve the goal of successfully conducting a crewed mission to the surface of Mars, the President may invite the United States partners in the ISS program and other nations, as appropriate, to participate in an international initiative under the leadership of the United States.".

SEC. 415. UPDATE OF EXPLORATION PLAN AND PROGRAMS.

Section 70502(2) of title 51, United States Code, is amended to read as follows:

"(2) implement an exploration research and technology development program to enable human and robotic operations consistent with section 20302(b) of this title;".

SEC. 416. REPEALS.

(a) SPACE SHUTTLE CAPABILITY ASSURANCE.—Section 203 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18313) is amended—

(1) by striking subsection (b);

(2) in subsection (d), by striking "subsection (c)" and inserting "subsection (b)"; and

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

(b) SHUTTLE PRICING POLICY FOR COMMERCIAL AND FOREIGN USERS.—Chapter 703 of title 51, United States Code, and the item relating to that chapter in the table of chapters for that title, are repealed.

(c) SHUTTLE PRIVATIZATION.—Section 50133 of title 51, United States Code, and the item relating to that section in the table of sections for chapter 501 of that title, are repealed.

51 USC prec. 50101.

SEC. 417. ASSURED ACCESS TO SPACE.

Section 70501 of title 51, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) POLICY STATEMENT.—In order to ensure continuous United States participation and leadership in the exploration and utilization of space and as an essential instrument of national security, it is the policy of the United States to maintain an uninterrupted capability for human space flight and operations—

"(1) in low-Earth orbit; and

"(2) beyond low-Earth orbit once the capabilities described in section 421(f) of the National Aeronautics and Space Administration Transition Authorization Act of 2017 become available."; and

(2) in subsection (b), by striking "Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the progress being made toward developing the Crew Exploration Vehicle and the Crew Launch Vehicle" and inserting "Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives describing the progress being made toward developing the Space Launch System and Orion".

Subtitle B—Assuring Core Capabilities for Exploration

SEC. 421. SPACE LAUNCH SYSTEM, ORION, AND EXPLORATION GROUND SYSTEMS.

51 USC 20301 note.

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

(1) NASA has made steady progress in developing and testing the Space Launch System and Orion exploration systems with the successful Exploration Flight Test of Orion in December of 2014, the final qualification test firing of the 5-segment Space Launch System boosters in June 2016, and a full thrust, full duration test firing of the RS–25 Space Launch System core stage engine in August 2016.

(2) Through the 21st Century Launch Complex program and Exploration Ground Systems programs, NASA has made significant progress in transforming exploration ground systems infrastructure to meet NASA's mission requirements for the Space Launch System and Orion and to modernize NASA's launch complexes to the benefit of the civil, defense, and commercial space sectors.

(b) SPACE LAUNCH SYSTEM.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that use of the Space Launch System and Orion, with contributions from partnerships with the private sector, academia, and the international community, is the most practical approach to reaching the Moon, Mars, and beyond.

(2) REAFFIRMATION.—Congress reaffirms the policy and minimum capability requirements for the Space Launch System under section 302 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322).

(c) SENSE OF CONGRESS ON SPACE LAUNCH SYSTEM, ORION, AND EXPLORATION GROUND SYSTEMS.—It is the sense of Congress that—

(1) as the United States works to send humans on a series of missions to Mars in the 2030s, the United States national space program should continue to make progress on its commitment by fully developing the Space Launch System, Orion, and related Exploration Ground Systems;

(2) using the Space Launch System and Orion for a wide range of contemplated missions will facilitate the national defense, science, and exploration objectives of the United States;

(3) the United States should have continuity of purpose for the Space Launch System and Orion in deep space exploration missions, using them beginning with the uncrewed mission, EM–1, planned for 2018, followed by the crewed mission, EM–2, in cis-lunar space planned for 2021, and for subsequent missions beginning with EM–3 extending into cis-lunar space and eventually to Mars;

(4) the President's annual budget requests for the Space Launch System and Orion development, test, and operational phases should strive to accurately reflect the resource requirements of each of those phases;

(5) the fully integrated Space Launch System, including an upper stage needed to go beyond low-Earth orbit, will safely enable human space exploration of the Moon, Mars, and beyond; and

(6) the Administrator should budget for and undertake a robust ground test and uncrewed and crewed flight test and demonstration program for the Space Launch System and Orion in order to promote safety and reduce programmatic risk.

(d) IN GENERAL.—The Administrator shall continue the development of the fully integrated Space Launch System, including an upper stage needed to go beyond low-Earth orbit, in order to safely enable human space exploration of the Moon, Mars, and beyond over the course of the next century as required in section 302(c) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322(c)).

(e) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report addressing the ability of Orion to meet the needs and the minimum capability requirements described in section 303(b)(3) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18323(b)(3)).

(2) CONTENTS.—The report shall detail—

(A) those components and systems of Orion that ensure it is in compliance with section 303(b)(3) of that Act (42 U.S.C. 18323(b)(3));

(B) the expected date that Orion, integrated with a vehicle other than the Space Launch System, could be available to transport crew and cargo to the ISS;

(C) any impacts to the deep space exploration missions under subsection (f) of this section due to enabling Orion to meet the minimum capability requirements described in section 303(b)(3) of that Act (42 U.S.C. 18323(b)(3)) and conducting the mission described in subparagraph (B) of this paragraph; and

(D) the overall cost and schedule impacts associated with enabling Orion to meet the minimum capability requirements described in section 303(b)(3) of that Act (42 U.S.C. 18323(b)(3)) and conducting the mission described in subparagraph (B) of this paragraph.

(f) EXPLORATION MISSIONS.—The Administrator shall continue development of—

(1) an uncrewed exploration mission to demonstrate the capability of both the Space Launch System and Orion as an integrated system by 2018;

(2) subject to applicable human rating processes and requirements, a crewed exploration mission to demonstrate the Space Launch System, including the Core Stage and Exploration Upper Stages, by 2021;

(3) subsequent missions beginning with EM–3 at operational flight rate sufficient to maintain safety and operational readiness using the Space Launch System and Orion to extend into cis-lunar space and eventually to Mars; and

(4) a deep space habitat as a key element in a deep space exploration architecture along with the Space Launch System and Orion.

(g) OTHER USES.—The Administrator shall assess the utility of the Space Launch System for use by the science community and for other Federal Government launch needs, including consideration of overall cost and schedule savings from reduced transit times and increased science returns enabled by the unique capabilities of the Space Launch System. Assessment.

(h) UTILIZATION REPORT.—

(1) IN GENERAL.—The Administrator, in consultation with the Secretary of Defense and the Director of National Intelligence, shall prepare a report that addresses the effort and budget required to enable and utilize a cargo variant of the 130-ton Space Launch System configuration described in section 302(c) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322(c)). Consultation.

(2) CONTENTS.—In preparing the report, the Administrator shall—

(A) consider the technical requirements of the scientific and national security communities related to a cargo variant of the Space Launch System; and

(B) directly assess the utility and estimated cost savings obtained by using a cargo variant of the Space Launch System for national security and space science missions. Assessment.

(3) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit the report to the appropriate committees of Congress.

Subtitle C—Journey to Mars

51 USC 20302 note.

SEC. 431. FINDINGS ON HUMAN SPACE EXPLORATION.

Congress makes the following findings:

(1) In accordance with section 204 of the National Aeronautics and Space Administration Authorization Act of 2010 (124 Stat. 2813), the National Academies of Sciences, Engineering, and Medicine, through its Committee on Human Spaceflight, conducted a review of the goals, core capabilities, and direction of human space flight, and published the findings and recommendations in a 2014 report entitled, "Pathways to Exploration: Rationales and Approaches for a U.S. Program of Human Space Exploration".

(2) The Committee on Human Spaceflight included leaders from the aerospace, scientific, security, and policy communities.

(3) With input from the public, the Committee on Human Spaceflight concluded that many practical and aspirational rationales for human space flight together constitute a compelling case for continued national investment and pursuit of human space exploration toward the horizon goal of Mars.

(4) According to the Committee on Human Spaceflight, the rationales include economic benefits, national security, national prestige, inspiring students and other citizens, scientific discovery, human survival, and a sense of shared destiny.

(5) The Committee on Human Spaceflight affirmed that Mars is the appropriate long-term goal for the human space flight program.

(6) The Committee on Human Spaceflight recommended that NASA define a series of sustainable steps and conduct mission planning and technology development as needed to achieve the long-term goal of placing humans on the surface of Mars.

(7) Expanding human presence beyond low-Earth orbit and advancing toward human missions to Mars requires early planning and timely decisions to be made in the near-term on the necessary courses of action for commitments to achieve short-term and long-term goals and objectives.

(8) In addition to the 2014 report described in paragraph (1), there are several independently developed reports or concepts that describe potential Mars architectures or concepts and identify Mars as the long-term goal for human space exploration, including NASA's "The Global Exploration Roadmap" of 2013, "NASA's Journey to Mars–Pioneering Next Steps in Space Exploration" of 2015, NASA Jet Propulsion Laboratory's "Minimal Architecture for Human Journeys to Mars" of 2015, and Explore Mars' "The Humans to Mars Report 2016".

51 USC 20302 note.

SEC. 432. HUMAN EXPLORATION ROADMAP.

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

(1) expanding human presence beyond low-Earth orbit and advancing toward human missions to Mars in the 2030s

requires early strategic planning and timely decisions to be made in the near-term on the necessary courses of action for commitments to achieve short-term and long-term goals and objectives;

(2) for strong and sustained United States leadership, a need exists to advance a human exploration roadmap, addressing exploration objectives in collaboration with international, academic, and industry partners;

(3) an approach that incrementally advances toward a long-term goal is one in which nearer-term developments and implementation would influence future development and implementation; and

(4) a human exploration roadmap should begin with low-Earth orbit, then address in greater detail progress beyond low-Earth orbit to cis-lunar space, and then address future missions aimed at human arrival and activities near and then on the surface of Mars.

(b) HUMAN EXPLORATION ROADMAP.—

(1) IN GENERAL.—The Administrator shall develop a human exploration roadmap, including a critical decision plan, to expand human presence beyond low-Earth orbit to the surface of Mars and beyond, considering potential interim destinations such as cis-lunar space and the moons of Mars. Plan.

(2) SCOPE.—The human exploration roadmap shall include—

(A) an integrated set of exploration, science, and other goals and objectives of a United States human space exploration program to achieve the long-term goal of human missions near or on the surface of Mars in the 2030s;

(B) opportunities for international, academic, and industry partnerships for exploration-related systems, services, research, and technology if those opportunities provide cost-savings, accelerate program schedules, or otherwise benefit the goals and objectives developed under subparagraph (A);

(C) sets and sequences of precursor missions in cis-lunar space and other missions or activities necessary—

(i) to demonstrate the proficiency of the capabilities and technologies identified under subparagraph (D); and

(ii) to meet the goals and objectives developed under subparagraph (A), including anticipated timelines and missions for the Space Launch System and Orion;

(D) an identification of the specific capabilities and technologies, including the Space Launch System, Orion, a deep space habitat, and other capabilities, that facilitate the goals and objectives developed under subparagraph (A);

(E) a description of how cis-lunar elements, objectives, and activities advance the human exploration of Mars;

(F) an assessment of potential human health and other risks, including radiation exposure; Assessment.

(G) mitigation plans, whenever possible, to address the risks identified in subparagraph (F); Mitigation plans.

(H) a description of those technologies already under development across the Federal Government or by other

entities that facilitate the goals and objectives developed under subparagraph (A);

(I) a specific process for the evolution of the capabilities of the fully integrated Orion with the Space Launch System and a description of how these systems facilitate the goals and objectives developed under subparagraph (A) and demonstrate the capabilities and technologies described in subparagraph (D);

(J) a description of the capabilities and technologies that need to be demonstrated or research data that could be gained through the utilization of the ISS and the status of the development of such capabilities and technologies;

Assessment.

(K) a framework for international cooperation in the development of all capabilities and technologies identified under this section, including an assessment of the risks posed by relying on international partners for capabilities and technologies on the critical path of development;

(L) a process for partnering with nongovernmental entities using Space Act Agreements or other acquisition instruments for future human space exploration; and

(M) include information on the phasing of planned intermediate destinations, Mars mission risk areas and potential risk mitigation approaches, technology requirements and phasing of required technology development activities, the management strategy to be followed, related ISS activities, planned international collaborative activities, potential commercial contributions, and other activities relevant to the achievement of the goal established in this section.

(3) CONSIDERATIONS.—In developing the human exploration roadmap, the Administrator shall consider—

(A) using key exploration capabilities, namely the Space Launch System and Orion;

(B) using existing commercially available technologies and capabilities or those technologies and capabilities being developed by industry for commercial purposes;

(C) establishing an organizational approach to ensure collaboration and coordination among NASA's Mission Directorates under section 821, when appropriate, including to collect and return to Earth a sample from the Martian surface;

(D) building upon the initial uncrewed mission, EM–1, and first crewed mission, EM–2, of the Space Launch System and Orion to establish a sustainable cadence of missions extending human exploration missions into cislunar space, including anticipated timelines and milestones;

(E) developing the robotic and precursor missions and activities that will demonstrate, test, and develop key technologies and capabilities essential for achieving human missions to Mars, including long-duration human operations beyond low-Earth orbit, space suits, solar electric propulsion, deep space habitats, environmental control life support systems, Mars lander and ascent vehicle, entry, descent, landing, ascent, Mars surface systems, and in-situ resource utilization;

(F) demonstrating and testing 1 or more habitat modules in cis-lunar space to prepare for Mars missions;

(G) using public-private, firm fixed-price partnerships, where practicable;

(H) collaborating with international, academic, and industry partners, when appropriate;

(I) any risks to human health and sensitive onboard technologies, including radiation exposure;

(J) any risks identified through research outcomes under the NASA Human Research Program's Behavioral Health Element; and

(K) the recommendations and ideas of several independently developed reports or concepts that describe potential Mars architectures or concepts and identify Mars as the long-term goal for human space exploration, including the reports described under section 431.

(4) CRITICAL DECISION PLAN ON HUMAN SPACE EXPLORATION.—As part of the human exploration roadmap, the Administrator shall include a critical decision plan—

(A) identifying and defining key decisions guiding human space exploration priorities and plans that need to be made before June 30, 2020, including decisions that may guide human space exploration capability development, precursor missions, long-term missions, and activities; Deadline.

(B) defining decisions needed to maximize efficiencies and resources for reaching the near, intermediate, and long-term goals and objectives of human space exploration; and

(C) identifying and defining timelines and milestones for a sustainable cadence of missions beginning with EM–3 for the Space Launch System and Orion to extend human exploration from cis-lunar space to the surface of Mars.

(5) REPORTS.—

(A) INITIAL HUMAN EXPLORATION ROADMAP.—The Administrator shall submit to the appropriate committees of Congress—

(i) an initial human exploration roadmap, including a critical decision plan, before December 1, 2017; and Plan.

(ii) an updated human exploration roadmap periodically as the Administrator considers necessary but not less than biennially.

(B) CONTENTS.—Each human exploration roadmap under this paragraph shall include a description of— Time periods.

(i) the achievements and goals accomplished in the process of developing such capabilities and technologies during the 2-year period prior to the submission of the human exploration roadmap; and

(ii) the expected goals and achievements in the following 2- year period.

(C) SUBMISSION WITH BUDGET.—Each human exploration roadmap under this section shall be included in the budget for that fiscal year transmitted to Congress under section 1105(a) of title 31, United States Code.

Deadline.
Plan.
Evaluation.

SEC. 433. ADVANCED SPACE SUIT CAPABILITY.

Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a detailed plan for achieving an advanced space suit capability that aligns with the crew needs for exploration enabled by the Space Launch System and Orion, including an evaluation of the merit of delivering the planned suit system for use on the ISS.

SEC. 434. ASTEROID ROBOTIC REDIRECT MISSION.

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

(1) NASA initially estimated that the Asteroid Robotic Redirect Mission would launch in December 2020 and cost no more than $1,250,000,000, excluding launch and operations.

(2) On July 15, 2016, NASA conducted its Key Decision Point–B review of the Asteroid Robotic Redirect Mission or approval for Phase B in mission formulation.

(3) During the Key Decision Point–B review, NASA estimated that costs have grown to $1,400,000,000 excluding launch and operations for a launch in December 2021 and the agency must evaluate whether to accept the increase or reduce the Asteroid Robotic Redirect Mission's scope to stay within the cost cap set by the Administrator.

(4) In April 2015, the NASA Advisory Council—

(A) issued a finding that—

(i) high-performance solar electric propulsion will likely be an important part of an architecture to send humans to Mars; and

(ii) maneuvering a large test mass is not necessary to provide a valid in-space test of a new solar electric propulsion stage;

(B) determined that a solar electric propulsion mission will contribute more directly to the goal of sending humans to Mars if the mission is focused entirely on development and validation of the solar electric propulsion stage; and

(C) determined that other possible motivations for acquiring and maneuvering a boulder, such as asteroid science and planetary defense, do not have value commensurate with their probable cost.

(5) The Asteroid Robotic Redirect Mission is competing for resources with other critical exploration development programs, including the Space Launch System, Orion, commercial crew, and a habitation module.

(6) In 2014, the NASA Advisory Council recommended that NASA conduct an independent cost and technical assessment of the Asteroid Robotic Redirect Mission.

(7) In 2015, the NASA Advisory Council recommended that NASA preserve the following key objectives if the program needed to be descoped:

(A) Development of high power solar electric propulsion.

(B) Ability to maneuver in a low gravity environment in deep space.

(8) In January 2015 and July 2015, the NASA Advisory Council expressed its concern to NASA about the potential for growing costs for the program and highlighted that choices would need to be made about the program's content.

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

(1) the technological and scientific goals of the Asteroid Robotic Redirect Mission have not been demonstrated to Congress to be commensurate with the cost; and

(2) alternative missions may provide a more cost effective and scientifically beneficial means to demonstrate the technologies needed for a human mission to Mars that would otherwise be demonstrated by the Asteroid Robotic Redirect Mission.

(c) EVALUATION AND REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall—

(1) conduct an evaluation of—

(A) alternative approaches to the Asteroid Robotic Redirect Mission for demonstrating the technologies and capabilities needed for a human mission to Mars that would otherwise be demonstrated by the Asteroid Robotic Redirect Mission;

(B) the scientific and technical benefits of the alternative approaches under subparagraph (A) to future human space exploration compared to scientific and technical benefits of the Asteroid Redirect Robotic Mission;

(C) the commercial benefits of the alternative approaches identified in subparagraph (A), including the impact on the development of domestic solar electric propulsion technology to bolster United States competitiveness in the global marketplace; and

(D) a comparison of the estimated costs of the alternative approaches identified in subparagraph (A); and

(2) submit to the appropriate committees of Congress a report on the evaluation under paragraph (1), including any recommendations. Recommendations.

SEC. 435. MARS 2033 REPORT.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall contract with an independent, non-governmental systems engineering and technical assistance organization to study a Mars human space flight mission to be launched in 2033. Contracts. Study.

(b) CONTENTS.—The study shall include—

(1) a technical development, test, fielding, and operations plan using the Space Launch System, Orion, and other systems to successfully launch such a Mars human space flight mission by 2033; Plan.

(2) an annual budget profile, including cost estimates, for the technical development, test, fielding, and operations plan to carry out a Mars human space flight mission by 2033; and Cost estimates.

(3) a comparison of the annual budget profile to the 5-year budget profile contained in the President's budget request for fiscal year 2017 under section 1105 of title 31, United States Code.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the study, including findings and recommendations regarding the Mars 2033 human space flight mission described in subsection (a). Recommendations.

(d) ASSESSMENT.—Not later than 60 days after the date the report is submitted under subsection (c), the Administrator shall

submit to the appropriate committees of Congress an assessment by the NASA Advisory Council of whether the proposal for a Mars human space flight mission to be launched in 2033 is in the strategic interests of the United States in space exploration.

Subtitle D—TREAT Astronauts Act

To Research, Evaluate, Assess, and Treat Astronauts Act. 51 USC 10101 note.

SEC. 441. SHORT TITLE.

This subtitle may be cited as the "To Research, Evaluate, Assess, and Treat Astronauts Act" or the "TREAT Astronauts Act".

SEC. 442. FINDINGS; SENSE OF CONGRESS.

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

(1) Human space exploration can pose significant challenges and is full of substantial risk, which has ultimately claimed the lives of 24 NASA astronauts serving in the line of duty.

(2) As United States government astronauts participate in long-duration and exploration space flight missions they may experience increased health risks, such as vision impairment, bone demineralization, and behavioral health and performance risks, and may be exposed to galactic cosmic radiation. Exposure to high levels of radiation and microgravity can result in acute and long-term health consequences that can increase the risk of cancer and tissue degeneration and have potential effects on the musculoskeletal system, central nervous system, cardiovascular system, immune function, and vision.

Scott Kelly. Mark Kelly.

(3) To advance the goal of long-duration and exploration space flight missions, United States government astronaut Scott Kelly participated in a 1-year twins study in space while his identical twin brother, former United States government astronaut Mark Kelly, acted as a human control specimen on Earth, providing an understanding of the physical, behavioral, microbiological, and molecular reaction of the human body to an extended period of time in space.

(4) Since the Administration currently provides medical monitoring, diagnosis, and treatment for United States government astronauts during their active employment, given the unknown long-term health consequences of long-duration space exploration, the Administration has requested statutory authority from Congress to provide medical monitoring, diagnosis, and treatment to former United States government astronauts for psychological and medical conditions associated with human space flight.

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

(1) the United States should continue to seek the unknown and lead the world in space exploration and scientific discovery as the Administration prepares for long-duration and exploration space flight in deep space and an eventual mission to Mars;

(2) data relating to the health of astronauts will become increasingly valuable to improving our understanding of many diseases humans face on Earth;

(3) the Administration should provide the type of monitoring, diagnosis, and treatment described in subsection (a)

only for conditions the Administration considers unique to the training or exposure to the space flight environment of United States government astronauts and should not require any former United States Government astronauts to participate in the Administration's monitoring;

(4) such monitoring, diagnosis, and treatment should not replace a former United States government astronaut's private health insurance;

(5) expanded data acquired from such monitoring, diagnosis, and treatment should be used to tailor treatment, inform the requirements for new space flight medical hardware, and develop controls in order to prevent disease occurrence in the astronaut corps; and

(6) the 340-day space mission of Scott Kelly aboard the ISS—

(A) was pivotal for the goal of the United States for humans to explore deep space and Mars as the mission generated new insight into how the human body adjusts to weightlessness, isolation, radiation, and the stress of long-duration space flight; and

(B) will help support the physical and mental well-being of astronauts during longer space exploration missions in the future.

SEC. 443. MEDICAL MONITORING AND RESEARCH RELATING TO HUMAN SPACE FLIGHT.

(a) IN GENERAL.—Subchapter III of chapter 201 of title 51, United States Code, as amended by section 305 of this Act, is further amended by adding at the end the following:

"§ 20149. Medical monitoring and research relating to human space flight

51 USC 20149.

"(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may provide for—

"(1) the medical monitoring and diagnosis of a former United States government astronaut or a former payload specialist for conditions that the Administrator considers potentially associated with human space flight; and

"(2) the treatment of a former United States government astronaut or a former payload specialist for conditions that the Administrator considers associated with human space flight, including scientific and medical tests for psychological and medical conditions.

"(b) REQUIREMENTS.—

"(1) NO COST SHARING.—The medical monitoring, diagnosis, or treatment described in subsection (a) shall be provided without any deductible, copayment, or other cost sharing obligation.

"(2) ACCESS TO LOCAL SERVICES.—The medical monitoring, diagnosis, and treatment described in subsection (a) may be provided by a local health care provider if it is unadvisable due to the health of the applicable former United States government astronaut or former payload specialist for that former United States government astronaut or former payload specialist to travel to the Lyndon B. Johnson Space Center, as determined by the Administrator.

"(3) SECONDARY PAYMENT.—Payment or reimbursement for the medical monitoring, diagnosis, or treatment described in

subsection (a) shall be secondary to any obligation of the United States Government or any third party under any other provision of law or contractual agreement to pay for or provide such medical monitoring, diagnosis, or treatment. Any costs for items and services that may be provided by the Administrator for medical monitoring, diagnosis, or treatment under subsection (a) that are not paid for or provided under such other provision of law or contractual agreement, due to the application of deductibles, copayments, coinsurance, other cost sharing, or otherwise, are reimbursable by the Administrator on behalf of the former United States government astronaut or former payload specialist involved to the extent such items or services are authorized to be provided by the Administrator for such medical monitoring, diagnosis, or treatment under subsection (a).

"(4) CONDITIONAL PAYMENT.—The Administrator may provide for conditional payments for or provide medical monitoring, diagnosis, or treatment described in subsection (a) that is obligated to be paid for or provided by the United States or any third party under any other provision of law or contractual agreement to pay for or provide such medical monitoring, diagnosis, or treatment if—

"(A) payment for (or the provision of) such medical monitoring, diagnosis, or treatment services has not been made (or provided) or cannot reasonably be expected to be made (or provided) promptly by the United States or such third party, respectively; and

"(B) such payment (or such provision of services) by the Administrator is conditioned on reimbursement by the United States or such third party, respectively, for such medical monitoring, diagnosis, or treatment.

"(c) EXCLUSIONS.—The Administrator may not—

"(1) provide for medical monitoring or diagnosis of a former United States government astronaut or former payload specialist under subsection (a) for any psychological or medical condition that is not potentially associated with human space flight;

"(2) provide for treatment of a former United States government astronaut or former payload specialist under subsection (a) for any psychological or medical condition that is not associated with human space flight; or

"(3) require a former United States government astronaut or former payload specialist to participate in the medical monitoring, diagnosis, or treatment authorized under subsection (a).

"(d) PRIVACY.—Consistent with applicable provisions of Federal law relating to privacy, the Administrator shall protect the privacy of all medical records generated under subsection (a) and accessible to the Administration.

"(e) REGULATIONS.—The Administrator shall promulgate such regulations as are necessary to carry out this section.

"(f) DEFINITION OF UNITED STATES GOVERNMENT ASTRONAUT.—In this section, the term 'United States government astronaut' has the meaning given the term 'government astronaut' in section 50902, except it does not include an individual who is an international partner astronaut.

"(g) DATA USE AND DISCLOSURE.—The Administrator may use or disclose data acquired in the course of medical monitoring, diagnosis, or treatment of a former United States government astronaut or a former payload specialist under subsection (a), in accordance with subsection (d). Former United States government astronaut or former payload specialist participation in medical monitoring, diagnosis, or treatment under subsection (a) shall constitute consent for the Administrator to use or disclose such data.".

(b) TABLE OF CONTENTS.—The table of contents for chapter 201 of title 51, United States Code, as amended by section 305 of this Act, is further amended by inserting after the item relating to section 20148 the following:

51 USC prec. 20101.

"20149. Medical monitoring and research relating to human space flight.".

(c) ANNUAL REPORTS.— 51 USC 20149 note.

(1) IN GENERAL.—Each fiscal year, not later than the date of submission of the President's annual budget request for that fiscal year under section 1105 of title 31, United States Code, the Administrator shall publish a report, in accordance with applicable Federal privacy laws, on the activities of the Administration under section 20149 of title 51, United States Code.

(2) CONTENTS.—Each report under paragraph (1) shall include a detailed cost accounting of the Administration's activities under section 20149 of title 51, United States Code, and a 5-year budget estimate. Budget estimate.

(3) SUBMISSION TO CONGRESS.—The Administrator shall submit to the appropriate committees of Congress each report under paragraph (1) not later than the date of submission of the President's annual budget request for that fiscal year under section 1105 of title 31, United States Code.

(d) COST ESTIMATE.—

(1) REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall enter into an arrangement with an independent external organization to undertake an independent cost estimate of the cost to the Administration and the Federal Government to implement and administer the activities of the Administration under section 20149 of title 51, United States Code. The independent external organization may not be a NASA entity, such as the Office of Safety and Mission Assurance.

(2) SUBMITTAL TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress the independent cost estimate under paragraph (1).

(e) PRIVACY STUDY.—

(1) STUDY.—The Administrator shall carry out a study on any potential privacy or legal issues related to the possible sharing beyond the Federal Government of data acquired under the activities of the Administration under section 20149 of title 51, United States Code.

(2) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report containing the results of the study carried out under paragraph (1).

(f) INSPECTOR GENERAL AUDIT.—The Inspector General of NASA shall periodically audit or review, as the Inspector General 51 USC 20149 note.

considers necessary to prevent waste, fraud, and abuse, the activities of the Administration under section 20149 of title 51, United States Code.

TITLE V—ADVANCING SPACE SCIENCE

51 USC 20301 note.

SEC. 501. MAINTAINING A BALANCED SPACE SCIENCE PORTFOLIO.

(a) SENSE OF CONGRESS ON SCIENCE PORTFOLIO.—Congress reaffirms the sense of Congress that—

(1) a balanced and adequately funded set of activities, consisting of research and analysis grant programs, technology development, suborbital research activities, and small, medium, and large space missions, contributes to a robust and productive science program and serves as a catalyst for innovation and discovery; and

(2) the Administrator should set science priorities by following the guidance provided by the scientific community through the National Academies of Sciences, Engineering, and Medicine's decadal surveys.

(b) POLICY.—It is the policy of the United States to ensure, to the extent practicable, a steady cadence of large, medium, and small science missions.

51 USC 20301 note.

SEC. 502. PLANETARY SCIENCE.

(a) FINDINGS.—Congress finds that—

(1) Administration support for planetary science is critical to enabling greater understanding of the solar system and the origin of the Earth;

(2) the United States leads the world in planetary science and can augment its success in that area with appropriate international, academic, and industry partnerships;

(3) a mix of small, medium, and large planetary science missions is required to sustain a steady cadence of planetary exploration; and

(4) robotic planetary exploration is a key component of preparing for future human exploration.

(b) MISSION PRIORITIES.—

(1) IN GENERAL.—In accordance with the priorities established in the most recent Planetary Science Decadal Survey, the Administrator shall ensure, to the greatest extent practicable, the completion of a balanced set of Discovery, New Frontiers, and Flagship missions at the cadence recommended by the most recent Planetary Science Decadal Survey.

(2) MISSION PRIORITY ADJUSTMENTS.—Consistent with the set of missions described in paragraph (1), and while maintaining the continuity of scientific data and steady development of capabilities and technologies, the Administrator may seek, if necessary, adjustments to mission priorities, schedule, and scope in light of changing budget projections.

SEC. 503. JAMES WEBB SPACE TELESCOPE.

It is the sense of Congress that—

(1) the James Webb Space Telescope will—

(A) significantly advance our understanding of star and planet formation, and improve our knowledge of the early universe; and

(B) support United States leadership in astrophysics;

(2) consistent with annual Government Accountability Office reviews of the James Webb Space Telescope program, the Administrator should continue robust surveillance of the performance of the James Webb Space Telescope project and continue to improve the reliability of cost estimates and contractor performance data and other major space flight projects in order to enhance NASA's ability to successfully deliver the James Webb Space Telescope on-time and within budget;

(3) the on-time and on-budget delivery of the James Webb Space Telescope is a high congressional priority; and

(4) the Administrator should ensure that integrated testing is appropriately timed and sufficiently comprehensive to enable potential issues to be identified and addressed early enough to be handled within the James Webb Space Telescope's development schedule and prior to its launch.

SEC. 504. WIDE-FIELD INFRARED SURVEY TELESCOPE.

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

(1) the Wide-Field Infrared Survey Telescope (referred to in this section as "WFIRST") mission has the potential to enable scientific discoveries that will transform our understanding of the universe; and

(2) the Administrator, to the extent practicable, should make progress on the technologies and capabilities needed to position the Administration to meet the objectives, as outlined in the 2010 National Academies' Astronomy and Astrophysics Decadal Survey, in a way that maximizes the scientific productivity of meeting those objectives for the resources invested.

(b) CONTINUITY OF DEVELOPMENT.—The Administrator shall ensure that the concept definition and pre-formulation activities of the WFIRST mission continue while the James Webb Space Telescope is being completed.

SEC. 505. MARS 2020 ROVER.

It is the sense of Congress that—

(1) the Mars 2020 mission, to develop a Mars rover and to enable the return of samples to Earth, should remain a priority for NASA; and

(2) the Mars 2020 mission—

(A) should significantly increase our understanding of Mars;

(B) should help determine whether life previously existed on that planet; and

(C) should provide opportunities to gather knowledge and demonstrate technologies that address the challenges of future human expeditions to Mars.

SEC. 506. EUROPA.

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

(1) Studies of Europa, Jupiter's moon, indicate that Europa may provide a habitable environment, as it contains key ingredients known to support life.

(2) In 2012, using the Hubble Space Telescope, NASA scientists observed water vapor around the south polar region of Europa, which provides potential evidence of water plumes in that region.

(3) For decades, the Europa mission has consistently ranked as a high priority mission for the scientific community.

(4) The Europa mission was ranked as the top priority mission in the previous Planetary Science Decadal Survey and ranked as the second-highest priority in the current Planetary Science Decadal Survey.

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

(1) the Europa mission could provide another avenue in which to capitalize on our Nation's current investment in the Space Launch System that would significantly reduce the transit time for such a deep space mission; and

(2) a scientific, robotic exploration mission to Europa, as prioritized in both Planetary Science Decadal Surveys, should be supported.

SEC. 507. CONGRESSIONAL DECLARATION OF POLICY AND PURPOSE.

Section 20102(d) of title 51, United States Code, is amended by adding at the end the following:

"(10) The search for life's origin, evolution, distribution, and future in the universe.".

51 USC 20301 note.

SEC. 508. EXTRASOLAR PLANET EXPLORATION STRATEGY.

(a) STRATEGY.—

(1) IN GENERAL.—The Administrator shall enter into an arrangement with the National Academies to develop a science strategy for the study and exploration of extrasolar planets, including the use of the Transiting Exoplanet Survey Satellite, the James Webb Space Telescope, a potential Wide-Field Infrared Survey Telescope mission, or any other telescope, spacecraft, or instrument, as appropriate.

(2) REQUIREMENTS.—The strategy shall—

(A) outline key scientific questions;

(B) identify the most promising research in the field;

(C) indicate the extent to which the mission priorities in existing decadal surveys address the key extrasolar planet research and exploration goals;

(D) identify opportunities for coordination with international partners, commercial partners, and not-for-profit partners; and

Recommendations.

(E) make recommendations regarding the activities under subparagraphs (A) through (D), as appropriate.

(b) USE OF STRATEGY.—The Administrator shall use the strategy—

(1) to inform roadmaps, strategic plans, and other activities of the Administration as they relate to extrasolar planet research and exploration; and

(2) to provide a foundation for future activities and initiatives related to extrasolar planet research and exploration.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the National Academies shall submit to the Administrator and to the appropriate committees of Congress a report containing the strategy developed under subsection (a).

51 USC 20301 note.

SEC. 509. ASTROBIOLOGY STRATEGY.

(a) STRATEGY.—

(1) IN GENERAL.—The Administrator shall enter into an arrangement with the National Academies to develop a science strategy for astrobiology that would outline key scientific questions, identify the most promising research in the field, and

indicate the extent to which the mission priorities in existing decadal surveys address the search for life's origin, evolution, distribution, and future in the Universe.

(2) RECOMMENDATIONS.—The strategy shall include recommendations for coordination with international partners.

(b) USE OF STRATEGY.—The Administrator shall use the strategy developed under subsection (a) in planning and funding research and other activities and initiatives in the field of astrobiology.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the National Academies shall submit to the Administrator and to the appropriate committees of Congress a report containing the strategy developed under subsection (a).

SEC. 510. ASTROBIOLOGY PUBLIC-PRIVATE PARTNERSHIPS.

Deadline. Reports.

Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing how the Administration can expand collaborative partnerships to study life's origin, evolution, distribution, and future in the universe.

SEC. 511. NEAR-EARTH OBJECTS.

Section 321 of the National Aeronautics and Space Administration Authorization Act of 2005 (51 U.S.C. note prec. 71101) is amended by adding at the end the following:

51 USC note prec. 71101.

"(e) PROGRAM REPORT.—The Director of the Office of Science and Technology Policy and the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives, not later than 1 year after the date of enactment of the National Aeronautics and Space Administration Transition Authorization Act of 2017, an initial report that provides—

"(1) recommendations for carrying out the Survey program and an associated proposed budget;

Recommendations.

"(2) an analysis of possible options that the Administration could employ to divert an object on a likely collision course with Earth; and

Analysis. Strategy.

"(3) a description of the status of efforts to coordinate and cooperate with other countries to discover hazardous asteroids and comets, plan a mitigation strategy, and implement that strategy in the event of the discovery of an object on a likely collision course with Earth.

"(f) ANNUAL REPORTS.—After the initial report under subsection (e), the Administrator shall annually transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that includes—

Summaries.

"(1) a summary of all activities carried out under subsection (d) since the date of enactment of the National Aeronautics and Space Administration Transition Authorization Act of 2017, including the progress toward achieving 90 percent completion of the survey described in subsection (d); and

"(2) a summary of expenditures for all activities carried out under subsection (d) since the date of enactment of the National Aeronautics and Space Administration Transition Authorization Act of 2017.

"(g) ASSESSMENT.—The Administrator, in collaboration with other relevant Federal agencies, shall carry out a technical and scientific assessment of the capabilities and resources—

"(1) to accelerate the survey described in subsection (d); and

"(2) to expand the Administration's Near-Earth Object Program to include the detection, tracking, cataloguing, and characterization of potentially hazardous near-Earth objects less than 140 meters in diameter.

Deadline.

"(h) TRANSMITTAL.—Not later than 270 days after the date of enactment of the National Aeronautics and Space Administration Transition Authorization Act of 2017, the Administrator shall transmit the results of the assessment under subsection (g) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.".

SEC. 512. NEAR-EARTH OBJECTS PUBLIC-PRIVATE PARTNERSHIPS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Administration should seek to leverage the capabilities of the private sector and philanthropic organizations to the maximum extent practicable in carrying out the Near-Earth Object Survey Program in order to meet the goal of that program under section 321(d)(1) of the National Aeronautics and Space Administration Authorization Act of 2005 (51 U.S.C. note prec. 71101(d)(1)).

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing how the Administration can expand collaborative partnerships to detect, track, catalogue, and categorize near-Earth objects.

SEC. 513. ASSESSMENT OF SCIENCE MISSION EXTENSIONS.

Section 30504 of title 51, United States Code, is amended to read as follows:

"§ 30504. Assessment of science mission extensions

"(a) ASSESSMENTS.—

Deadline.
Reviews.

"(1) IN GENERAL.—The Administrator shall carry out triennial reviews within each of the Science divisions to assess the cost and benefits of extending the date of the termination of data collection for those missions that exceed their planned missions' lifetime.

"(2) CONSIDERATIONS.—In conducting an assessment under paragraph (1), the Administrator shall consider whether and how extending missions impacts the start of future missions.

"(b) CONSULTATION AND CONSIDERATION OF POTENTIAL BENEFITS OF INSTRUMENTS ON MISSIONS.—When deciding whether to extend a mission that has an operational component, the Administrator shall—

"(1) consult with any affected Federal agency; and

"(2) take into account the potential benefits of instruments on missions that are beyond their planned mission lifetime.

"(c) REPORTS.—The Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives, at the same time as the submission to Congress of the Administration's annual budget request for each fiscal year,

a report detailing any assessment under subsection (a) that was carried out during the previous year.".

SEC. 514. STRATOSPHERIC OBSERVATORY FOR INFRARED ASTRONOMY.

Termination date.

The Administrator may not terminate science operations of the Stratospheric Observatory for Infrared Astronomy before December 31, 2017.

SEC. 515. RADIOISOTOPE POWER SYSTEMS.

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

(1) exploration of the outer reaches of the solar system is enabled by radioisotope power systems;

(2) establishing continuity in the production of the material needed for radioisotope power systems is essential to maintaining the availability of such systems for future deep space exploration missions; and

(3) Federal agencies supporting the Administration through the production of such material should do so in a cost effective manner so as not to impose excessive reimbursement requirements on the Administration.

(b) ANALYSIS OF REQUIREMENTS AND RISKS.—The Director of the Office of Science and Technology Policy and the Administrator, in consultation with the heads of other Federal agencies, shall conduct an analysis of— Consultation.

(1) the requirements of the Administration for radioisotope power system material that is needed to carry out planned, high priority robotic missions in the solar system and other surface exploration activities beyond low-Earth orbit; and

(2) the risks to missions of the Administration in meeting those requirements, or any additional requirements, due to a lack of adequate radioisotope power system material.

(c) CONTENTS OF ANALYSIS.—The analysis conducted under subsection (b) shall—

(1) detail the Administration's current projected mission requirements and associated timeframes for radioisotope power system material;

(2) explain the assumptions used to determine the Administration's requirements for the material, including—

(A) the planned use of advanced thermal conversion technology such as advanced thermocouples and Stirling generators and converters; and

(B) the risks and implications of, and contingencies for, any delays or unanticipated technical challenges affecting or related to the Administration's mission plans for the anticipated use of advanced thermal conversion technology;

(3) assess the risk to the Administration's programs of any potential delays in achieving the schedule and milestones for planned domestic production of radioisotope power system material; Assessment.

(4) outline a process for meeting any additional Administration requirements for the material;

(5) estimate the incremental costs required to increase the amount of material produced each year, if such an increase is needed to support additional Administration requirements for the material; Cost estimate.

(6) detail how the Administration and other Federal agencies will manage, operate, and fund production facilities and the design and development of all radioisotope power systems used by the Administration and other Federal agencies as necessary;

Consultation. Reimbursements.

(7) specify the steps the Administration will take, in consultation with the Department of Energy, to preserve the infrastructure and workforce necessary for production of radioisotope power systems and ensure that its reimbursements to the Department of Energy associated with such preservation are equitable and justified; and

(8) detail how the Administration has implemented or rejected the recommendations from the National Research Council's 2009 report titled "Radioisotope Power Systems: An Imperative for Maintaining U.S. Leadership in Space Exploration."

(d) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit the results of the analysis to the appropriate committees of Congress.

SEC. 516. ASSESSMENT OF MARS ARCHITECTURE.

(a) ASSESSMENT.—The Administrator shall enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine to assess—

(1) the Administration's Mars exploration architecture and its responsiveness to the strategies, priorities, and guidelines put forward by the National Academies' planetary science decadal surveys and other relevant National Academies Mars-related reports;

(2) the long-term goals of the Administration's Mars Exploration Program and such program's ability to optimize the science return, given the current fiscal posture of the program;

(3) the Mars exploration architecture's relationship to Mars-related activities to be undertaken by foreign agencies and organizations; and

(4) the extent to which the Mars exploration architecture represents a reasonably balanced mission portfolio.

(b) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit the results of the assessment to the appropriate committees of Congress.

SEC. 517. COLLABORATION.

The Administration shall continue to develop first-of-a-kind instruments that, once proved, can be transitioned to other agencies for operations. Whenever responsibilities for the development of sensors or for measurements are transferred to the Administration from another agency, the Administration shall seek, to the extent possible, to be reimbursed for the assumption of such responsibilities.

TITLE VI—AERONAUTICS

Reimbursement. 51 USC 20113 note.

SEC. 601. SENSE OF CONGRESS ON AERONAUTICS.

It is the sense of Congress that—

(1) a robust aeronautics research portfolio will help maintain the United States status as a leader in aviation, enhance

the competitiveness of the United States in the world economy, and improve the quality of life of all citizens;

(2) aeronautics research is essential to the Administration's mission, continues to be an important core element of the Administration's mission, and should be supported;

(3) the Administrator should coordinate and consult with relevant Federal agencies and the private sector to minimize duplication of efforts and leverage resources; and

(4) carrying aeronautics research to a level of maturity that allows the Administration's research results to be transferred to the users, whether private or public sector, is critical to their eventual adoption.

SEC. 602. TRANSFORMATIVE AERONAUTICS RESEARCH.

It is the sense of Congress that the Administrator should look strategically into the future and ensure that the Administration's Center personnel are at the leading edge of aeronautics research by encouraging investigations into the early-stage advancement of new processes, novel concepts, and innovative technologies that have the potential to meet national aeronautics needs.

SEC. 603. HYPERSONIC RESEARCH.

(a) ROADMAP FOR HYPERSONIC RESEARCH.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the heads of other relevant Federal agencies, shall develop and submit to the appropriate committees of Congress a research and development roadmap for hypersonic aircraft research. Deadline. Consultation.

(b) OBJECTIVE.—The objective of the roadmap is to explore hypersonic science and technology using air-breathing propulsion concepts, through a mix of theoretical work, basic and applied research, and development of flight research demonstration vehicles.

(c) CONTENTS.—The roadmap shall recommend appropriate Federal agency contributions, coordination efforts, and technology milestones. Recommendations.

SEC. 604. SUPERSONIC RESEARCH.

(a) FINDINGS.—Congress finds that—

(1) the ability to fly commercial aircraft over land at supersonic speeds without adverse impacts on the environment or on local communities could open new global markets and enable new transportation capabilities; and

(2) continuing the Administration's research program is necessary to assess the impact in a relevant environment of commercial supersonic flight operations and provide the basis for establishing appropriate sonic boom standards for such flight operations.

(b) ROADMAP FOR SUPERSONIC RESEARCH.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop and submit to the appropriate committees of Congress a roadmap that allows for flexible funding profiles for supersonic aeronautics research and development. Deadline.

(2) OBJECTIVE.—The objective of the roadmap is to develop and demonstrate, in a relevant environment, airframe and propulsion technologies to minimize the environmental impact, including noise, of supersonic overland flight in an efficient and economical manner.

Plans.

(3) CONTENTS.—The roadmap shall include—

Lists.

(A) the baseline research as embodied by the Administration's existing research on supersonic flight;

(B) a list of specific technological, environmental, and other challenges that must be overcome to minimize the environmental impact, including noise, of supersonic overland flight;

(C) a research plan to address the challenges under subparagraph (B), including a project timeline for accomplishing relevant research goals;

(D) a plan for coordination with stakeholders, including relevant government agencies and industry; and

(E) a plan for how the Administration will ensure that sonic boom research is coordinated as appropriate with relevant Federal agencies.

SEC. 605. ROTORCRAFT RESEARCH.

Deadline. Consultation.

(a) ROADMAP FOR ROTORCRAFT RESEARCH.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the heads of other relevant Federal agencies, shall prepare and submit to the appropriate committees of Congress a roadmap for research relating to rotorcraft and other runway-independent air vehicles.

(b) OBJECTIVE.—The objective of the roadmap is to develop and demonstrate improved safety, noise, and environmental impact in a relevant environment.

Timeline. Guidelines.

(c) CONTENTS.—The roadmap shall include specific goals for the research, a timeline for implementation, metrics for success, and guidelines for collaboration and coordination with industry and other Federal agencies.

TITLE VII—SPACE TECHNOLOGY

51 USC 20301 note.

SEC. 701. SPACE TECHNOLOGY INFUSION.

(a) SENSE OF CONGRESS ON SPACE TECHNOLOGY.—It is the sense of Congress that space technology is critical—

(1) to developing technologies and capabilities that will make the Administration's core missions more affordable and more reliable;

(2) to enabling a new class of Administration missions beyond low-Earth orbit; and

(3) to improving technological capabilities and promote innovation for the Administration and the Nation.

(b) SENSE OF CONGRESS ON PROPULSION TECHNOLOGY.—It is the sense of Congress that advancing propulsion technology would improve the efficiency of trips to Mars and could shorten travel time to Mars, reduce astronaut health risks, and reduce radiation exposure, consumables, and mass of materials required for the journey.

(c) POLICY.—It is the policy of the United States that the Administrator shall develop technologies to support the Administration's core missions, as described in section 2(3) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18301(3)), and support sustained investments in early stage innovation, fundamental research, and technologies to expand the boundaries of the national aerospace enterprise.

(d) PROPULSION TECHNOLOGIES.—A goal of propulsion technologies developed under subsection (c) shall be to significantly reduce human travel time to Mars.

SEC. 702. SPACE TECHNOLOGY PROGRAM.

51 USC 20301 note.

(a) SPACE TECHNOLOGY PROGRAM AUTHORIZED.—The Administrator shall conduct a space technology program (referred to in this section as the "Program") to research and develop advanced space technologies that could deliver innovative solutions across the Administration's space exploration and science missions.

(b) CONSIDERATIONS.—In conducting the Program, the Administrator shall consider—

(1) the recommendations of the National Academies' review of the Administration's Space Technology roadmaps and priorities; and

(2) the applicable enabling aspects of the stepping stone approach to exploration under section 70504 of title 51, United States Code.

(c) REQUIREMENTS.—In conducting the Program, the Administrator shall—

(1) to the extent practicable, use a competitive process to select research and development projects;

(2) to the extent practicable and appropriate, use small satellites and the Administration's suborbital and ground-based platforms to demonstrate space technology concepts and developments; and

(3) as appropriate, partner with other Federal agencies, universities, private industry, and foreign countries.

(d) SMALL BUSINESS PROGRAMS.—The Administrator shall organize and manage the Administration's Small Business Innovation Research Program and Small Business Technology Transfer Program within the Program.

(e) NONDUPLICATION CERTIFICATION.—The Administrator shall submit a budget for each fiscal year, as transmitted to Congress under section 1105(a) of title 31, United States Code, that avoids duplication of projects, programs, or missions conducted by Program with other projects, programs, or missions conducted by another office or directorate of the Administration.

(f) COLLABORATION, COORDINATION, AND ALIGNMENT.—

(1) IN GENERAL.—The Administrator shall—

(A) ensure that the Administration's projects, programs, and activities in support of technology research and development of advanced space technologies are fully coordinated and aligned;

(B) ensure that the results the projects, programs, and activities under subparagraph (A) are shared and leveraged within the Administration; and

(C) ensure that the organizational responsibility for research and development activities in support of human space exploration not initiated as of the date of enactment of this Act is established on the basis of a sound rationale.

(2) SENSE OF CONGRESS.—It is the sense of Congress that projects, programs, and missions being conducted by the Human Exploration and Operations Mission Directorate in support of research and development of advanced space technologies and systems focusing on human space exploration should continue in that Directorate.

(g) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall provide to the appropriate committees of Congress a report—

(1) comparing the Administration's space technology investments with the high-priority technology areas identified by the National Academies in the National Research Council's report on the Administration's Space Technology Roadmaps; and

(2) including—

(A) identification of how the Administration will address any gaps between the agency's investments and the recommended technology areas, including a projection of funding requirements; and

(B) identification of the rationale described in subsection (f)(1)(C).

(h) ANNUAL REPORT.—The Administrator shall include in the Administration's annual budget request for each fiscal year the rationale for assigning organizational responsibility for, in the year prior to the budget fiscal year, each initiated project, program, and mission focused on research and development of advanced technologies for human space exploration.

TITLE VIII—MAXIMIZING EFFICIENCY

Subtitle A—Agency Information Technology and Cybersecurity

51 USC 20111 note.

SEC. 811. INFORMATION TECHNOLOGY GOVERNANCE.

(a) IN GENERAL.—The Administrator shall, in a manner that reflects the unique nature of NASA's mission and expertise—

(1) ensure the NASA Chief Information Officer, Mission Directorates, and Centers have appropriate roles in the management, governance, and oversight processes related to information technology operations and investments and information security programs for the protection of NASA systems;

(2) ensure the NASA Chief Information Officer has the appropriate resources and insight to oversee NASA information technology and information security operations and investments;

(3) provide an information technology program management framework to increase the efficiency and effectiveness of information technology investments, including relying on metrics for identifying and reducing potential duplication, waste, and cost;

(4) improve the operational linkage between the NASA Chief Information Officer and each NASA mission directorate, center, and mission support office to ensure both agency and mission needs are considered in agency-wide information technology and information security management and oversight;

Review.

(5) review the portfolio of information technology investments and spending, including information technology-related investments included as part of activities within NASA mission directorates that may not be considered information technology,

to ensure investments are recognized and reported appropriately based on guidance from the Office of Management and Budget;

(6) consider appropriate revisions to the charters of information technology boards and councils that inform information technology investment and operation decisions; and

(7) consider whether the NASA Chief Information Officer should have a seat on any boards or councils described in paragraph (6).

(b) GAO STUDY.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study of the effectiveness of the Administration's Information Technology Governance in ensuring information technology resources are aligned with agency missions and are cost effective and secure.

(2) CONTENTS.—The study shall include an assessment of— Assessment.

(A) the resources available for overseeing Administration-wide information technology operations, investments, and security measures and the NASA Chief Information Officer's visibility and involvement into information technology oversight and access to those resources;

(B) the effectiveness and challenges of the Administration's information technology structure, decision making processes and authorities, including impacts on its ability to implement information security; and

(C) the impact of NASA Chief Information Officer approval authority over information technology investments that exceed a defined monetary threshold, including any potential impacts of such authority on the Administration's missions, flights programs and projects, research activities, and Center operations.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report detailing the results of the study under paragraph (1), including any recommendations. Recommendations.

SEC. 812. INFORMATION TECHNOLOGY STRATEGIC PLAN. 51 USC 20111 note.

(a) IN GENERAL.—Subject to subsection (b), the Administrator shall develop an information technology strategic plan to guide NASA information technology management and strategic objectives.

(b) REQUIREMENTS.—In developing the strategic plan, the Administrator shall ensure that the strategic plan addresses—

(1) the deadline under section 306(a) of title 5, United States Code; and

(2) the requirements under section 3506 of title 44, United States Code.

(c) CONTENTS.—The strategic plan shall address, in a manner that reflects the unique nature of NASA's mission and expertise—

(1) near and long-term goals and objectives for leveraging information technology;

(2) a plan for how NASA will submit to Congress of a list of information technology projects, including completion dates and risk level in accordance with guidance from the Office of Management and Budget;

(3) an implementation overview for an agency-wide approach to information technology investments and operations, including reducing barriers to cross-center collaboration;

Coordination.

(4) coordination by the NASA Chief Information Officer with centers and mission directorates to ensure that information technology policies are effectively and efficiently implemented across the agency;

(5) a plan to increase the efficiency and effectiveness of information technology investments, including a description of how unnecessarily duplicative, wasteful, legacy, or outdated information technology across NASA will be identified and eliminated, and a schedule for the identification and elimination of such information technology;

(6) a plan for improving the information security of agency information and agency information systems, including improving security control assessments and role-based security training of employees; and

(7) submission by NASA to Congress of information regarding high risk projects and cybersecurity risks.

(d) CONGRESSIONAL OVERSIGHT.—The Administrator shall submit to the appropriate committees of Congress the strategic plan under subsection (a) and any updates thereto.

51 USC 20111 note.

SEC. 813. CYBERSECURITY.

(a) FINDING.—Congress finds that the security of NASA information and information systems is vital to the success of the mission of the agency.

(b) INFORMATION SECURITY PLAN.—

Deadline.

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall implement the information security plan developed under paragraph (2) and take such further actions as the Administrator considers necessary to improve the information security system in accordance with this section.

(2) INFORMATION SECURITY PLAN.—Subject to paragraphs (3) and (4), the Administrator shall develop an agency-wide information security plan to enhance information security for NASA information and information infrastructure.

(3) REQUIREMENTS.—In developing the plan under paragraph (2), the Administrator shall ensure that the plan—

(A) reflects the unique nature of NASA's mission and expertise;

(B) is informed by policies, standards, guidelines, and directives on information security required for Federal agencies;

(C) is consistent with the standards and guidelines under section 11331 of title 40, United States Code; and

(D) meets applicable National Institute of Standards and Technology information security standards and guidelines.

(4) CONTENTS.—The plan shall address—

(A) an overview of the requirements of the information security system;

(B) an agency-wide risk management framework for information security;

(C) a description of the information security system management controls and common controls that are necessary to ensure compliance with information security-related requirements;

(D) an identification and assignment of roles, responsibilities, and management commitment for information security at the agency;

(E) coordination among organizational entities, including between each center, facility, mission directorate, and mission support office, and among agency entities responsible for different aspects of information security;

(F) the need to protect the information security of mission-critical systems and activities and high-impact and moderate-impact information systems; and

(G) a schedule of frequent reviews and updates, as necessary, of the plan.

SEC. 814. SECURITY MANAGEMENT OF FOREIGN NATIONAL ACCESS. Notification.

The Administrator shall notify the appropriate committees of Congress when the agency has implemented the information technology security recommendations from the National Academy of Public Administration on foreign national access management, based on reports from January 2014 and March 2016.

SEC. 815. CYBERSECURITY OF WEB APPLICATIONS. Deadline. Plans.

Not later than 180 days after the date of enactment of this Act, the Administrator shall, in a manner that reflects the unique nature of NASA's mission and expertise—

(1) develop a plan, including such actions and milestones as are necessary, to fully remediate security vulnerabilities of NASA web applications within a timely fashion after discovery; and

(2) provide an update on its plan to implement the recommendation from the NASA Inspector General in the audit report dated July 10, 2014, (IG–14–023) to remove from the Internet or otherwise secure all NASA web applications in development or testing mode.

Subtitle B—Collaboration Among Mission Directorates and Other Matters

SEC. 821. COLLABORATION AMONG MISSION DIRECTORATES. 51 USC 20111 note.

The Administrator shall encourage an interdisciplinary approach among all NASA mission directorates and divisions, whenever appropriate, for projects or missions—

(1) to improve coordination, and encourage collaboration and early planning on scope;

(2) to determine areas of overlap or alignment;

(3) to find ways to leverage across divisional perspectives to maximize outcomes; and

(4) to be more efficient with resources and funds.

SEC. 822. NASA LAUNCH CAPABILITIES COLLABORATION. 51 USC 50131 note.

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

(1) The Launch Services Program is responsible for the acquisition, management, and technical oversight of commercial launch services for NASA's science and robotic missions.

(2) The Commercial Crew Program is responsible for the acquisition, management, and technical oversight of commercial crew transportation systems.

(3) The Launch Services Program and Commercial Crew Program have worked together to gain exceptional technical insight into the contracted launch service providers that are common to both programs.

(4) The Launch Services Program has a long history of oversight of 12 different launch vehicles and over 80 launches.

(5) Co-location of the Launch Services Program and Commercial Crew Program has enabled the Commercial Crew Program to efficiently obtain the launch vehicle technical expertise of and provide engineering and analytical support to the Commercial Crew Program.

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

(1) the Launch Services Program and Commercial Crew Program each benefit from communication and coordination of launch manifests, technical information, and common launch vehicle insight between the programs; and

(2) such communication and coordination is enabled by the co-location of the programs.

(c) IN GENERAL.—The Administrator shall pursue a strategy for acquisition of crewed transportation services and non-crewed launch services that continues to enhance communication, collaboration, and coordination between the Launch Services Program and the Commercial Crew Program.

51 USC note prec. 30301.

SEC. 823. DETECTION AND AVOIDANCE OF COUNTERFEIT PARTS.

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

(1) A 2012 investigation by the Committee on Armed Services of the Senate of counterfeit electronic parts in the Department of Defense supply chain from 2009 through 2010 uncovered 1,800 cases and over 1,000,000 counterfeit parts and exposed the threat such counterfeit parts pose to service members and national security.

(2) Since 2010, the Comptroller General of the United States has identified in 3 separate reports the risks and challenges associated with counterfeit parts and counterfeit prevention at both the Department of Defense and NASA, including inconsistent definitions of counterfeit parts, poorly targeted quality control practices, and potential barriers to improvements to these practices.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the presence of counterfeit electronic parts in the NASA supply chain poses a danger to United States government astronauts, crew, and other personnel and a risk to the agency overall.

(c) REGULATIONS.—

Deadline.

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Administrator shall revise the NASA Supplement to the Federal Acquisition Regulation to improve the detection and avoidance of counterfeit electronic parts in the supply chain.

(2) CONTRACTOR RESPONSIBILITIES.—In revising the regulations under paragraph (1), the Administrator shall—

(A) require each covered contractor—

(i) to detect and avoid the use or inclusion of any counterfeit parts in electronic parts or products that contain electronic parts;

(ii) to take such corrective actions as the Administrator considers necessary to remedy the use or inclusion described in clause (i); and

(iii) including a subcontractor, to notify the applicable NASA contracting officer not later than 30 calendar days after the date the covered contractor becomes aware, or has reason to suspect, that any end item, component, part or material contained in supplies purchased by NASA, or purchased by a covered contractor or subcontractor for delivery to, or on behalf of, NASA, contains a counterfeit electronic part or suspect counterfeit electronic part; and

Notification. Deadline.

(B) prohibit the cost of counterfeit electronic parts, suspect counterfeit electronic parts, and any corrective action described under subparagraph (A)(ii) from being included as allowable costs under agency contracts, unless—

(i)(I) the covered contractor has an operational system to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts that has been reviewed and approved by NASA or the Department of Defense; and

(II) the covered contractor has provided the notice under subparagraph (A)(iii); or

(ii) the counterfeit electronic parts or suspect counterfeit electronic parts were provided to the covered contractor as Government property in accordance with part 45 of the Federal Acquisition Regulation.

(3) SUPPLIERS OF ELECTRONIC PARTS.—In revising the regulations under paragraph (1), the Administrator shall—

(A) require NASA and covered contractors, including subcontractors, at all tiers—

(i) to obtain electronic parts that are in production or currently available in stock from—

(I) the original manufacturers of the parts or their authorized dealers; or

(II) suppliers who obtain such parts exclusively from the original manufacturers of the parts or their authorized dealers; and

(ii) to obtain electronic parts that are not in production or currently available in stock from suppliers that meet qualification requirements established under subparagraph (C);

(B) establish documented requirements consistent with published industry standards or Government contract requirements for—

(i) notification of the agency; and

(ii) inspection, testing, and authentication of electronic parts that NASA or a covered contractor, including a subcontractor, obtains from any source other than a source described in subparagraph (A);

(C) establish qualification requirements, consistent with the requirements of section 2319 of title 10, United

States Code, pursuant to which NASA may identify suppliers that have appropriate policies and procedures in place to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts; and

(D) authorize a covered contractor, including a subcontractor, to identify and use additional suppliers beyond those identified under subparagraph (C) if—

(i) the standards and processes for identifying such suppliers comply with established industry standards;

(ii) the covered contractor assumes responsibility for the authenticity of parts provided by such suppliers under paragraph (2); and

(iii) the selection of such suppliers is subject to review and audit by NASA.

(d) DEFINITIONS.—In this section:

(1) COVERED CONTRACTOR.—The term "covered contractor" means a contractor that supplies an electronic part, or a product that contains an electronic part, to NASA.

(2) ELECTRONIC PART.—The term "electronic part" means a discrete electronic component, including a microcircuit, transistor, capacitor, resistor, or diode, that is intended for use in a safety or mission critical application.

51 USC note prec. 40901.

SEC. 824. EDUCATION AND OUTREACH.

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

(1) United States competitiveness in the 21st century requires engaging the science, technology, engineering, and mathematics (referred to in this section as "STEM") talent in all States;

(2) the Administration is uniquely positioned to educate and inspire students and the broader public on STEM subjects and careers;

(3) the Administration's Education and Communication Offices, Mission Directorates, and Centers have been effective in delivering educational content because of the strong engagement of Administration scientists and engineers in the Administration's education and outreach activities;

(4) the Administration's education and outreach programs, including the Experimental Program to Stimulate Competitive Research (EPSCoR) and the Space Grant College and Fellowship Program, reflect the Administration's successful commitment to growing and diversifying the national science and engineering workforce; and

(5) in order to grow and diversify the Nation's engineering workforce, it is vital for the Administration to bolster programs, such as High Schools United with NASA to Create Hardware (HUNCH) program, that conduct outreach activities to underserved rural communities, vocational schools, and tribal colleges and universities and encourage new participation in the STEM workforce.

(b) CONTINUATION OF EDUCATION AND OUTREACH ACTIVITIES AND PROGRAMS.—

(1) IN GENERAL.—The Administrator shall continue engagement with the public and education opportunities for students via all the Administration's mission directorates to the maximum extent practicable.

(2) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the Administration's near-term outreach plans for advancing space law education.

SEC. 825. LEVERAGING COMMERCIAL SATELLITE SERVICING CAPABILITIES ACROSS MISSION DIRECTORATES.

51 USC 50131 note.

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

(1) Refueling and relocating aging satellites to extend their operational lifetimes is a capacity that NASA will substantially benefit from and is important for lowering the costs of ongoing scientific, national security, and commercial satellite operations.

(2) The technologies involved in satellite servicing, such as dexterous robotic arms, propellant transfer systems, and solar electric propulsion, are all critical capabilities to support a human exploration mission to Mars.

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

(1) satellite servicing is a vital capability that will bolster the capacity and affordability of NASA's ongoing scientific and human exploration operations while simultaneously enhancing the ability of domestic companies to compete in the global marketplace; and

(2) future NASA satellites and spacecraft across mission directorates should be constructed in a manner that allows for servicing in order to maximize operational longevity and affordability.

(c) LEVERAGING OF CAPABILITIES.—The Administrator shall—

(1) identify orbital assets in both the Science Mission Directorate and the Human Exploration and Operations Mission Directorate that could benefit from satellite servicing-related technologies; and

(2) work across all NASA mission directorates to evaluate opportunities for the private sector to perform such services or advance technical capabilities by leveraging the technologies and techniques developed by NASA programs and other industry programs.

Evaluation.

SEC. 826. FLIGHT OPPORTUNITIES.

51 USC 70102 note.

(a) DEVELOPMENT OF PAYLOADS.—

(1) IN GENERAL.—In order to conduct necessary research, the Administrator shall continue and, as the Administrator considers appropriate, expand the development of technology payloads for—

(A) scientific research; and

(B) investigating new or improved capabilities.

(2) FUNDS.—For the purpose of carrying out paragraph (1), the Administrator shall make funds available for—

(A) flight testing;

(B) payload development; and

(C) hardware related to subparagraphs (A) and (B).

(b) REAFFIRMATION OF POLICY.—Congress reaffirms that the Administrator should provide flight opportunities for payloads to microgravity environments and suborbital altitudes as authorized by section 907 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18405).

SEC. 827. SENSE OF CONGRESS ON SMALL CLASS LAUNCH MISSIONS.

It is the sense of Congress that—

(1) Venture Class Launch Services contracts awarded under the Launch Services Program will expand opportunities for future dedicated launches of CubeSats and other small satellites and small orbital science missions; and

(2) principal investigator-led small orbital science missions, including CubeSat class, Small Explorer (SMEX) class, and Venture class, offer valuable opportunities to advance science at low cost, train the next generation of scientists and engineers, and enable participants to acquire skills in systems engineering and systems integration that are critical to maintaining the Nation's leadership in space and to enhancing United States innovation and competitiveness abroad.

SEC. 828. BASELINE AND COST CONTROLS.

Section 30104(a)(1) of title 51, United States Code, is amended by striking "Procedural Requirements 7120.5c, dated March 22, 2005" and inserting "Procedural Requirements 7120.5E, dated August 14, 2012".

SEC. 829. COMMERCIAL TECHNOLOGY TRANSFER PROGRAM.

Section 50116(a) of title 51, United States Code, is amended by inserting ", while protecting national security" after "research community".

51 USC note prec. 30301.

SEC. 830. AVOIDING ORGANIZATIONAL CONFLICTS OF INTEREST IN MAJOR ADMINISTRATION ACQUISITION PROGRAMS.

Deadline. Recommendations.

(a) REVISED REGULATIONS REQUIRED.—Not later than 270 days after the date of enactment of this Act, the Administrator shall revise the Administration Supplement to the Federal Acquisition Regulation to provide uniform guidance and recommend revised requirements for organizational conflicts of interest by contractors in major acquisition programs in order to address the elements identified in subsection (b).

(b) ELEMENTS.—The revised regulations under subsection (a) shall, at a minimum—

(1) address organizational conflicts of interest that could potentially arise as a result of—

(A) lead system integrator contracts on major acquisition programs and contracts that follow lead system integrator contracts on such programs, particularly contracts for production;

(B) the ownership of business units performing systems engineering and technical assistance functions, professional services, or management support services in relation to major acquisition programs by contractors who simultaneously own business units competing to perform as either the prime contractor or the supplier of a major subsystem or component for such programs;

(C) the award of major subsystem contracts by a prime contractor for a major acquisition program to business units or other affiliates of the same parent corporate entity, and particularly the award of subcontracts for software integration or the development of a proprietary software system architecture; or

(D) the performance by, or assistance of, contractors in technical evaluations on major acquisition programs;

(2) require the Administration to request advice on systems architecture and systems engineering matters with respect to major acquisition programs from objective sources independent of the prime contractor;

(3) require that a contract for the performance of systems engineering and technical assistance functions for a major acquisition program contains a provision prohibiting the contractor or any affiliate of the contractor from participating as a prime contractor or a major subcontractor in the development of a system under the program; and

(4) establish such limited exceptions to the requirement in paragraphs (2) and (3) as the Administrator considers necessary to ensure that the Administration has continued access to advice on systems architecture and systems engineering matters from highly qualified contractors with domain experience and expertise, while ensuring that such advice comes from sources that are objective and unbiased.

SEC. 831. PROTECTION OF APOLLO LANDING SITES.

Historic preservation. Consultation.

(a) ASSESSMENT.—The Director of the Office of Science and Technology Policy, in consultation with relevant Federal agencies and stakeholders, shall assess the issues relating to protecting and preserving historically important Apollo Program lunar landing sites and Apollo program artifacts residing on the lunar surface, including those pertaining to Apollo 11 and Apollo 17.

Determinations.

(b) CONTENTS.—In conducting the assessment, the Director shall include—

(1) a determination of what risks to the protection and preservation of those sites and artifacts exist or may exist in the future;

(2) a determination of what measures are required to ensure such protection and preservation;

(3) a determination of the extent to which additional domestic legislation or international treaties or agreements will be required; and

Recommendations.

(4) specific recommendations for protecting and preserving those lunar landing sites and artifacts.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director shall submit to the appropriate committees of Congress the results of the assessment.

SEC. 832. NASA LEASE OF NON-EXCESS PROPERTY.

Section 20145(g) of title 51, United States Code, is amended by striking "10 years after December 26, 2007" and inserting "December 31, 2018".

SEC. 833. TERMINATION LIABILITY.

It is the sense of Congress that—

(1) the ISS, the Space Launch System, and the Orion will enable the Nation to continue operations in low-Earth orbit and to send its astronauts to deep space;

(2) the James Webb Space Telescope will revolutionize our understanding of star and planet formation and how galaxies evolved, and will advance the search for the origins of our universe;

(3) as a result of their unique capabilities and their critical contribution to the future of space exploration, these systems

have been designated by Congress and the Administration as priority investments;

(4) contractors are currently holding program funding, estimated to be in the hundreds of millions of dollars, to cover the potential termination liability should the Government choose to terminate a program for convenience;

(5) as a result, hundreds of millions of taxpayer dollars are unavailable for meaningful work on these programs;

(6) according to the Government Accountability Office, the Administration procures most of its goods and services through contracts, and it terminates very few of them;

(7) in fiscal year 2010, the Administration terminated 28 of 16,343 active contracts and orders, a termination rate of about 0.17 percent; and

(8) the Administration should vigorously pursue a policy on termination liability that maximizes the utilization of its appropriated funds to make maximum progress in meeting established technical goals and schedule milestones on these high-priority programs.

Reports.

SEC. 834. INDEPENDENT REVIEWS.

Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing—

(1) the Administration's procedures for conducting independent reviews of projects and programs at lifecycle milestones;

(2) how the Administration ensures the independence of the individuals who conduct those reviews prior to their assignment;

(3) the internal and external entities independent of project and program management that conduct reviews of projects and programs at life cycle milestones; and

(4) how the Administration ensures the independence of such entities and their members.

SEC. 835. NASA ADVISORY COUNCIL.

Recommendations.

(a) ASSESSMENT.—The Administrator shall enter into an arrangement with the National Academy of Public Administration to assess the effectiveness of the NASA Advisory Council and to make recommendations to Congress for any change to—

(1) the functions of the Council;

(2) the appointment of members to the Council;

(3) the qualifications for members of the Council;

(4) the duration of terms of office for members of the Council;

(5) the frequency of meetings of the Council;

(6) the structure of leadership and Committees of the Council; and

(7) the levels of professional staffing for the Council.

(b) CONSIDERATIONS.—In carrying out the assessment under subsection (a), the National Academy of Public Administration shall—

(1) consider the impacts of broadening the Council's role to include providing consultation and advice to Congress under section 20113(g) of title 51, United States Code;

(2) consider the past activities of the Council and the activities of other analogous Federal advisory bodies; and

(3) any other issues that the National Academy of Public Administration determines could potentially impact the effectiveness of the Council.

(c) REPORT.—The National Academy of Public Administration shall submit to the appropriate committees of Congress the results of the assessment, including any recommendations. Recommendations.

(d) CONSULTATION AND ADVICE.—

(1) IN GENERAL.—Section 20113(g) of title 51, United States Code, is amended by inserting "and Congress" after "advice to the Administration".

(2) SUNSET.—Effective September 30, 2017, section 20113(g) of title 51, United States Code, is amended by striking "and Congress". Effective date. 51 USC 30307 note.

SEC. 836. COST ESTIMATION. 51 USC 30307 note.

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

(1) realistic cost estimating is critically important to the ultimate success of major space development projects; and

(2) the Administration has devoted significant efforts over the past 5 years to improving its cost estimating capabilities, but it is important that the Administration continue its efforts to develop and implement guidance in establishing realistic cost estimates.

(b) GUIDANCE AND CRITERIA.—The Administrator shall provide to its acquisition programs and projects, in a manner consistent with the Administration's Space Flight Program and Project Management Requirements—

(1) guidance on when to use an Independent Cost Estimate and Independent Cost Assessment; and

(2) criteria to use to make a determination under paragraph (1).

SEC. 837. FACILITIES AND INFRASTRUCTURE. 51 USC 31502 note.

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

(1) the Administration must address, mitigate, and reverse, where possible, the deterioration of its facilities and infrastructure, as their condition is hampering the effectiveness and efficiency of research performed by both the Administration and industry participants making use of Administration facilities, thus harming the competitiveness of the United States aerospace industry;

(2) the Administration has a role in providing laboratory capabilities to industry participants that are not economically viable as commercial entities and thus are not available elsewhere;

(3) to ensure continued access to reliable and efficient world-class facilities by researchers, the Administration should establish strategic partnerships with other Federal agencies, State agencies, FAA-licensed spaceports, institutions of higher education, and industry, as appropriate; and

(4) decisions on whether to dispose of, maintain, or modernize existing facilities must be made in the context of meeting Administration and other needs, including those required to meet the activities supporting the human exploration roadmap under section 432 of this Act, considering other national laboratory needs as the Administrator deems appropriate.

(b) POLICY.—It is the policy of the United States that the Administration maintain reliable and efficient facilities and infrastructure and that decisions on whether to dispose of, maintain, or modernize existing facilities or infrastructure be made in the context of meeting future Administration needs.

(c) PLAN.—

(1) IN GENERAL.—The Administrator shall develop a facilities and infrastructure plan.

(2) GOAL.—The goal of the plan is to position the Administration to have the facilities and infrastructure, including laboratories, tools, and approaches, necessary to meet future Administration and other Federal agencies' laboratory needs.

(3) CONTENTS.—The plan shall identify—

(A) current Administration and other Federal agency laboratory needs;

(B) future Administration research and development and testing needs;

Strategy.

(C) a strategy for identifying facilities and infrastructure that are candidates for disposal, that is consistent with the national strategic direction set forth in—

(i) the National Space Policy;

(ii) the National Aeronautics Research, Development, Test, and Evaluation Infrastructure Plan;

(iii) the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2895), National Aeronautics and Space Administration Authorization Act of 2008 (Public Law 110–422; 122 Stat. 4779), and National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18301 et seq.); and

(iv) the human exploration roadmap under section 432 of this Act;

Strategy.

(D) a strategy for the maintenance, repair, upgrading, and modernization of Administration facilities and infrastructure, including laboratories and equipment;

Criteria.

(E) criteria for—

(i) prioritizing deferred maintenance tasks;

(ii) maintaining, repairing, upgrading, or modernizing Administration facilities and infrastructure; and

(iii) implementing processes, plans, and policies for guiding the Administration's Centers on whether to maintain, repair, upgrade, or modernize a facility or infrastructure and for determining the type of instrument to be used;

Assessment.

(F) an assessment of modifications needed to maximize usage of facilities that offer unique and highly specialized benefits to the aerospace industry and the American public; and

Timeline.
Estimate.

(G) implementation steps, including a timeline, milestones, and an estimate of resources required for carrying out the plan.

(d) REQUIREMENT TO ESTABLISH POLICY.—

Deadline.
Public information.

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish and make publicly available a policy that guides the Administration's use of existing authorities to out-grant, lease, excess to the General Services Administration, sell, decommission,

demolish, or otherwise transfer property, facilities, or infrastructure.

(2) CRITERIA.—The policy shall include criteria for the use of authorities, best practices, standardized procedures, and guidelines for how to appropriately manage property, facilities, and infrastructure.

(e) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress the plan developed under subsection (c). Deadline.

SEC. 838. HUMAN SPACE FLIGHT ACCIDENT INVESTIGATIONS.

Section 70702 of title 51, United States Code, is amended—

(1) by amending subsection (a)(3) to read as follows:

"(3) any other orbital or suborbital space vehicle carrying humans that is—

"(A) owned by the Federal Government; or

"(B) being used pursuant to a contract or Space Act Agreement with the Federal Government for carrying a government astronaut or a researcher funded by the Federal Government; or"; and

(2) by adding at the end the following:

"(c) DEFINITIONS.—In this section:

"(1) GOVERNMENT ASTRONAUT.—The term 'government astronaut' has the meaning given the term in section 50902.

"(2) SPACE ACT AGREEMENT.—The term 'Space Act Agreement' means an agreement entered into by the Administration pursuant to its other transactions authority under section 20113(e).".

SEC. 839. ORBITAL DEBRIS.

(a) FINDINGS.—Congress finds that—

(1) orbital debris poses serious risks to the operational space capabilities of the United States;

(2) an international commitment and integrated strategic plan are needed to mitigate the growth of orbital debris wherever possible; and

(3) the delay in the Office of Science and Technology Policy's submission of a report on the status of international coordination and development of orbital debris mitigation strategies is inconsistent with such risks.

(b) REPORTS.—

(1) COORDINATION.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the status of efforts to coordinate with foreign countries within the Inter-Agency Space Debris Coordination Committee to mitigate the effects and growth of orbital debris under section 1202(b)(1) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18441(b)(1)).

(2) MITIGATION STRATEGY.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall submit to the appropriate committees of Congress a report on the status of the orbital debris mitigation strategy required under section 1202(b)(2) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18441(b)(2)).

SEC. 840. REVIEW OF ORBITAL DEBRIS REMOVAL CONCEPTS.

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

(1) orbital debris in low-Earth orbit poses significant risks to spacecraft;

(2) such orbital debris may increase due to collisions between existing debris objects; and

(3) understanding options to address and remove orbital debris is important for ensuring safe and effective spacecraft operations in low-Earth orbit.

(b) REVIEW.—

Deadline.

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Administrator—

(A) in collaboration with the heads of other relevant Federal agencies, shall solicit and review concepts and options for removing orbital debris from low-Earth orbit; and

Reports. Recommendations.

(B) shall submit to the appropriate committees of Congress a report on the solicitation and review under subparagraph (A), including recommendations on the best options for decreasing the risks associated with orbital debris.

(2) REQUIREMENTS.—The solicitation and review under paragraph (1) shall address the requirements for and feasibility of developing and implementing each of the options.

51 USC 20113 note.

SEC. 841. SPACE ACT AGREEMENTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, when used appropriately, Space Act Agreements can provide significant value in furtherance of NASA's mission.

(b) FUNDED SPACE ACT AGREEMENTS.—To the extent appropriate, the Administrator shall seek to maximize the value of contributions provided by other parties under a funded Space Act Agreement in order to advance NASA's mission.

(c) NON-EXCLUSIVITY.—

(1) IN GENERAL.—The Administrator shall, to the greatest extent practicable, issue each Space Act Agreement—

(A) except as provided in paragraph (2), on a nonexclusive basis;

(B) in a manner that ensures all non-government parties have equal access to NASA resources; and

(C) exercising reasonable care not to reveal unique or proprietary information.

Determination.

(2) EXCLUSIVITY.—If the Administrator determines an exclusive arrangement is necessary, the Administrator shall, to the greatest extent practicable, issue the Space Act Agreement—

(A) utilizing a competitive selection process when exclusive arrangements are necessary; and

(B) pursuant to public announcements when exclusive arrangements are necessary.

Public information. Web posting. Estimate. Deadline.

(d) TRANSPARENCY.—The Administrator shall publicly disclose on the Administration's website and make available in a searchable format each Space Act Agreement, including an estimate of committed NASA resources and the expected benefits to agency objectives for each agreement, with appropriate redactions for proprietary, sensitive, or classified information, not later than 60 days after such agreement is signed by the parties.

(e) ANNUAL REPORTS.—

(1) REQUIREMENT.—Not later than 90 days after the end of each fiscal year, the Administrator shall submit to the appropriate committees of Congress a report on the use of Space Act Agreement authority by the Administration during the previous fiscal year.

(2) CONTENTS.—The report shall include for each Space Act Agreement in effect at the time of the report—

(A) an indication of whether the agreement is a reimbursable, non-reimbursable, or funded Space Act Agreement;

(B) a description of—

(i) the subject and terms;

(ii) the parties;

(iii) the responsible—

(I) Mission Directorate;

(II) Center; or

(III) headquarters element;

(iv) the value;

(v) the extent of the cost sharing among Federal Government and non-Federal sources;

(vi) the time period or schedule; and

(vii) all milestones; and

(C) an indication of whether the agreement was renewed during the previous fiscal year.

(3) ANTICIPATED AGREEMENTS.—The report shall include a list of all anticipated reimbursable, non-reimbursable, and funded Space Act Agreements for the upcoming fiscal year. Lists.

(4) CUMULATIVE PROGRAM BENEFITS.—The report shall include, with respect to each Space Act Agreement covered by the report, a summary of—

(A) the technology areas in which research projects were conducted under that agreement;

(B) the extent to which the use of that agreement—

(i) has contributed to a broadening of the technology and industrial base available for meeting Administration needs; and

(ii) has fostered within the technology and industrial base new relationships and practices that support the United States; and

(C) the total amount of value received by the Federal Government during the fiscal year under that agreement.

Approved March 21, 2017.

LEGISLATIVE HISTORY—S. 442:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Feb. 17, considered and passed Senate.
Mar. 7, considered and passed House.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2017):
Mar. 21, Presidential remarks.

Public Law 115–11
115th Congress

Joint Resolution

Disapproving the rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation.

Mar. 27, 2017
[H.J. Res. 37]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation (published at 81 Fed. Reg. 58562 (August 25, 2016)), and such rule shall have no force or effect.

Approved March 27, 2017.

LEGISLATIVE HISTORY—H.J. Res. 37:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Feb. 2, considered and passed House.
Mar. 2, 6, considered and passed Senate.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2017):
Mar. 27, Presidential remarks.

Public Law 115–12
115th Congress

Joint Resolution

Mar. 27, 2017
[H.J. Res. 44]

Disapproving the rule submitted by the Department of the Interior relating to Bureau of Land Management regulations that establish the procedures used to prepare, revise, or amend land use plans pursuant to the Federal Land Policy and Management Act of 1976.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Bureau of Land Management of the Department of the Interior relating to "Resource Management Planning" (published at 81 Fed. Reg. 89580 (December 12, 2016)), and such rule shall have no force or effect.

Approved March 27, 2017.

LEGISLATIVE HISTORY—H.J. Res. 44:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Feb. 7, considered and passed House.
Mar. 6, 7, considered and passed Senate.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2017):
Mar. 27, Presidential remarks.

Public Law 115–13
115th Congress

Joint Resolution

Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965.

Mar. 27, 2017
[H.J. Res. 57]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965 (published at 81 Fed. Reg. 86076 (November 29, 2016)), and such rule shall have no force or effect.

Approved March 27, 2017.

LEGISLATIVE HISTORY—H.J. Res. 57:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Feb. 7, considered and passed House.
Mar. 8, 9, considered and passed Senate.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2017):
Mar. 27, Presidential remarks.

Public Law 115–14
115th Congress

Joint Resolution

Mar. 27, 2017
[H.J. Res. 58]

Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to teacher preparation issues.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Education relating to teacher preparation issues (published at 81 Fed. Reg. 75494 (October 31, 2016)), and such rule shall have no force or effect.

Approved March 27, 2017.

LEGISLATIVE HISTORY—H.J. Res. 58:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Feb. 7, considered and passed House.
Mar. 7, 8, considered and passed Senate.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2017):
Mar. 27, Presidential remarks.

Public Law 115–15
115th Congress

An Act

To amend title 4, United States Code, to encourage the display of the flag of the United States on National Vietnam War Veterans Day.

Mar. 28, 2017
[S. 305]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Vietnam War Veterans Recognition Act of 2017.
4 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vietnam War Veterans Recognition Act of 2017".

SEC. 2. DISPLAY OF FLAG ON NATIONAL VIETNAM WAR VETERANS DAY.

Section 6(d) of title 4, United States Code, is amended by inserting "National Vietnam War Veterans Day, March 29;" after "third Monday in February;".

Approved March 28, 2017.

LEGISLATIVE HISTORY—S. 305:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Feb. 3, considered and passed Senate.
Mar. 21, considered and passed House.

Public Law 115–16
115th Congress

An Act

Mar. 31, 2017
[H.R. 1362]

To name the Department of Veterans Affairs community-based outpatient clinic in Pago Pago, American Samoa, the Faleomavaega Eni Fa'aua'a Hunkin VA Clinic.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS COMMUNITY-BASED OUTPATIENT CLINIC, PAGO PAGO, AMERICAN SAMOA.

The Department of Veterans Affairs community-based outpatient clinic in Pago Pago, American Samoa, shall after the date of the enactment of this Act be known and designated as the "Faleomavaega Eni Fa'aua'a Hunkin VA Clinic". Any reference to such community-based outpatient clinic in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Faleomavaega Eni Fa'aua'a Hunkin VA Clinic.

Approved March 31, 2017.

LEGISLATIVE HISTORY—H.R. 1362:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Mar. 7, considered and passed House.
Mar. 15, considered and passed Senate.

Public Law 115–17
115th Congress

Joint Resolution

Disapproving the rule submitted by the Department of Labor relating to drug testing of unemployment compensation applicants.

Mar. 31, 2017
[H.J. Res. 42]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Labor relating to "Federal-State Unemployment Compensation Program; Middle Class Tax Relief and Job Creation Act of 2012 Provision on Establishing Appropriate Occupations for Drug Testing of Unemployment Compensation Applicants" (published at 81 Fed. Reg. 50298 (August 1, 2016)), and such rule shall have no force or effect.

Approved March 31, 2017.

LEGISLATIVE HISTORY—H.J. Res. 42:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Feb. 15, considered and passed House.
Mar. 13, 14, considered and passed Senate.

Public Law 115–18
115th Congress

Joint Resolution

Mar. 31, 2017
[S.J. Res. 1]
40 USC 8903 note.

Approving the location of a memorial to commemorate and honor the members of the Armed Forces who served on active duty in support of Operation Desert Storm or Operation Desert Shield.

Whereas section 8908(b)(1) of title 40, United States Code, provides that the location of a commemorative work in Area I, as depicted on the map entitled "Commemorative Areas Washington, DC and Environs", numbered 869/86501 B, and dated June 24, 2003, shall be deemed to be authorized only if a recommendation for the location is approved by law not later than 150 calendar days after the date on which Congress is notified of the recommendation;

Whereas section 3093 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (40 U.S.C. 8903 note; Public Law 113–291) authorized the National Desert Storm Memorial Association to establish a memorial on Federal land in the District of Columbia, to honor the members of the Armed Forces who served on active duty in support of Operation Desert Storm or Operation Desert Shield; and

Whereas the Secretary of the Interior has notified Congress of the determination of the Secretary of the Interior that the memorial should be located in Area I: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the location of a commemorative work to commemorate and honor the members of the Armed Forces who served on active duty in support of Operation Desert Storm or Operation Desert Shield authorized by section 3093 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (40 U.S.C. 8903 note; Public Law 113–291), within Area I, as depicted on

the map entitled "Commemorative Areas Washington, DC and Environs", numbered 869/86501 B, and dated June 24, 2003, is approved.

Approved March 31, 2017.

LEGISLATIVE HISTORY—S.J. Res. 1 (H.J. Res. 3):

CONGRESSIONAL RECORD, Vol. 163 (2017):
Mar. 8, considered and passed Senate.
Mar. 15, considered and passed House.

Public Law 115–19
115th Congress

An Act

Apr. 3, 2017
[H.R. 1228]

To provide for the appointment of members of the Board of Directors of the Office of Compliance to replace members whose terms expire during 2017, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 USC 1381 note.

SECTION 1. APPOINTMENT OF MEMBERS OF BOARD OF DIRECTORS OF OFFICE OF COMPLIANCE.

(a) APPOINTMENT OF MEMBERS.—

(1) MEMBERS REPLACING MEMBERS WHOSE TERMS EXPIRE IN MARCH 2017.—Notwithstanding the first sentence of section 301(e) of the Congressional Accountability Act of 1995 (2 U.S.C. 1381(e)), of the members of the Board of Directors of the Office of Compliance who are appointed to replace the 3 members whose terms expire in March 2017—

(A) one shall have a term of office of 3 years; and

(B) 2 shall have a term of office of 4 years,

as designated at the time of appointment by the persons specified in section 301(b) of such Act (2 U.S.C. 1381(b)).

(2) MEMBERS REPLACING MEMBERS WHOSE TERMS EXPIRE IN MAY 2017.—In accordance with the first sentence of section 301(e) of the Congressional Accountability Act of 1995 (2 U.S.C. 1381(e)), the members of the Board of Directors of the Office of Compliance who are appointed to replace the 2 members whose terms expire in May 2017 shall each have a term of office of 5 years.

(b) SERVICE OF CURRENT MEMBERS.—Notwithstanding the second sentence of section 301(e) of the Congressional Accountability Act of 1995 (2 U.S.C. 1381(e)) or section 3 of the Office of Compliance Administrative and Technical Corrections Act of 2015 (Public Law 114–6; 2 U.S.C. 1381 note)—

(1) an individual serving as a member of the Board of Directors of the Office of Compliance whose term expires in March 2017 may be reappointed to serve one additional term at the length designated under paragraph (1) of subsection (a), but may not be reappointed to any additional terms after that additional term expires; and

(2) an individual serving as a member of the Board of Directors of the Office of Compliance whose term expires in May 2017 may be reappointed to serve one additional term at the length referred to in paragraph (2) of subsection (a), but may not be reappointed to any additional terms after that additional term expires.

(c) PERMITTING MEMBERS TO SERVE UNTIL APPOINTMENT OF SUCCESSORS.—Section 301(e) of the Congressional Accountability Act of 1995 (2 U.S.C. 1381(e)) is amended by adding at the end the following new paragraph:

"(3) PERMITTING SERVICE UNTIL APPOINTMENT OF SUCCESSOR.—A member of the Board may serve after the expiration of that member's term until a successor has taken office.".

(d) AUTHORITY OF CONGRESSIONAL LEADERSHIP IN MAKING APPOINTMENTS.—Section 301(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1381(b)) is amended by striking the period at the end of the second sentence and inserting the following: ", who are authorized to take such steps as they consider appropriate to ensure the timely appointment of the members of the Board consistent with the requirements of this section.".

Approved April 3, 2017.

LEGISLATIVE HISTORY—H.R. 1228:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Mar. 15, considered and passed House.
Mar. 21, considered and passed Senate.

Public Law 115–20
115th Congress

Joint Resolution

Apr. 3, 2017
[H.J. Res. 69]

Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of the Interior relating to "Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska".

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of the Interior relating to "Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska" (81 Fed. Reg. 52247 (August 5, 2016)), and such rule shall have no force or effect.

Approved April 3, 2017.

LEGISLATIVE HISTORY—H.J. Res 69:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Feb. 16, considered and passed House.
Mar. 21, considered and passed Senate.

Public Law 115–21
115th Congress

Joint Resolution

Disapproving the rule submitted by the Department of Labor relating to "Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness".

Apr. 3, 2017
[H.J. Res. 83]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Labor relating to "Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness" (published at 81 Fed. Reg. 91792 (December 19, 2016)), and such rule shall have no force or effect.

Approved April 3, 2017.

LEGISLATIVE HISTORY—H.J. Res. 83:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Mar. 1, considered and passed House.
Mar. 22, considered and passed Senate.

Public Law 115–22
115th Congress

Joint Resolution

Apr. 3, 2017
[S.J. Res. 34]

Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Federal Communications Commission relating to "Protecting the Privacy of Customers of Broadband and Other Telecommunications Services".

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Federal Communications Commission relating to "Protecting the Privacy of Customers of Broadband and Other Telecommunications Services" (81 Fed. Reg. 87274 (December 2, 2016)), and such rule shall have no force or effect.

Approved April 3, 2017.

LEGISLATIVE HISTORY—S.J. Res. 34:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Mar. 22, 23, considered and passed Senate.
Mar. 28, considered and passed House.

Public Law 115–23
115th Congress

Joint Resolution

Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by Secretary of Health and Human Services relating to compliance with title X requirements by project recipients in selecting subrecipients.

Apr. 13, 2017
[H.J. Res. 43]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Secretary of Health and Human Services relating to compliance with title X requirements by project recipients in selecting subrecipients (81 Fed. Reg. 91852; December 19, 2016), and such rule shall have no force or effect.

Approved April 13, 2017.

LEGISLATIVE HISTORY—H.J. Res. 43:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Feb. 16, considered and passed House.
Mar. 30, considered and passed Senate.

Public Law 115–24
115th Congress

Joint Resolution

Apr. 13, 2017
[H.J. Res. 67]

Disapproving the rule submitted by the Department of Labor relating to savings arrangements established by qualified State political subdivisions for non-governmental employees.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Labor relating to "Savings Arrangements Established by Qualified State Political Subdivisions for Non-Governmental Employees" (published at 81 Fed. Reg. 92639 (December 20, 2016)), and such rule shall have no force or effect.

Approved April 13, 2017.

LEGISLATIVE HISTORY—H.J. Res. 67:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Feb. 15, considered and passed House.
Mar. 29, 30, considered and passed Senate.

Public Law 115–25
115th Congress

An Act

To improve the National Oceanic and Atmospheric Administration's weather research through a focused program of investment on affordable and attainable advances in observational, computing, and modeling capabilities to support substantial improvement in weather forecasting and prediction of high impact weather events, to expand commercial opportunities for the provision of weather data, and for other purposes.

Apr. 18, 2017
[H.R. 353]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Weather Research and Forecasting Innovation Act of 2017.
15 USC 8501 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Weather Research and Forecasting Innovation Act of 2017".

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

15 USC 8501.

SEC. 2. DEFINITIONS.

In this Act:

(1) SEASONAL.—The term "seasonal" means the time range between 3 months and 2 years.

(2) STATE.—The term "State" means a State, a territory, or possession of the United States, including a Commonwealth, or the District of Columbia.

(3) SUBSEASONAL.—The term "subseasonal" means the time range between 2 weeks and 3 months.

(4) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of Commerce for Oceans and Atmosphere.

(5) WEATHER INDUSTRY AND WEATHER ENTERPRISE.—The terms "weather industry" and "weather enterprise" are interchangeable in this Act, and include individuals and organizations from public, private, and academic sectors that contribute to the research, development, and production of weather forecast products, and primary consumers of these weather forecast products.

TITLE I—UNITED STATES WEATHER RESEARCH AND FORECASTING IMPROVEMENT

15 USC 85011.

SEC. 101. PUBLIC SAFETY PRIORITY.

In conducting research, the Under Secretary shall prioritize improving weather data, modeling, computing, forecasting, and warnings for the protection of life and property and for the enhancement of the national economy.

15 USC 85012.

SEC. 102. WEATHER RESEARCH AND FORECASTING INNOVATION.

(a) PROGRAM.—The Assistant Administrator for the Office of Oceanic and Atmospheric Research shall conduct a program to develop improved understanding of and forecast capabilities for atmospheric events and their impacts, placing priority on developing more accurate, timely, and effective warnings and forecasts of high impact weather events that endanger life and property.

(b) PROGRAM ELEMENTS.—The program described in subsection (a) shall focus on the following activities:

(1) Improving the fundamental understanding of weather consistent with section 101, including the boundary layer and other processes affecting high impact weather events.

(2) Improving the understanding of how the public receives, interprets, and responds to warnings and forecasts of high impact weather events that endanger life and property.

(3) Research and development, and transfer of knowledge, technologies, and applications to the National Weather Service and other appropriate agencies and entities, including the United States weather industry and academic partners, related to—

(A) advanced radar, radar networking technologies, and other ground-based technologies, including those emphasizing rapid, fine-scale sensing of the boundary layer and lower troposphere, and the use of innovative, dual-polarization, phased-array technologies;

(B) aerial weather observing systems;

(C) high performance computing and information technology and wireless communication networks;

(D) advanced numerical weather prediction systems and forecasting tools and techniques that improve the forecasting of timing, track, intensity, and severity of high impact weather, including through—

(i) the development of more effective mesoscale models;

(ii) more effective use of existing, and the development of new, regional and national cloud-resolving models;

(iii) enhanced global weather models; and

(iv) integrated assessment models;

(E) quantitative assessment tools for measuring the impact and value of data and observing systems, including Observing System Simulation Experiments (as described in section 107), Observing System Experiments, and Analyses of Alternatives;

(F) atmospheric chemistry and interactions essential to accurately characterizing atmospheric composition and predicting meteorological processes, including cloud microphysical, precipitation, and atmospheric electrification processes, to more effectively understand their role in severe weather; and

(G) additional sources of weather data and information, including commercial observing systems.

(4) A technology transfer initiative, carried out jointly and in coordination with the Director of the National Weather Service, and in cooperation with the United States weather industry and academic partners, to ensure continuous development and transition of the latest scientific and technological advances into operations of the National Weather Service and to establish a process to sunset outdated and expensive operational methods and tools to enable cost-effective transfer of new methods and tools into operations.

(c) EXTRAMURAL RESEARCH.—

(1) IN GENERAL.—In carrying out the program under this section, the Assistant Administrator for Oceanic and Atmospheric Research shall collaborate with and support the non-Federal weather research community, which includes

Collaboration.

institutions of higher education, private entities, and nongovernmental organizations, by making funds available through competitive grants, contracts, and cooperative agreements.

(2) SENSE OF CONGRESS.—It is the sense of Congress that not less than 30 percent of the funds for weather research and development at the Office of Oceanic and Atmospheric Research should be made available for the purpose described in paragraph (1).

(d) ANNUAL REPORT.—Each year, concurrent with the annual budget request submitted by the President to Congress under section 1105 of title 31, United States Code, for the National Oceanic and Atmospheric Administration, the Under Secretary shall submit to Congress a description of current and planned activities under this section.

15 USC 8513.

SEC. 103. TORNADO WARNING IMPROVEMENT AND EXTENSION PROGRAM.

Collaboration.

(a) IN GENERAL.—The Under Secretary, in collaboration with the United States weather industry and academic partners, shall establish a tornado warning improvement and extension program.

(b) GOAL.—The goal of such program shall be to reduce the loss of life and economic losses from tornadoes through the development and extension of accurate, effective, and timely tornado forecasts, predictions, and warnings, including the prediction of tornadoes beyond 1 hour in advance.

Deadline. Coordination.

(c) PROGRAM PLAN.—Not later than 180 days after the date of the enactment of this Act, the Assistant Administrator for Oceanic and Atmospheric Research, in coordination with the Director of the National Weather Service, shall develop a program plan that details the specific research, development, and technology transfer activities, as well as corresponding resources and timelines, necessary to achieve the program goal.

Coordination.

(d) ANNUAL BUDGET FOR PLAN SUBMITTAL.—Following completion of the plan, the Under Secretary, acting through the Assistant Administrator for Oceanic and Atmospheric Research and in coordination with the Director of the National Weather Service, shall, not less frequently than once each year, submit to Congress a proposed budget corresponding with the activities identified in the plan.

15 USC 8514.

SEC. 104. HURRICANE FORECAST IMPROVEMENT PROGRAM.

Collaboration.

(a) IN GENERAL.—The Under Secretary, in collaboration with the United States weather industry and such academic entities as the Administrator considers appropriate, shall maintain a project to improve hurricane forecasting.

(b) GOAL.—The goal of the project maintained under subsection (a) shall be to develop and extend accurate hurricane forecasts and warnings in order to reduce loss of life, injury, and damage to the economy, with a focus on—

(1) improving the prediction of rapid intensification and track of hurricanes;

(2) improving the forecast and communication of storm surges from hurricanes; and

(3) incorporating risk communication research to create more effective watch and warning products.

Deadline. Consultation.

(c) PROJECT PLAN.—Not later than 1 year after the date of the enactment of this Act, the Under Secretary, acting through the Assistant Administrator for Oceanic and Atmospheric Research

and in consultation with the Director of the National Weather Service, shall develop a plan for the project maintained under subsection (a) that details the specific research, development, and technology transfer activities, as well as corresponding resources and timelines, necessary to achieve the goal set forth in subsection (b).

SEC. 105. WEATHER RESEARCH AND DEVELOPMENT PLANNING.

Deadlines. Coordination. 15 USC 8515.

Not later than 1 year after the date of the enactment of this Act, and not less frequently than once each year thereafter, the Under Secretary, acting through the Assistant Administrator for Oceanic and Atmospheric Research and in coordination with the Director of the National Weather Service and the Assistant Administrator for Satellite and Information Services, shall issue a research and development and research to operations plan to restore and maintain United States leadership in numerical weather prediction and forecasting that—

(1) describes the forecasting skill and technology goals, objectives, and progress of the National Oceanic and Atmospheric Administration in carrying out the program conducted under section 102;

(2) identifies and prioritizes specific research and development activities, and performance metrics, weighted to meet the operational weather mission of the National Weather Service to achieve a weather-ready Nation;

(3) describes how the program will collaborate with stakeholders, including the United States weather industry and academic partners; and

(4) identifies, through consultation with the National Science Foundation, the United States weather industry, and academic partners, research necessary to enhance the integration of social science knowledge into weather forecast and warning processes, including to improve the communication of threat information necessary to enable improved severe weather planning and decisionmaking on the part of individuals and communities.

Consultation.

SEC. 106. OBSERVING SYSTEM PLANNING.

15 USC 8516.

The Under Secretary shall—

(1) develop and maintain a prioritized list of observation data requirements necessary to ensure weather forecasting capabilities to protect life and property to the maximum extent practicable;

Lists.

(2) consistent with section 107, utilize Observing System Simulation Experiments, Observing System Experiments, Analyses of Alternatives, and other appropriate assessment tools to ensure continuous systemic evaluations of the observing systems, data, and information needed to meet the requirements of paragraph (1), including options to maximize observational capabilities and their cost-effectiveness;

(3) identify current and potential future data gaps in observing capabilities related to the requirements listed under paragraph (1); and

(4) determine a range of options to address gaps identified under paragraph (3).

Assessments.
Evaluation.
15 USC 8517.

SEC. 107. OBSERVING SYSTEM SIMULATION EXPERIMENTS.

(a) IN GENERAL.—In support of the requirements of section 106, the Assistant Administrator for Oceanic and Atmospheric Research shall undertake Observing System Simulation Experiments, or such other quantitative assessments as the Assistant Administrator considers appropriate, to quantitatively assess the relative value and benefits of observing capabilities and systems. Technical and scientific Observing System Simulation Experiment evaluations—

(1) may include assessments of the impact of observing capabilities on—

(A) global weather prediction;

(B) hurricane track and intensity forecasting;

(C) tornado warning lead times and accuracy;

(D) prediction of mid-latitude severe local storm outbreaks; and

(E) prediction of storms that have the potential to cause extreme precipitation and flooding lasting from 6 hours to 1 week; and

(2) shall be conducted in cooperation with other appropriate entities within the National Oceanic and Atmospheric Administration, other Federal agencies, the United States weather industry, and academic partners to ensure the technical and scientific merit of results from Observing System Simulation Experiments or other appropriate quantitative assessment methodologies.

(b) REQUIREMENTS.—Observing System Simulation Experiments shall quantitatively—

(1) determine the potential impact of proposed space-based, suborbital, and in situ observing systems on analyses and forecasts, including potential impacts on extreme weather events across all parts of the Nation;

(2) evaluate and compare observing system design options; and

(3) assess the relative capabilities and costs of various observing systems and combinations of observing systems in providing data necessary to protect life and property.

(c) IMPLEMENTATION.—Observing System Simulation Experiments—

(1) shall be conducted prior to the acquisition of major Government-owned or Government-leased operational observing systems, including polar-orbiting and geostationary satellite systems, with a lifecycle cost of more than $500,000,000; and

(2) shall be conducted prior to the purchase of any major new commercially provided data with a lifecycle cost of more than $500,000,000.

Deadlines.

(d) PRIORITY OBSERVING SYSTEM SIMULATION EXPERIMENTS.—

(1) GLOBAL NAVIGATION SATELLITE SYSTEM RADIO OCCULTATION.—Not later than 30 days after the date of the enactment of this Act, the Assistant Administrator for Oceanic and Atmospheric Research shall complete an Observing System Simulation Experiment to assess the value of data from Global Navigation Satellite System Radio Occultation.

(2) GEOSTATIONARY HYPERSPECTRAL SOUNDER GLOBAL CONSTELLATION.—Not later than 120 days after the date of the enactment of this Act, the Assistant Administrator for Oceanic

and Atmospheric Research shall complete an Observing System Simulation Experiment to assess the value of data from a geostationary hyperspectral sounder global constellation.

(e) RESULTS.—Upon completion of all Observing System Simulation Experiments, the Assistant Administrator shall make available to the public the results an assessment of related private and public sector weather data sourcing options, including their availability, affordability, and cost-effectiveness. Such assessments shall be developed in accordance with section 50503 of title 51, United States Code. Public information.

SEC. 108. ANNUAL REPORT ON COMPUTING RESOURCES PRIORITIZATION. Coordination. Public information. 15 USC 8518.

Not later than 1 year after the date of the enactment of this Act and not less frequently than once each year thereafter, the Under Secretary, acting through the Chief Information Officer of the National Oceanic and Atmospheric Administration and in coordination with the Assistant Administrator for Oceanic and Atmospheric Research and the Director of the National Weather Service, shall produce and make publicly available a report that explains how the Under Secretary intends—

(1) to continually support upgrades to pursue the fastest, most powerful, and cost-effective high performance computing technologies in support of its weather prediction mission;

(2) to ensure a balance between the research to operations requirements to develop the next generation of regional and global models as well as highly reliable operational models;

(3) to take advantage of advanced development concepts to, as appropriate, make next generation weather prediction models available in beta-test mode to operational forecasters, the United States weather industry, and partners in academic and Government research; and

(4) to use existing computing resources to improve advanced research and operational weather prediction.

SEC. 109. UNITED STATES WEATHER RESEARCH PROGRAM.

Section 108 of the Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102–567; 15 U.S.C. 313 note) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking "; and" and inserting a semicolon;

(B) in paragraph (4), by striking the period at the end and inserting a semicolon; and

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

"(5) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives, not less frequently than once each year, a report, including— Reports.

"(A) a list of ongoing research projects; Lists.

"(B) project goals and a point of contact for each project;

"(C) the five projects related to weather observations, short-term weather, or subseasonal forecasts within Office of Oceanic and Atmospheric Research that are closest to operationalization;

"(D) for each project referred to in subparagraph (C)—

"(i) the potential benefit;

"(ii) any barrier to operationalization; and

"(iii) the plan for operationalization, including which line office will financially support the project and how much the line office intends to spend;

"(6) establish teams with staff from the Office of Oceanic and Atmospheric Research and the National Weather Service to oversee the operationalization of research products developed by the Office of Oceanic and Atmospheric Research;

"(7) develop mechanisms for research priorities of the Office of Oceanic and Atmospheric Research to be informed by the relevant line offices within the National Oceanic and Atmospheric Administration, the relevant user community, and the weather enterprise;

"(8) develop an internal mechanism to track the progress of each research project within the Office of Oceanic and Atmospheric Research and mechanisms to terminate a project that is not adequately progressing;

"(9) develop and implement a system to track whether extramural research grant goals were accomplished;

"(10) provide facilities for products developed by the Office of Oceanic and Atmospheric Research to be tested in operational simulations, such as test beds; and

"(11) encourage academic collaboration with the Office of Oceanic and Atmospheric Research and the National Weather Service by facilitating visiting scholars.";

(2) in subsection (b), in the matter preceding paragraph (1), by striking "Not later than 90 days after the date of enactment of this Act, the" and inserting "The"; and

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

"(c) SUBSEASONAL DEFINED.—In this section, the term 'subseasonal' means the time range between 2 weeks and 3 months.".

15 USC 8519.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEARS 2017 AND 2018.—For each of fiscal years 2017 and 2018, there are authorized to be appropriated to Office of Oceanic and Atmospheric Research—

(1) $111,516,000 to carry out this title, of which—

(A) $85,758,000 is authorized for weather laboratories and cooperative institutes; and

(B) $25,758,000 is authorized for weather and air chemistry research programs; and

(2) an additional amount of $20,000,000 for the joint technology transfer initiative described in section 102(b)(4).

(b) LIMITATION.—No additional funds are authorized to carry out this title and the amendments made by this title.

TITLE II—SUBSEASONAL AND SEASONAL FORECASTING INNOVATION

SEC. 201. IMPROVING SUBSEASONAL AND SEASONAL FORECASTS.

Section 1762 of the Food Security Act of 1985 (Public Law 99–198; 15 U.S.C. 313 note) is amended—

(1) in subsection (a), by striking "(a)" and inserting "(a) FINDINGS.—";

(2) in subsection (b), by striking "(b)" and inserting "(b) POLICY.—"; and

(3) by adding at the end the following:

"(c) FUNCTIONS.—The Under Secretary, acting through the Director of the National Weather Service and the heads of such other programs of the National Oceanic and Atmospheric Administration as the Under Secretary considers appropriate, shall—

"(1) collect and utilize information in order to make usable, reliable, and timely foundational forecasts of subseasonal and seasonal temperature and precipitation;

"(2) leverage existing research and models from the weather enterprise to improve the forecasts under paragraph (1);

"(3) determine and provide information on how the forecasted conditions under paragraph (1) may impact—

"(A) the number and severity of droughts, fires, tornadoes, hurricanes, floods, heat waves, coastal inundation, winter storms, high impact weather, or other relevant natural disasters;

"(B) snowpack; and

"(C) sea ice conditions; and

"(4) develop an Internet clearinghouse to provide the forecasts under paragraph (1) and the information under paragraphs (1) and (3) on both national and regional levels.

"(d) COMMUNICATION.—The Director of the National Weather Service shall provide the forecasts under paragraph (1) of subsection (c) and the information on their impacts under paragraph (3) of such subsection to the public, including public and private entities engaged in planning and preparedness, such as National Weather Service Core partners at the Federal, regional, State, tribal, and local levels of government. Public information.

"(e) COOPERATION.—The Under Secretary shall build upon existing forecasting and assessment programs and partnerships, including—

"(1) by designating research and monitoring activities related to subseasonal and seasonal forecasts as a priority in one or more solicitations of the Cooperative Institutes of the Office of Oceanic and Atmospheric Research;

"(2) by contributing to the interagency Earth System Prediction Capability; and

"(3) by consulting with the Secretary of Defense and the Secretary of Homeland Security to determine the highest priority subseasonal and seasonal forecast needs to enhance national security. Consultation.

"(f) FORECAST COMMUNICATION COORDINATORS.—

"(1) IN GENERAL.—The Under Secretary shall foster effective communication, understanding, and use of the forecasts by the intended users of the information described in subsection (d). This may include assistance to States for forecast communication coordinators to enable local interpretation and planning based on the information.

"(2) REQUIREMENTS.—For each State that requests assistance under this subsection, the Under Secretary may—

"(A) provide funds to support an individual in that State—

"(i) to serve as a liaison among the National Oceanic and Atmospheric Administration, other Federal departments and agencies, the weather enterprise, the State, and relevant interests within that State; and

"(ii) to receive the forecasts and information under subsection (c) and disseminate the forecasts and

information throughout the State, including to county and tribal governments; and

"(B) require matching funds of at least 50 percent, from the State, a university, a nongovernmental organization, a trade association, or the private sector.

"(3) LIMITATION.—Assistance to an individual State under this subsection shall not exceed $100,000 in a fiscal year.

"(g) COOPERATION FROM OTHER FEDERAL AGENCIES.—Each Federal department and agency shall cooperate as appropriate with the Under Secretary in carrying out this section.

"(h) REPORTS.—

"(1) IN GENERAL.—Not later than 18 months after the date of the enactment of the Weather Research and Forecasting Innovation Act of 2017, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report, including—

Analysis.

"(A) an analysis of the how information from the National Oceanic and Atmospheric Administration on subseasonal and seasonal forecasts, as provided under subsection (c), is utilized in public planning and preparedness;

"(B) specific plans and goals for the continued development of the subseasonal and seasonal forecasts and related products described in subsection (c); and

"(C) an identification of research, monitoring, observing, and forecasting requirements to meet the goals described in subparagraph (B).

"(2) CONSULTATION.—In developing the report under paragraph (1), the Under Secretary shall consult with relevant Federal, regional, State, tribal, and local government agencies, research institutions, and the private sector.

"(i) DEFINITIONS.—In this section:

"(1) FOUNDATIONAL FORECAST.—The term 'foundational forecast' means basic weather observation and forecast data, largely in raw form, before further processing is applied.

"(2) NATIONAL WEATHER SERVICE CORE PARTNERS.—The term 'National Weather Service core partners' means government and nongovernment entities which are directly involved in the preparation or dissemination of, or discussions involving, hazardous weather or other emergency information put out by the National Weather Service.

"(3) SEASONAL.—The term 'seasonal' means the time range between 3 months and 2 years.

"(4) STATE.—The term 'State' means a State, a territory, or possession of the United States, including a Commonwealth, or the District of Columbia.

"(5) SUBSEASONAL.—The term 'subseasonal' means the time range between 2 weeks and 3 months.

"(6) UNDER SECRETARY.—The term 'Under Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere.

"(7) WEATHER INDUSTRY AND WEATHER ENTERPRISE.—The terms 'weather industry' and 'weather enterprise' are interchangeable in this section and include individuals and organizations from public, private, and academic sectors that contribute to the research, development, and production of weather forecast products, and primary consumers of these weather forecast products.

"(j) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2017 and 2018, there are authorized out of funds appropriated to the National Weather Service, $26,500,000 to carry out the activities of this section.".

TITLE III—WEATHER SATELLITE AND DATA INNOVATION

SEC. 301. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SATELLITE AND DATA MANAGEMENT.

15 USC 8531 note.

(a) SHORT-TERM MANAGEMENT OF ENVIRONMENTAL OBSERVATIONS.—

(1) MICROSATELLITE CONSTELLATIONS.—

(A) IN GENERAL.—The Under Secretary shall complete and operationalize the Constellation Observing System for Meteorology, Ionosphere, and Climate–1 and Climate–2 (COSMIC) in effect on the day before the date of the enactment of this Act—

(i) by deploying constellations of microsatellites in both the equatorial and polar orbits;

(ii) by integrating the resulting data and research into all national operational and research weather forecast models; and

(iii) by ensuring that the resulting data of National Oceanic and Atmospheric Administration's COSMIC–1 and COSMIC–2 programs are free and open to all communities.

(B) ANNUAL REPORTS.—Not less frequently than once each year until the Under Secretary has completed and operationalized the program described in subparagraph (A) pursuant to such subparagraph, the Under Secretary shall submit to Congress a report on the status of the efforts of the Under Secretary to carry out such subparagraph.

(2) INTEGRATION OF OCEAN AND COASTAL DATA FROM THE INTEGRATED OCEAN OBSERVING SYSTEM.—In National Weather Service Regions where the Director of the National Weather Service determines that ocean and coastal data would improve forecasts, the Director, in consultation with the Assistant Administrator for Oceanic and Atmospheric Research and the Assistant Administrator of the National Ocean Service, shall—

Consultation.

(A) integrate additional coastal and ocean observations, and other data and research, from the Integrated Ocean Observing System (IOOS) into regional weather forecasts to improve weather forecasts and forecasting decision support systems; and

(B) support the development of real-time data sharing products and forecast products in collaboration with the regional associations of such system, including contributions from the private sector, academia, and research institutions to ensure timely and accurate use of ocean and coastal data in regional forecasts.

(3) EXISTING MONITORING AND OBSERVATION-CAPABILITY.—The Under Secretary shall identify degradation of existing monitoring and observation capabilities that could lead to a reduction in forecast quality.

(4) SPECIFICATIONS FOR NEW SATELLITE SYSTEMS OR DATA DETERMINED BY OPERATIONAL NEEDS.—In developing specifications for any satellite systems or data to follow the Joint Polar Satellite System, Geostationary Operational Environmental Satellites, and any other satellites, in effect on the day before the date of enactment of this Act, the Under Secretary shall ensure the specifications are determined to the extent practicable by the recommendations of the reports under subsection (b) of this section.

(b) INDEPENDENT STUDY ON FUTURE OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SATELLITE SYSTEMS AND DATA.—

(1) AGREEMENT.—

(A) IN GENERAL.—The Under Secretary shall seek to enter into an agreement with the National Academy of Sciences to perform the services covered by this subsection.

(B) TIMING.—The Under Secretary shall seek to enter into the agreement described in subparagraph (A) before September 30, 2018.

(2) STUDY.—

(A) IN GENERAL.—Under an agreement between the Under Secretary and the National Academy of Sciences under this subsection, the National Academy of Sciences shall conduct a study on matters concerning future satellite data needs.

(B) ELEMENTS.—In conducting the study under subparagraph (A), the National Academy of Sciences shall—

Recommendation.

(i) develop recommendations on how to make the data portfolio of the Administration more robust and cost-effective;

Assessment.

(ii) assess the costs and benefits of moving toward a constellation of many small satellites, standardizing satellite bus design, relying more on the purchasing of data, or acquiring data from other sources or methods;

(iii) identify the environmental observations that are essential to the performance of weather models, based on an assessment of Federal, academic, and private sector weather research, and the cost of obtaining the environmental data;

(iv) identify environmental observations that improve the quality of operational and research weather models in effect on the day before the date of enactment of this Act;

(v) identify and prioritize new environmental observations that could contribute to existing and future weather models; and

Recommendations.

(vi) develop recommendations on a portfolio of environmental observations that balances essential, quality-improving, and new data, private and nonprivate sources, and space-based and Earth-based sources.

(C) DEADLINE AND REPORT.—In carrying out the study under subparagraph (A), the National Academy of Sciences shall complete and transmit to the Under Secretary a report containing the findings of the National Academy of Sciences with respect to the study not later than 2

years after the date on which the Administrator enters into an agreement with the National Academy of Sciences under paragraph (1)(A).

(3) ALTERNATE ORGANIZATION.—

(A) IN GENERAL.—If the Under Secretary is unable within the period prescribed in subparagraph (B) of paragraph (1) to enter into an agreement described in subparagraph (A) of such paragraph with the National Academy of Sciences on terms acceptable to the Under Secretary, the Under Secretary shall seek to enter into such an agreement with another appropriate organization that—

(i) is not part of the Federal Government;

(ii) operates as a not-for-profit entity; and

(iii) has expertise and objectivity comparable to that of the National Academy of Sciences.

(B) TREATMENT.—If the Under Secretary enters into an agreement with another organization as described in subparagraph (A), any reference in this subsection to the National Academy of Sciences shall be treated as a reference to the other organization.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, out of funds appropriated to National Environmental Satellite, Data, and Information Service, to carry out this subsection $1,000,000 for the period encompassing fiscal years 2018 through 2019.

SEC. 302. COMMERCIAL WEATHER DATA. 15 USC 8532.

(a) DATA AND HOSTED SATELLITE PAYLOADS.—Notwithstanding any other provision of law, the Secretary of Commerce may enter into agreements for—

(1) the purchase of weather data through contracts with commercial providers; and Contracts.

(2) the placement of weather satellite instruments on cohosted government or private payloads.

(b) STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Under Secretary, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a strategy to enable the procurement of quality commercial weather data. The strategy shall assess the range of commercial opportunities, including public-private partnerships, for obtaining surface-based, aviation-based, and space-based weather observations. The strategy shall include the expected cost-effectiveness of these opportunities as well as provide a plan for procuring data, including an expected implementation timeline, from these nongovernmental sources, as appropriate. Deadline. Consultation. Plan.

(2) REQUIREMENTS.—The strategy shall include—

(A) an analysis of financial or other benefits to, and risks associated with, acquiring commercial weather data or services, including through multiyear acquisition approaches; Analysis.

(B) an identification of methods to address planning, programming, budgeting, and execution challenges to such approaches, including—

(i) how standards will be set to ensure that data is reliable and effective;

(ii) how data may be acquired through commercial experimental or innovative techniques and then evaluated for integration into operational use;

(iii) how to guarantee public access to all forecast-critical data to ensure that the United States weather industry and the public continue to have access to information critical to their work; and

(iv) in accordance with section 50503 of title 51, United States Code, methods to address potential termination liability or cancellation costs associated with weather data or service contracts; and

(C) an identification of any changes needed in the requirements development and approval processes of the Department of Commerce to facilitate effective and efficient implementation of such strategy.

(3) AUTHORITY FOR AGREEMENTS.—The Assistant Administrator for National Environmental Satellite, Data, and Information Service may enter into multiyear agreements necessary to carry out the strategy developed under this subsection.

Deadlines.
Publication.

(c) PILOT PROGRAM.—

(1) CRITERIA.—Not later than 30 days after the date of the enactment of this Act, the Under Secretary shall publish data and metadata standards and specifications for space-based commercial weather data, including radio occultation data, and, as soon as possible, geostationary hyperspectral sounder data.

(2) PILOT CONTRACTS.—

(A) CONTRACTS.—Not later than 90 days after the date of enactment of this Act, the Under Secretary shall, through an open competition, enter into at least one pilot contract with one or more private sector entities capable of providing data that meet the standards and specifications set by the Under Secretary for providing commercial weather data in a manner that allows the Under Secretary to calibrate and evaluate the data for its use in National Oceanic and Atmospheric Administration meteorological models.

Determination.
Criteria.

(B) ASSESSMENT OF DATA VIABILITY.—Not later than the date that is 3 years after the date on which the Under Secretary enters into a contract under subparagraph (A), the Under Secretary shall assess and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives the results of a determination of the extent to which data provided under the contract entered into under subparagraph (A) meet the criteria published under paragraph (1) and the extent to which the pilot program has demonstrated—

(i) the viability of assimilating the commercially provided data into National Oceanic and Atmospheric Administration meteorological models;

(ii) whether, and by how much, the data add value to weather forecasts; and

(iii) the accuracy, quality, timeliness, validity, reliability, usability, information technology security, and cost-effectiveness of obtaining commercial weather data from private sector providers.

(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2017 through 2020, there are authorized to be appropriated for procurement, acquisition, and construction at National Environmental Satellite, Data, and Information Service, $6,000,000 to carry out this subsection.

(d) OBTAINING FUTURE DATA.—If an assessment under subsection (c)(2)(B) demonstrates the ability of commercial weather data to meet data and metadata standards and specifications published under subsection (c)(1), the Under Secretary shall—

(1) where appropriate, cost-effective, and feasible, obtain commercial weather data from private sector providers;

(2) as early as possible in the acquisition process for any future National Oceanic and Atmospheric Administration meteorological space system, consider whether there is a suitable, cost-effective, commercial capability available or that will be available to meet any or all of the observational requirements by the planned operational date of the system;

(3) if a suitable, cost-effective, commercial capability is or will be available as described in paragraph (2), determine whether it is in the national interest to develop a governmental meteorological space system; and Determination.

(4) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report detailing any determination made under paragraphs (2) and (3). Reports.

(e) DATA SHARING PRACTICES.—The Under Secretary shall continue to meet the international meteorological agreements into which the Under Secretary has entered, including practices set forth through World Meteorological Organization Resolution 40.

SEC. 303. UNNECESSARY DUPLICATION. 15 USC 8533.

In meeting the requirements under this title, the Under Secretary shall avoid unnecessary duplication between public and private sources of data and the corresponding expenditure of funds and employment of personnel.

TITLE IV—FEDERAL WEATHER COORDINATION

SEC. 401. ENVIRONMENTAL INFORMATION SERVICES WORKING GROUP. 15 USC 8541.

(a) ESTABLISHMENT.—The National Oceanic and Atmospheric Administration Science Advisory Board shall continue to maintain a standing working group named the Environmental Information Services Working Group (in this section referred to as the "Working Group")—

(1) to provide advice for prioritizing weather research initiatives at the National Oceanic and Atmospheric Administration to produce real improvement in weather forecasting;

(2) to provide advice on existing or emerging technologies or techniques that can be found in private industry or the research community that could be incorporated into forecasting at the National Weather Service to improve forecasting skill;

(3) to identify opportunities to improve—

(A) communications between weather forecasters, Federal, State, local, tribal, and other emergency management personnel, and the public; and

(B) communications and partnerships among the National Oceanic and Atmospheric Administration and the private and academic sectors; and

(4) to address such other matters as the Science Advisory Board requests of the Working Group.

(b) COMPOSITION.—

(1) IN GENERAL.—The Working Group shall be composed of leading experts and innovators from all relevant fields of science and engineering including atmospheric chemistry, atmospheric physics, meteorology, hydrology, social science, risk communications, electrical engineering, and computer sciences. In carrying out this section, the Working Group may organize into subpanels.

(2) NUMBER.—The Working Group shall be composed of no fewer than 15 members. Nominees for the Working Group may be forwarded by the Working Group for approval by the Science Advisory Board. Members of the Working Group may choose a chair (or co-chairs) from among their number with approval by the Science Advisory Board.

(c) ANNUAL REPORT.—Not less frequently than once each year, the Working Group shall transmit to the Science Advisory Board for submission to the Under Secretary a report on progress made by National Oceanic and Atmospheric Administration in adopting the Working Group's recommendations. The Science Advisory Board shall transmit this report to the Under Secretary. Within 30 days of receipt of such report, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a copy of such report.

15 USC 8542.

SEC. 402. INTERAGENCY WEATHER RESEARCH AND FORECAST INNOVATION COORDINATION.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish an Interagency Committee for Advancing Weather Services to improve coordination of relevant weather research and forecast innovation activities across the Federal Government. The Interagency Committee shall—

President. Determination.

(1) include participation by the National Aeronautics and Space Administration, the Federal Aviation Administration, National Oceanic and Atmospheric Administration and its constituent elements, the National Science Foundation, and such other agencies involved in weather forecasting research as the President determines are appropriate;

(2) identify and prioritize top forecast needs and coordinate those needs against budget requests and program initiatives across participating offices and agencies; and

(3) share information regarding operational needs and forecasting improvements across relevant agencies.

(b) CO-CHAIR.—The Federal Coordinator for Meteorology shall serve as a co-chair of this panel.

(c) FURTHER COORDINATION.—The Director of the Office of Science and Technology Policy shall take such other steps as are necessary to coordinate the activities of the Federal Government

with those of the United States weather industry, State governments, emergency managers, and academic researchers.

SEC. 403. OFFICE OF OCEANIC AND ATMOSPHERIC RESEARCH AND NATIONAL WEATHER SERVICE EXCHANGE PROGRAM. 15 USC 8543.

(a) IN GENERAL.—The Assistant Administrator for Oceanic and Atmospheric Research and the Director of National Weather Service may establish a program to detail Office of Oceanic and Atmospheric Research personnel to the National Weather Service and National Weather Service personnel to the Office of Oceanic and Atmospheric Research.

(b) GOAL.—The goal of this program is to enhance forecasting innovation through regular, direct interaction between the Office of Oceanic and Atmospheric Research's world-class scientists and the National Weather Service's operational staff.

(c) ELEMENTS.—The program shall allow up to 10 Office of Oceanic and Atmospheric Research staff and National Weather Service staff to spend up to 1 year on detail. Candidates shall be jointly selected by the Assistant Administrator for Oceanic and Atmospheric Research and the Director of the National Weather Service.

(d) ANNUAL REPORT.—Not less frequently than once each year, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on participation in such program and shall highlight any innovations that come from this interaction.

SEC. 404. VISITING FELLOWS AT NATIONAL WEATHER SERVICE. 15 USC 8544.

(a) IN GENERAL.—The Director of the National Weather Service may establish a program to host postdoctoral fellows and academic researchers at any of the National Centers for Environmental Prediction.

(b) GOAL.—This program shall be designed to provide direct interaction between forecasters and talented academic and private sector researchers in an effort to bring innovation to forecasting tools and techniques to the National Weather Service.

(c) SELECTION AND APPOINTMENT.—Such fellows shall be competitively selected and appointed for a term not to exceed 1 year.

SEC. 405. WARNING COORDINATION METEOROLOGISTS AT WEATHER FORECAST OFFICES OF NATIONAL WEATHER SERVICE. 15 USC 8545.

(a) DESIGNATION OF WARNING COORDINATION METEOROLOGISTS.—

(1) IN GENERAL.—The Director of the National Weather Service shall designate at least one warning coordination meteorologist at each weather forecast office of the National Weather Service.

(2) NO ADDITIONAL EMPLOYEES AUTHORIZED.—Nothing in this section shall be construed to authorize or require a change in the authorized number of full time equivalent employees in the National Weather Service or otherwise result in the employment of any additional employees.

(3) PERFORMANCE BY OTHER EMPLOYEES.—Performance of the responsibilities outlined in this section is not limited to the warning coordination meteorologist position.

(b) PRIMARY ROLE OF WARNING COORDINATION METEOROLOGISTS.—The primary role of the warning coordination meteorologist shall be to carry out the responsibilities required by this section.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—Subject to paragraph (2), consistent with the analysis described in section 409, and in order to increase impact-based decision support services, each warning coordination meteorologist designated under subsection (a) shall—

(A) be responsible for providing service to the geographic area of responsibility covered by the weather forecast office at which the warning coordination meteorologist is employed to help ensure that users of products of the National Weather Service can respond effectively to improve outcomes from weather events;

(B) liaise with users of products and services of the National Weather Service, such as the public, media outlets, users in the aviation, marine, and agricultural communities, and forestry, land, and water management interests, to evaluate the adequacy and usefulness of the products and services of the National Weather Service;

Collaboration.

(C) collaborate with such weather forecast offices and State, local, and tribal government agencies as the Director considers appropriate in developing, proposing, and implementing plans to develop, modify, or tailor products and services of the National Weather Service to improve the usefulness of such products and services;

(D) ensure the maintenance and accuracy of severe weather call lists, appropriate office severe weather policy or procedures, and other severe weather or dissemination methodologies or strategies; and

(E) work closely with State, local, and tribal emergency management agencies, and other agencies related to disaster management, to ensure a planned, coordinated, and effective preparedness and response effort.

(2) OTHER STAFF.—The Director may assign a responsibility set forth in paragraph (1) to such other staff as the Director considers appropriate to carry out such responsibility.

(d) ADDITIONAL RESPONSIBILITIES.—

(1) IN GENERAL.—Subject to paragraph (2), a warning coordination meteorologist designated under subsection (a) may—

(A) work with a State agency to develop plans for promoting more effective use of products and services of the National Weather Service throughout the State;

(B) identify priority community preparedness objectives;

(C) develop plans to meet the objectives identified under paragraph (2); and

(D) conduct severe weather event preparedness planning and citizen education efforts with and through various State, local, and tribal government agencies and other disaster management-related organizations.

(2) OTHER STAFF.—The Director may assign a responsibility set forth in paragraph (1) to such other staff as the Director considers appropriate to carry out such responsibility.

(e) PLACEMENT WITH STATE AND LOCAL EMERGENCY MANAGERS.—

(1) IN GENERAL.—In carrying out this section, the Director of the National Weather Service may place a warning coordination meteorologist designated under subsection (a) with a State or local emergency manager if the Director considers doing so is necessary or convenient to carry out this section.

(2) TREATMENT.—If the Director determines that the placement of a warning coordination meteorologist placed with a State or local emergency manager under paragraph (1) is near a weather forecast office of the National Weather Service, such placement shall be treated as designation of the warning coordination meteorologist at such weather forecast office for purposes of subsection (a). Determination.

SEC. 406. IMPROVING NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMUNICATION OF HAZARDOUS WEATHER AND WATER EVENTS.

(a) PURPOSE OF SYSTEM.—For purposes of the assessment required by subsection (b)(1)(A), the purpose of National Oceanic and Atmospheric Administration system for issuing watches and warnings regarding hazardous weather and water events shall be risk communication to the general public that informs action to prevent loss of life and property.

(b) ASSESSMENT OF SYSTEM.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Under Secretary shall— Deadline.

(A) assess the National Oceanic and Atmospheric Administration system for issuing watches and warnings regarding hazardous weather and water events; and

(B) submit to Congress a report on the findings of the Under Secretary with respect to the assessment conducted under subparagraph (A). Reports.

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

(A) An evaluation of whether the National Oceanic and Atmospheric Administration system for issuing watches and warnings regarding hazardous weather and water events meets the purpose described in subsection (a). Evaluation.

(B) Development of recommendations for— Recommendations.

(i) legislative and administrative action to improve the system described in paragraph (1)(A); and

(ii) such research as the Under Secretary considers necessary to address the focus areas described in paragraph (3).

(3) FOCUS AREAS.—The assessment required by paragraph (1)(A) shall focus on the following:

(A) Ways to communicate the risks posed by hazardous weather or water events to the public that are most likely to result in action to mitigate the risk.

(B) Ways to communicate the risks posed by hazardous weather or water events to the public as broadly and rapidly as practicable.

(C) Ways to preserve the benefits of the existing watches and warnings system.

(D) Ways to maintain the utility of the watches and warnings system for Government and commercial users of the system.

(4) CONSULTATION.—In conducting the assessment required by paragraph (1)(A), the Under Secretary shall—

(A) consult with such line offices within the National Oceanic and Atmospheric Administration as the Under Secretary considers relevant, including the National Ocean Service, the National Weather Service, and the Office of Oceanic and Atmospheric Research;

(B) consult with individuals in the academic sector, including individuals in the field of social and behavioral sciences, and other weather services;

(C) consult with media outlets that will be distributing the watches and warnings;

(D) consult with non-Federal forecasters that produce alternate severe weather risk communication products;

(E) consult with emergency planners and responders, including State and local emergency management agencies, and other government users of the watches and warnings system, including the Federal Emergency Management Agency, the Office of Personnel Management, the Coast Guard, and such other Federal agencies as the Under Secretary determines rely on watches and warnings for operational decisions; and

(F) make use of the services of the National Academy of Sciences, as the Under Secretary considers necessary and practicable, including contracting with the National Research Council to review the scientific and technical soundness of the assessment required by paragraph (1)(A), including the recommendations developed under paragraph (2)(B).

(5) METHODOLOGIES.—In conducting the assessment required by paragraph (1)(A), the Under Secretary shall use such methodologies as the Under Secretary considers are generally accepted by the weather enterprise, including social and behavioral sciences.

(c) IMPROVEMENTS TO SYSTEM.—

Recommendations.

(1) IN GENERAL.—The Under Secretary shall, based on the assessment required by subsection (b)(1)(A), make such recommendations to Congress to improve the system as the Under Secretary considers necessary—

(A) to improve the system for issuing watches and warnings regarding hazardous weather and water events; and

(B) to support efforts to satisfy research needs to enable future improvements to such system.

(2) REQUIREMENTS REGARDING RECOMMENDATIONS.—In carrying out paragraph (1)(A), the Under Secretary shall ensure that any recommendation that the Under Secretary considers a major change—

(A) is validated by social and behavioral science using a generalizable sample;

(B) accounts for the needs of various demographics, vulnerable populations, and geographic regions;

(C) accounts for the differences between types of weather and water hazards;

(D) responds to the needs of Federal, State, and local government partners and media partners; and

(E) accounts for necessary changes to Federally operated watch and warning propagation and dissemination infrastructure and protocols.

(d) WATCHES AND WARNINGS DEFINED.—

(1) IN GENERAL.—Except as provided in paragraph (2), in this section, the terms "watch" and "warning", with respect to a hazardous weather and water event, mean products issued by the Administration, intended for consumption by the general public, to alert the general public to the potential for or presence of the event and to inform action to prevent loss of life and property.

(2) EXCEPTION.—ln this section, the terms "watch" and "warning" do not include technical or specialized meteorological and hydrological forecasts, outlooks, or model guidance products.

SEC. 407. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION WEATHER READY ALL HAZARDS AWARD PROGRAM.

15 USC 8546.

(a) PROGRAM.—The Director of the National Weather Service is authorized to establish the National Oceanic and Atmospheric Administration Weather Ready All Hazards Award Program. This award program shall provide annual awards to honor individuals or organizations that use or provide National Oceanic and Atmospheric Administration Weather Radio All Hazards receivers or transmitters to save lives and protect property. Individuals or organizations that utilize other early warning tools or applications also qualify for this award.

(b) GOAL.—This award program draws attention to the life-saving work of the National Oceanic and Atmospheric Administration Weather Ready All Hazards Program, as well as emerging tools and applications, that provide real-time warning to individuals and communities of severe weather or other hazardous conditions.

(c) PROGRAM ELEMENTS.—

(1) NOMINATIONS.—Nominations for this award shall be made annually by the Weather Field Offices to the Director of the National Weather Service. Broadcast meteorologists, weather radio manufacturers and weather warning tool and application developers, emergency managers, and public safety officials may nominate individuals or organizations to their local Weather Field Offices, but the final list of award nominees must come from the Weather Field Offices.

(2) SELECTION OF AWARDEES.—Annually, the Director of the National Weather Service shall choose winners of this award whose timely actions, based on National Oceanic and Atmospheric Administration Weather Radio All Hazards receivers or transmitters or other early warning tools and applications, saved lives or property, or demonstrated public service in support of weather or all hazard warnings.

(3) AWARD CEREMONY.—The Director of the National Weather Service shall establish a means of making these awards to provide maximum public awareness of the importance of National Oceanic and Atmospheric Administration Weather Radio, and such other warning tools and applications as are represented in the awards.

Deadline.
Reports.

SEC. 408. DEPARTMENT OF DEFENSE WEATHER FORECASTING ACTIVITIES.

Not later than 60 days after the date of the enactment of this Act, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report analyzing the impacts of the proposed Air Force divestiture in the United States Weather Research and Forecasting Model, including—

(1) the impact on—

(A) the United States weather forecasting capabilities;

(B) the accuracy of civilian regional forecasts;

(C) the civilian readiness for traditional weather and extreme weather events in the United States; and

(D) the research necessary to develop the United States Weather Research and Forecasting Model; and

(2) such other analysis relating to the divestiture as the Under Secretary considers appropriate.

Contracts.
Analysis.

SEC. 409. NATIONAL WEATHER SERVICE; OPERATIONS AND WORKFORCE ANALYSIS.

The Under Secretary shall contract or continue to partner with an external organization to conduct a baseline analysis of National Weather Service operations and workforce.

15 USC 8547.

SEC. 410. REPORT ON CONTRACT POSITIONS AT NATIONAL WEATHER SERVICE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall submit to Congress a report on the use of contractors at the National Weather Service for the most recently completed fiscal year.

(b) CONTENTS.—The report required by subsection (a) shall include, with respect to the most recently completed fiscal year, the following:

(1) The total number of full-time equivalent employees at the National Weather Service, disaggregated by each equivalent level of the General Schedule.

(2) The total number of full-time equivalent contractors at the National Weather Service, disaggregated by each equivalent level of the General Schedule that most closely approximates their duties.

(3) The total number of vacant positions at the National Weather Service on the day before the date of enactment of this Act, disaggregated by each equivalent level of the General Schedule.

(4) The five most common positions filled by full-time equivalent contractors at the National Weather Service and the equivalent level of the General Schedule that most closely approximates the duties of such positions.

(5) Of the positions identified under paragraph (4), the percentage of full-time equivalent contractors in those positions that have held a prior position at the National Weather Service or another entity in National Oceanic and Atmospheric Administration.

(6) The average full-time equivalent salary for Federal employees at the National Weather Service for each equivalent level of the General Schedule.

(7) The average salary for full-time equivalent contractors performing at each equivalent level of the General Schedule at the National Weather Service.

(8) A description of any actions taken by the Under Secretary to respond to the issues raised by the Inspector General of the Department of Commerce regarding the hiring of former National Oceanic and Atmospheric Administration employees as contractors at the National Weather Service such as the issues raised in the Investigative Report dated June 2, 2015 (OIG–12–0447).

(c) ANNUAL PUBLICATION.—For each fiscal year after the fiscal year covered by the report required by subsection (a), the Under Secretary shall, not later than 180 days after the completion of the fiscal year, publish on a publicly accessible Internet website the information described in paragraphs (1) through (8) of subsection (b) for such fiscal year. Deadline. Web posting.

SEC. 411. WEATHER IMPACTS TO COMMUNITIES AND INFRASTRUCTURE.

(a) REVIEW.—

(1) IN GENERAL.—The Director of the National Weather Service shall review existing research, products, and services that meet the specific needs of the urban environment, given its unique physical characteristics and forecasting challenges.

(2) ELEMENTS.—The review required by paragraph (1) shall include research, products, and services with the potential to improve modeling and forecasting capabilities, taking into account factors including varying building heights, impermeable surfaces, lack of tree canopy, traffic, pollution, and inter-building wind effects.

(b) REPORT AND ASSESSMENT.—Upon completion of the review required by subsection (a), the Under Secretary shall submit to Congress a report on the research, products, and services of the National Weather Service, including an assessment of such research, products, and services that is based on the review, public comment, and recent publications by the National Academy of Sciences.

SEC. 412. WEATHER ENTERPRISE OUTREACH. 15 USC 8548.

(a) IN GENERAL.—The Under Secretary may establish mechanisms for outreach to the weather enterprise—

(1) to assess the weather forecasts and forecast products provided by the National Oceanic and Atmospheric Administration; and Assessment.

(2) to determine the highest priority weather forecast needs of the community described in subsection (b). Determination.

(b) OUTREACH COMMUNITY.—In conducting outreach under subsection (a), the Under Secretary shall contact leading experts and innovators from relevant stakeholders, including the representatives from the following: Contracts.

(1) State or local emergency management agencies.

(2) State agriculture agencies.

(3) Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) and Native Hawaiians (as defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517)).

(4) The private aerospace industry.

(5) The private earth observing industry.
(6) The operational forecasting community.
(7) The academic community.
(8) Professional societies that focus on meteorology.
(9) Such other stakeholder groups as the Under Secretary considers appropriate.

15 USC 8549.

SEC. 413. HURRICANE HUNTER AIRCRAFT.

(a) BACKUP CAPABILITY.—The Under Secretary shall acquire backup for the capabilities of the WP–3D Orion and G–IV hurricane aircraft of the National Oceanic and Atmospheric Administration that is sufficient to prevent a single point of failure.

(b) AUTHORITY TO ENTER AGREEMENTS.—In order to carry out subsection (a), the Under Secretary shall negotiate and enter into 1 or more agreements or contracts, to the extent practicable and necessary, with governmental and non-governmental entities.

(c) FUTURE TECHNOLOGY.—The Under Secretary shall continue the development of Airborne Phased Array Radar under the United States Weather Research Program.

(d) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2017 through 2020, support for implementing subsections (a) and (b) is authorized out of funds appropriated to the Office of Marine and Aviation Operations.

SEC. 414. STUDY ON GAPS IN NEXRAD COVERAGE AND RECOMMENDATIONS TO ADDRESS SUCH GAPS.

(a) STUDY ON GAPS IN NEXRAD COVERAGE.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce shall complete a study on gaps in the coverage of the Next Generation Weather Radar of the National Weather Service ("NEXRAD").

(2) ELEMENTS.—In conducting the study required under paragraph (1), the Secretary shall—

(A) identify areas in the United States where limited or no NEXRAD coverage has resulted in—

(i) instances in which no or insufficient warnings were given for hazardous weather events, including tornadoes; or

(ii) degraded forecasts for hazardous weather events that resulted in fatalities, significant injuries, or substantial property damage; and

(B) for the areas identified under subparagraph (A)—

(i) identify the key weather effects for which prediction would improve with improved radar detection;

(ii) identify additional sources of observations for high impact weather that were available and operational for such areas on the day before the date of the enactment of this Act, including dense networks of x-band radars, Terminal Doppler Weather Radar (commonly known as "TDWR"), air surveillance radars of the Federal Aviation Administration, and cooperative network observers;

Assessment.

(iii) assess the feasibility and advisability of efforts to integrate and upgrade Federal radar capabilities that are not owned or controlled by the National Oceanic and Atmospheric Administration, including radar capabilities of the Federal Aviation Administration and the Department of Defense;

(iv) assess the feasibility and advisability of incorporating State-operated and other non-Federal radars into the operations of the National Weather Service;

(v) identify options to improve hazardous weather detection and forecasting coverage; and

(vi) provide the estimated cost of, and timeline for, each of the options identified under clause (v).

(3) REPORT.—Upon the completion of the study required under paragraph (1), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that includes the findings of the Secretary with respect to the study.

(b) RECOMMENDATIONS TO IMPROVE RADAR COVERAGE.—Not later than 90 days after the completion of the study under subsection (a)(1), the Secretary of Commerce shall submit to the congressional committees referred to in subsection (a)(3) recommendations for improving hazardous weather detection and forecasting coverage in the areas identified under subsection (a)(2)(A) by integrating additional observation solutions to the extent practicable and meteorologically justified and necessary to protect public safety. Deadline.

(c) THIRD-PARTY CONSULTATION REGARDING RECOMMENDATIONS TO IMPROVE RADAR COVERAGE.—The Secretary of Commerce may seek reviews by, or consult with, appropriate third parties regarding the scientific methodology relating to, and the feasibility and advisability of implementing, the recommendations submitted under subsection (b), including the extent to which warning and forecast services of the National Weather Service would be improved by additional observations.

TITLE V—TSUNAMI WARNING, EDUCATION, AND RESEARCH ACT OF 2017

Tsunami Warning, Education, and Research Act of 2017. 33 USC 3201 note.

SEC. 501. SHORT TITLE.

This title may be cited as the "Tsunami Warning, Education, and Research Act of 2017".

SEC. 502. REFERENCES TO THE TSUNAMI WARNING AND EDUCATION ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Tsunami Warning and Education Act enacted as title VIII of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109–479; 33 U.S.C. 3201 et seq.).

SEC. 503. EXPANSION OF PURPOSES OF TSUNAMI WARNING AND EDUCATION ACT.

Section 803 (33 U.S.C. 3202) is amended—

(1) in paragraph (1), by inserting "research," after "warnings,";

(2) by amending paragraph (2) to read as follows:

"(2) to enhance and modernize the existing United States Tsunami Warning System to increase the accuracy of forecasts and warnings, to ensure full coverage of tsunami threats to the United States with a network of detection assets, and to reduce false alarms;";

(3) by amending paragraph (3) to read as follows:

"(3) to improve and develop standards and guidelines for mapping, modeling, and assessment efforts to improve tsunami detection, forecasting, warnings, notification, mitigation, resiliency, response, outreach, and recovery;";

(4) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (8), respectively;

(5) by inserting after paragraph (3) the following:

"(4) to improve research efforts related to improving tsunami detection, forecasting, warnings, notification, mitigation, resiliency, response, outreach, and recovery;";

(6) in paragraph (5), as redesignated—

(A) by striking "and increase" and inserting ", increase, and develop uniform standards and guidelines for"; and

(B) by inserting ", including the warning signs of locally generated tsunami" after "approaching";

(7) in paragraph (6), as redesignated, by striking ", including the Indian Ocean; and" and inserting a semicolon; and

(8) by inserting after paragraph (6), as redesignated, the following:

"(7) to foster resilient communities in the face of tsunami and other similar coastal hazards; and".

SEC. 504. MODIFICATION OF TSUNAMI FORECASTING AND WARNING PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 804 (33 U.S.C. 3203(a)) is amended by striking "Atlantic Ocean, Caribbean Sea, and Gulf of Mexico region" and inserting "Atlantic Ocean region, including the Caribbean Sea and the Gulf of Mexico".

(b) COMPONENTS.—Subsection (b) of section 804 (33 U.S.C. 3203(b)) is amended—

(1) in paragraph (1), by striking "established" and inserting "supported or maintained";

(2) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively;

(3) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

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

"(2) to the degree practicable, maintain not less than 80 percent of the Deep-ocean Assessment and Reporting of Tsunamis buoy array at operational capacity to optimize data reliability;".

(5) by amending paragraph (5), as redesignated by paragraph (3), to read as follows:

"(5) provide tsunami forecasting capability based on models and measurements, including tsunami inundation models and maps for use in increasing the preparedness of communities and safeguarding port and harbor operations, that incorporate inputs, including—

"(A) the United States and global ocean and coastal observing system;

"(B) the global Earth observing system;

"(C) the global seismic network;

"(D) the Advanced National Seismic system;

"(E) tsunami model validation using historical and paleotsunami data;

"(F) digital elevation models and bathymetry; and

"(G) newly developing tsunami detection methodologies using satellites and airborne remote sensing;";

(6) by amending paragraph (7), as redesignated by paragraph (3), to read as follows:

"(7) include a cooperative effort among the Administration, the United States Geological Survey, and the National Science Foundation under which the Director of the United States Geological Survey and the Director of the National Science Foundation shall—

"(A) provide rapid and reliable seismic information to the Administrator from international and domestic seismic networks; and

"(B) support seismic stations installed before the date of the enactment of the Tsunami Warning, Education, and Research Act of 2017 to supplement coverage in areas of sparse instrumentation;";

(7) in paragraph (8), as redesignated by paragraph (2)—

(A) by inserting ", including graphical warning products," after "warnings";

(B) by inserting ", territories," after "States"; and

(C) by inserting "and Wireless Emergency Alerts" after "Hazards Program"; and

(8) in paragraph (9), as redesignated by paragraph (2)—

(A) by inserting "provide and" before "allow"; and

(B) by inserting "and commercial and Federal undersea communications cables" after "observing technologies".

(c) TSUNAMI WARNING SYSTEM.—Subsection (c) of section 804 (33 U.S.C. 3203(c)) is amended to read as follows:

"(c) TSUNAMI WARNING SYSTEM.—The program under this section shall operate a tsunami warning system that—

"(1) is capable of forecasting tsunami, including forecasting tsunami arrival time and inundation estimates, anywhere in the Pacific and Arctic Ocean regions and providing adequate warnings;

"(2) is capable of forecasting and providing adequate warnings, including tsunami arrival time and inundation models where applicable, in areas of the Atlantic Ocean, including the Caribbean Sea and Gulf of Mexico, that are determined—

"(A) to be geologically active, or to have significant potential for geological activity; and

"(B) to pose significant risks of tsunami for States along the coastal areas of the Atlantic Ocean, Caribbean Sea, or Gulf of Mexico; and

"(3) supports other international tsunami forecasting and warning efforts.".

(d) TSUNAMI WARNING CENTERS.—Subsection (d) of section 804 (33 U.S.C. 3203(d)) is amended to read as follows:

"(d) TSUNAMI WARNING CENTERS.—

"(1) IN GENERAL.—The Administrator shall support or maintain centers to support the tsunami warning system required by subsection (c). The Centers shall include—

"(A) the National Tsunami Warning Center, located in Alaska, which is primarily responsible for Alaska and the continental United States;

"(B) the Pacific Tsunami Warning Center, located in Hawaii, which is primarily responsible for Hawaii, the Caribbean, and other areas of the Pacific not covered by the National Center; and

"(C) any additional forecast and warning centers determined by the National Weather Service to be necessary.

"(2) RESPONSIBILITIES.—The responsibilities of the centers supported or maintained under paragraph (1) shall include the following:

"(A) Continuously monitoring data from seismological, deep ocean, coastal sea level, and tidal monitoring stations and other data sources as may be developed and deployed.

Evaluation.

"(B) Evaluating earthquakes, landslides, and volcanic eruptions that have the potential to generate tsunami.

Evaluation.

"(C) Evaluating deep ocean buoy data and tidal monitoring stations for indications of tsunami resulting from earthquakes and other sources.

"(D) To the extent practicable, utilizing a range of models, including ensemble models, to predict tsunami, including arrival times, flooding estimates, coastal and harbor currents, and duration.

"(E) Using data from the Integrated Ocean Observing System of the Administration in coordination with regional associations to calculate new inundation estimates and periodically update existing inundation estimates.

"(F) Disseminating forecasts and tsunami warning bulletins to Federal, State, tribal, and local government officials and the public.

Coordination.

"(G) Coordinating with the tsunami hazard mitigation program conducted under section 805 to ensure ongoing sharing of information between forecasters and emergency management officials.

Coordination.

"(H) In coordination with the Commandant of the Coast Guard and the Administrator of the Federal Emergency Management Agency, evaluating and recommending procedures for ports and harbors at risk of tsunami inundation, including review of readiness, response, and communication strategies, and data sharing policies, to the maximum extent practicable.

"(I) Making data gathered under this Act and post-warning analyses conducted by the National Weather Service or other relevant Administration offices available to the public.

"(J) Integrating and modernizing the program operated under this section with advances in tsunami science to improve performance without compromising service.

"(3) FAIL-SAFE WARNING CAPABILITY.—The tsunami warning centers supported or maintained under paragraph (1) shall maintain a fail-safe warning capability and perform back-up duties for each other.

"(4) COORDINATION WITH NATIONAL WEATHER SERVICE.—The Administrator shall coordinate with the forecast offices of the National Weather Service, the centers supported or maintained under paragraph (1), and such program offices of the Administration as the Administrator or the coordinating committee, as established in section 805(d), consider appropriate to ensure that regional and local forecast offices—

"(A) have the technical knowledge and capability to disseminate tsunami warnings for the communities they serve;

"(B) leverage connections with local emergency management officials for optimally disseminating tsunami warnings and forecasts; and

"(C) implement mass communication tools in effect on the day before the date of the enactment of the Tsunami Warning, Education, and Research Act of 2017 used by the National Weather Service on such date and newer mass communication technologies as they are developed as a part of the Weather-Ready Nation program of the Administration, or otherwise, for the purpose of timely and effective delivery of tsunami warnings.

"(5) UNIFORM OPERATING PROCEDURES.—The Administrator shall—

"(A) develop uniform operational procedures for the centers supported or maintained under paragraph (1), including the use of software applications, checklists, decision support tools, and tsunami warning products that have been standardized across the program supported under this section;

"(B) ensure that processes and products of the warning system operated under subsection (c)—

"(i) reflect industry best practices when practicable;

"(ii) conform to the maximum extent practicable with internationally recognized standards for information technology; and

"(iii) conform to the maximum extent practicable with other warning products and practices of the National Weather Service;

"(C) ensure that future adjustments to operational protocols, processes, and warning products—

"(i) are made consistently across the warning system operated under subsection (c); and

"(ii) are applied in a uniform manner across such warning system;

"(D) establish a systematic method for information technology product development to improve long-term technology planning efforts; and

"(E) disseminate guidelines and metrics for evaluating and improving tsunami forecast models.

"(6) AVAILABLE RESOURCES.—The Administrator, through the National Weather Service, shall ensure that resources are available to fulfill the obligations of this Act. This includes ensuring supercomputing resources are available to run, as rapidly as possible, such computer models as are needed for purposes of the tsunami warning system operated under subsection (c).".

(e) TRANSFER OF TECHNOLOGY; MAINTENANCE AND UPGRADES.—Subsection (e) of section 804 (33 U.S.C. 3203(e)) is amended to read as follows:

"(e) TRANSFER OF TECHNOLOGY; MAINTENANCE AND UPGRADES.—In carrying out this section, the Administrator shall—

Requirements.

"(1) develop requirements for the equipment used to forecast tsunami, including—

"(A) provisions for multipurpose detection platforms;

"(B) reliability and performance metrics; and

"(C) to the maximum extent practicable, requirements for the integration of equipment with other United States and global ocean and coastal observation systems, the global Earth observing system of systems, the global seismic networks, and the Advanced National Seismic System;

Plan.

"(2) develop and execute a plan for the transfer of technology from ongoing research conducted as part of the program supported or maintained under section 6 into the program under this section; and

"(3) ensure that the Administration's operational tsunami detection equipment is properly maintained.".

(f) FEDERAL COOPERATION.—Subsection (f) of section 804 (33 U.S.C. 3203(f)) is amended to read as follows:

"(f) FEDERAL COOPERATION.—When deploying and maintaining tsunami detection technologies under the program under this section, the Administrator shall—

"(1) identify which assets of other Federal agencies are necessary to support such program; and

"(2) work with each agency identified under paragraph (1)—

"(A) to acquire the agency's assistance; and

"(B) to prioritize the necessary assets in support of the tsunami forecast and warning program.".

(g) UNNECESSARY PROVISIONS.—Section 804 (33 U.S.C. 3203) is further amended—

(1) by striking subsection (g);

(2) by striking subsections (i) through (k); and

(3) by redesignating subsection (h) as subsection (g).

(h) CONGRESSIONAL NOTIFICATIONS.—Subsection (g) of section 804 (33 U.S.C. 3203(g)), as redesignated by subsection (g)(3), is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving such subparagraphs 2 ems to the right;

(2) in the matter before subparagraph (A), as redesignated by paragraph (2), by striking "The Administrator" and inserting the following:

"(1) IN GENERAL.—The Administrator";

(3) in paragraph (1), as redesignated by paragraph (3)—

(A) in subparagraph (A), as redesignated by paragraph (2), by striking "and" at the end;

(B) in subparagraph (B), as redesignated by paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(C) the occurrence of a significant tsunami warning."; and

(4) by adding at the end the following:

"(2) CONTENTS.—In a case in which notice is submitted under paragraph (1) within 30 days of a significant tsunami warning described in subparagraph (C) of such paragraph, such notice shall include, as appropriate, brief information and analysis of— Deadline.

"(A) the accuracy of the tsunami model used;

"(B) the specific deep ocean or other monitoring equipment that detected the incident, as well as the deep ocean or other monitoring equipment that did not detect the incident due to malfunction or other reasons;

"(C) the effectiveness of the warning communication, including the dissemination of warnings with State, territory, local, and tribal partners in the affected area under the jurisdiction of the National Weather Service; and

"(D) such other findings as the Administrator considers appropriate.".

SEC. 505. MODIFICATION OF NATIONAL TSUNAMI HAZARD MITIGATION PROGRAM.

(a) IN GENERAL.—Section 805(a) (33 U.S.C. 3204(a)) is amended to read as follows:

"(a) PROGRAM REQUIRED.—The Administrator, in coordination with the Administrator of the Federal Emergency Management Agency and the heads of such other agencies as the Administrator considers relevant, shall conduct a community-based tsunami hazard mitigation program to improve tsunami preparedness and resiliency of at-risk areas in the United States and the territories of the United States.". Coordination.

(b) NATIONAL TSUNAMI HAZARD MITIGATION PROGRAM.—Section 805 (33 U.S.C. 3204) is amended by striking subsections (c) and (d) and inserting the following:

"(c) PROGRAM COMPONENTS.—The Program conducted under subsection (a) shall include the following:

"(1) Technical and financial assistance to coastal States, territories, tribes, and local governments to develop and implement activities under this section.

"(2) Integration of tsunami preparedness and mitigation programs into ongoing State-based hazard warning, resilience planning, and risk management activities, including predisaster planning, emergency response, evacuation planning, disaster recovery, hazard mitigation, and community development and redevelopment planning programs in affected areas.

"(3) Coordination with other Federal preparedness and mitigation programs to leverage Federal investment, avoid duplication, and maximize effort. Coordination.

"(4) Activities to promote the adoption of tsunami resilience, preparedness, warning, and mitigation measures by Federal, State, territorial, tribal, and local governments and nongovernmental entities, including educational and risk communication programs to discourage development in high-risk areas.

"(5) Activities to support the development of regional tsunami hazard and risk assessments. Such regional risk assessments may include the following:

"(A) The sources, sizes, and other relevant historical data of tsunami in the region, including paleotsunami data.

"(B) Inundation models and maps of critical infrastructure and socioeconomic vulnerability in areas subject to tsunami inundation.

"(C) Maps of evacuation areas and evacuation routes, including, when appropriate, traffic studies that evaluate the viability of evacuation routes.

"(D) Evaluations of the size of populations that will require evacuation, including populations with special evacuation needs.

"(E) Evaluations and technical assistance for vertical evacuation structure planning for communities where models indicate limited or no ability for timely evacuation, especially in areas at risk of near shore generated tsunami.

"(F) Evaluation of at-risk ports and harbors.

"(G) Evaluation of the effect of tsunami currents on the foundations of closely-spaced, coastal high-rise structures.

"(6) Activities to promote preparedness in at-risk ports and harbors, including the following:

Evaluation.
Recommendation.
Procedures.
Review.

"(A) Evaluation and recommendation of procedures for ports and harbors in the event of a distant or near-field tsunami.

"(B) A review of readiness, response, and communication strategies to ensure coordination and data sharing with the Coast Guard.

"(7) Activities to support the development of community-based outreach and education programs to ensure community readiness and resilience, including the following:

"(A) The development, implementation, and assessment of technical training and public education programs, including education programs that address unique characteristics of distant and near-field tsunami.

"(B) The development of decision support tools.

"(C) The incorporation of social science research into community readiness and resilience efforts.

"(D) The development of evidence-based education guidelines.

"(8) Dissemination of guidelines and standards for community planning, education, and training products, programs, and tools, including—

"(A) standards for—

"(i) mapping products;

"(ii) inundation models; and

"(iii) effective emergency exercises; and

"(B) recommended guidance for at-risk port and harbor tsunami warning, evacuation, and response procedures in coordination with the Coast Guard and the Federal Emergency Management Agency.

"(d) AUTHORIZED ACTIVITIES.—In addition to activities conducted under subsection (c), the program conducted under subsection (a) may include the following:

"(1) Multidisciplinary vulnerability assessment research, education, and training to help integrate risk management and resilience objectives with community development planning and policies.

"(2) Risk management training for local officials and community organizations to enhance understanding and preparedness.

"(3) In coordination with the Federal Emergency Management Agency, interagency, Federal, State, tribal, and territorial intergovernmental tsunami response exercise planning and implementation in high risk areas. Coordination.

"(4) Development of practical applications for existing or emerging technologies, such as modeling, remote sensing, geospatial technology, engineering, and observing systems, including the integration of tsunami sensors into Federal and commercial submarine telecommunication cables if practicable.

"(5) Risk management, risk assessment, and resilience data and information services, including—

"(A) access to data and products derived from observing and detection systems; and

"(B) development and maintenance of new integrated data products to support risk management, risk assessment, and resilience programs.

"(6) Risk notification systems that coordinate with and build upon existing systems and actively engage decision-makers, State, local, tribal, and territorial governments and agencies, business communities, nongovernmental organizations, and the media.

"(e) NO PREEMPTION WITH RESPECT TO DESIGNATION OF AT-RISK AREAS.—The establishment of national standards for inundation models under this section shall not prevent States, territories, tribes, and local governments from designating additional areas as being at risk based on knowledge of local conditions.

"(f) NO NEW REGULATORY AUTHORITY.—Nothing in this Act may be construed as establishing new regulatory authority for any Federal agency.".

(c) REPORT ON ACCREDITATION OF TSUNAMIREADY PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on which authorities and activities would be needed to have the TsunamiReady program of the National Weather Service accredited by the Emergency Management Accreditation Program.

SEC. 506. MODIFICATION OF TSUNAMI RESEARCH PROGRAM.

Section 806 (33 U.S.C. 3205) is amended—

(1) in the matter before paragraph (1), by striking "The Administrator shall" and all that follows through "establish or maintain" and inserting the following:

"(a) IN GENERAL.—The Administrator shall, in consultation with such other Federal agencies, State, tribal, and territorial governments, and academic institutions as the Administrator considers appropriate, the coordinating committee under section 805(d), and the panel under section 808(a), support or maintain"; Consultation.

(2) in subsection (a), as designated by paragraph (1), by striking "and assessment for tsunami tracking and numerical forecast modeling. Such research program shall—" and inserting the following: "assessment for tsunami tracking and numerical forecast modeling, and standards development.

"(b) RESPONSIBILITIES.—The research program supported or maintained under subsection (a) shall—"; and

(3) in subsection (b), as designated by paragraph (2)—

(A) by amending paragraph (1) to read as follows:

"(1) consider other appropriate and cost effective solutions to mitigate the impact of tsunami, including the improvement of near-field and distant tsunami detection and forecasting capabilities, which may include use of a new generation of the Deep-ocean Assessment and Reporting of Tsunamis array, integration of tsunami sensors into commercial and Federal telecommunications cables, and other real-time tsunami monitoring systems and supercomputer capacity of the Administration to develop a rapid tsunami forecast for all United States coastlines;";

(B) in paragraph (3)—

(i) by striking "include" and inserting "conduct"; and

(ii) by striking "and" at the end;

(C) by redesignating paragraph (4) as paragraph (5);

(D) by inserting after paragraph (3) the following:

"(4) develop the technical basis for validation of tsunami maps, numerical tsunami models, digital elevation models, and forecasts; and"; and

(E) in paragraph (5), as redesignated by subparagraph (C), by striking "to the scientific community" and inserting "to the public and the scientific community".

SEC. 507. GLOBAL TSUNAMI WARNING AND MITIGATION NETWORK.

Section 807 (33 U.S.C. 3206) is amended—

(1) by amending subsection (a) to read as follows:

"(a) SUPPORT FOR DEVELOPMENT OF AN INTERNATIONAL TSUNAMI WARNING SYSTEM.—The Administrator shall, in coordination with the Secretary of State and in consultation with such other agencies as the Administrator considers relevant, provide technical assistance, operational support, and training to the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific, and Cultural Organization, the World Meteorological Organization of the United Nations, and such other international entities as the Administrator considers appropriate, as part of the international efforts to develop a fully functional global tsunami forecast and warning system comprised of regional tsunami warning networks.";

Coordination.

(2) in subsection (b), by striking "shall" each place it appears and inserting "may"; and

(3) in subsection (c)—

(A) in paragraph (1), by striking "establishing" and inserting "supporting"; and

(B) in paragraph (2)—

(i) by striking "establish" and inserting "support"; and

(ii) by striking "establishing" and inserting "supporting".

SEC. 508. TSUNAMI SCIENCE AND TECHNOLOGY ADVISORY PANEL.

(a) IN GENERAL.—The Act is further amended—

(1) by redesignating section 808 (33 U.S.C. 3207) as section 809; and

(2) by inserting after section 807 (33 U.S.C. 3206) the following:

"SEC. 808. TSUNAMI SCIENCE AND TECHNOLOGY ADVISORY PANEL. 33 USC 3206a.

"(a) DESIGNATION.—The Administrator shall designate an existing working group within the Science Advisory Board of the Administration to serve as the Tsunami Science and Technology Advisory Panel to provide advice to the Administrator on matters regarding tsunami science, technology, and regional preparedness.

"(b) MEMBERSHIP.—

"(1) COMPOSITION.—The Panel shall be composed of no fewer than 7 members selected by the Administrator from among individuals from academia or State agencies who have academic or practical expertise in physical sciences, social sciences, information technology, coastal resilience, emergency management, or such other disciplines as the Administrator considers appropriate.

"(2) FEDERAL EMPLOYMENT.—No member of the Panel may be a Federal employee.

"(c) RESPONSIBILITIES.—Not less frequently than once every 4 years, the Panel shall—

"(1) review the activities of the Administration, and other Federal activities as appropriate, relating to tsunami research, detection, forecasting, warning, mitigation, resiliency, and preparation; and Review.

"(2) submit to the Administrator and such others as the Administrator considers appropriate—

"(A) the findings of the working group with respect to the most recent review conducted under paragraph (1); and

"(B) such recommendations for legislative or administrative action as the working group considers appropriate to improve Federal tsunami research, detection, forecasting, warning, mitigation, resiliency, and preparation. Recommendations.

"(d) REPORTS TO CONGRESS.—Not less frequently than once every 4 years, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives a report on the findings and recommendations received by the Administrator under subsection (c)(2).". Recommendations.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109–479; 120 Stat. 3575) is amended by striking the item relating to section 808 and inserting the following:

"Sec. 808. Tsunami Science and Technology Advisory Panel.
"Sec. 809. Authorization of appropriations.".

SEC. 509. REPORTS.

(a) REPORT ON IMPLEMENTATION OF TSUNAMI WARNING AND EDUCATION ACT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration shall submit to Congress a report on the implementation of the Tsunami Warning and Education Act enacted as title VIII of the Magnuson-

Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109–479; 33 U.S.C. 3201 et seq.), as amended by this Act.

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

(A) A detailed description of the progress made in implementing sections 804(d)(6), 805(b), and 806(b)(4) of the Tsunami Warning and Education Act the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109–479; 33 U.S.C. 3201 et seq.).

(B) A description of the ways that tsunami warnings and warning products issued by the Tsunami Forecasting and Warning Program established under section 804 of the Tsunami Warning and Education Act (33 U.S.C. 3203), as amended by this Act, may be standardized and streamlined with warnings and warning products for hurricanes, coastal storms, and other coastal flooding events.

(b) REPORT ON NATIONAL EFFORTS THAT SUPPORT RAPID RESPONSE FOLLOWING NEAR-SHORE TSUNAMI EVENTS.—

Coordination.

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator and the Secretary of Homeland Security shall jointly, in coordination with the Director of the United States Geological Survey, Administrator of the Federal Emergency Management Agency, the Chief of the National Guard Bureau, and the heads of such other Federal agencies as the Administrator considers appropriate, submit to the appropriate committees of Congress a report on the national efforts in effect on the day before the date of the enactment of this Act that support and facilitate rapid emergency response following a domestic near-shore tsunami event to better understand domestic effects of earthquake derived tsunami on people, infrastructure, and communities in the United States.

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

(A) A description of scientific or other measurements collected on the day before the date of the enactment of this Act to quickly identify and quantify lost or degraded infrastructure or terrestrial formations.

(B) A description of scientific or other measurements that would be necessary to collect to quickly identify and quantify lost or degraded infrastructure or terrestrial formations.

Evaluation.

(C) Identification and evaluation of Federal, State, local, tribal, territorial, and military first responder and search and rescue operation centers, bases, and other facilities as well as other critical response assets and infrastructure, including search and rescue aircraft, located within near-shore and distant tsunami inundation areas on the day before the date of the enactment of this Act.

Evaluation.

(D) An evaluation of near-shore tsunami response plans in areas described in subparagraph (C) in effect on the day before the date of the enactment of this Act, and how those response plans would be affected by the loss of search and rescue and first responder infrastructure described in such subparagraph.

(E) A description of redevelopment plans and reports in effect on the day before the date of the enactment of this Act for communities in areas that are at high-risk for near-shore tsunami, as well identification of States or communities that do not have redevelopment plans.

(F) Recommendations to enhance near-shore tsunami preparedness and response plans, including recommended responder exercises, predisaster planning, and mitigation needs. Recommendations.

(G) Such other data and analysis information as the Administrator and the Secretary of Homeland Security consider appropriate. Analysis.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term "appropriate committees of Congress" means— Definition.

(A) the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Science, Space, and Technology, the Committee on Homeland Security, and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 510. AUTHORIZATION OF APPROPRIATIONS.

Section 809 of the Act, as redesignated by section __08(a)(1) of this Act, is amended—

(1) in paragraph (4)(B), by striking "and" at the end;

(2) in paragraph (5)(B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(6) $25,800,000 for each of fiscal years 2016 through 2021, of which—

"(A) not less than 27 percent of the amount appropriated for each fiscal year shall be for activities conducted at the State level under the tsunami hazard mitigation program under section 805; and

"(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 806.".

SEC. 511. OUTREACH RESPONSIBILITIES.

Coordination. 33 USC 3208.

The Administrator of the National Oceanic and Atmospheric Administration, in coordination with State and local emergency managers, shall develop and carry out formal outreach activities to improve tsunami education and awareness and foster the development of resilient communities. Outreach activities may include—

(1) the development of outreach plans to ensure the close integration of tsunami warning centers supported or maintained under section 804(d) of the Tsunami Warning and Education Act (33 U.S.C. 3203(d)), as amended by this Act, with local Weather Forecast Offices of the National Weather Service and emergency managers;

(2) working with appropriate local Weather Forecast Offices to ensure they have the technical knowledge and capability to disseminate tsunami warnings to the communities they serve; and

(3) evaluating the effectiveness of warnings and of coordination with local Weather Forecast Offices after significant tsunami events. Evaluation.

SEC. 512. REPEAL OF DUPLICATE PROVISIONS OF LAW.

33 USC 3201 and note, 3202–3207.

(a) REPEAL.—The Tsunami Warning and Education Act enacted by Public Law 109–424 (120 Stat. 2902) is repealed.

33 USC 3201 note.

(b) CONSTRUCTION.—Nothing in this section may be construed to repeal, or affect in any way, the Tsunami Warning and Education Act enacted as title VIII of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109–479; 33 U.S.C. 3201 et seq.).

Approved April 18, 2017.

LEGISLATIVE HISTORY—H.R. 353:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Jan. 9, considered and passed House.
Mar. 29, considered and passed Senate, amended.
Apr. 4, House concurred in Senate amendment.

Public Law 115–26
115th Congress

An Act

To amend the Veterans Access, Choice, and Accountability Act of 2014 to modify the termination date for the Veterans Choice Program, and for other purposes.

Apr. 19, 2017
[S. 544]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF TERMINATION DATE FOR VETERANS CHOICE PROGRAM.

Section 101(p)(2) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) is amended by striking ", or the date that is 3 years after the date of the enactment of this Act, whichever occurs first".

SEC. 2. ELIMINATION OF REQUIREMENT TO ACT AS SECONDARY PAYER FOR CARE RELATING TO NON-SERVICE-CONNECTED DISABILITIES AND RECOVERY OF COSTS FOR CERTAIN CARE UNDER CHOICE PROGRAM.

(a) IN GENERAL.—Section 101(e) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note) is amended—

(1) in the subsection heading, by striking "OTHER HEALTH-CARE PLAN" and inserting "RESPONSIBILITY FOR COSTS OF CERTAIN CARE";

(2) in paragraph (1), in the paragraph heading, by striking "TO SECRETARY" and inserting "ON HEALTH-CARE PLANS";

(3) by striking paragraphs (2) and (3);

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

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

"(3) RECOVERY OF COSTS FOR CERTAIN CARE.—

"(A) IN GENERAL.—In any case in which an eligible veteran is furnished hospital care or medical services under this section for a non-service-connected disability described in subsection (a)(2) of section 1729 of title 38, United States Code, or for a condition for which recovery is authorized or with respect to which the United States is deemed to be a third party beneficiary under Public Law 87–693, commonly known as the 'Federal Medical Care Recovery Act' (42 U.S.C. 2651 et seq.), the Secretary shall recover or collect from a third party (as defined in subsection (i) of such section 1729) reasonable charges for such care or services to the extent that the veteran (or the provider of the care or services) would be eligible to receive payment for such care or services from such third party if the care or services had not been furnished by a department or agency of the United States.

"(B) USE OF AMOUNTS.—Amounts collected by the Secretary under subparagraph (A) shall be deposited in the Medical Community Care account of the Department. Amounts so deposited shall remain available until expended.".

(b) CONFORMING AMENDMENT.—Paragraph (1) of such section is amended by striking "paragraph (4)" and inserting "paragraph (2)".

SEC. 3. AUTHORITY TO DISCLOSE CERTAIN MEDICAL RECORDS OF VETERANS WHO RECEIVE NON-DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE.

Section 7332(b)(2) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

"(H)(i) To a non-Department entity (including private entities and other Federal agencies) that provides hospital care or medical services to veterans as authorized by the Secretary.

"(ii) An entity to which a record is disclosed under this subparagraph may not redisclose or use such record for a purpose other than that for which the disclosure was made.".

Approved April 19, 2017.

LEGISLATIVE HISTORY—S. 544 (H.R. 369):

HOUSE REPORTS: No. 115–65 (Comm. on Veterans' Affairs) accompanying H.R. 369.

CONGRESSIONAL RECORD, Vol. 163 (2017):

Apr. 3, considered and passed Senate.

Apr. 5, considered and passed House.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2017):

Apr. 19, Presidential remarks.

Public Law 115–27
115th Congress

Joint Resolution

Providing for the reappointment of Steve Case as a citizen regent of the Board of Regents of the Smithsonian Institution.

Apr. 19, 2017
[S.J. Res. 30]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Steve Case of Virginia on April 25, 2017, is filled by the reappointment of the incumbent. The reappointment is for a term of 6 years, beginning on the later of April 26, 2017, or the date of the enactment of this joint resolution.

Effective date.

Approved April 19, 2017.

LEGISLATIVE HISTORY—S.J. Res. 30:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Mar. 27, considered and passed Senate.
Apr. 6, considered and passed House.

Public Law 115–28
115th Congress

Joint Resolution

Apr. 19, 2017
[S.J. Res. 35]

Providing for the appointment of Michael Govan as a citizen regent of the Board of Regents of the Smithsonian Institution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy of the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Dr. Shirley Ann Jackson of New York on May 5, 2017, is filled by the appointment of Michael Govan of California. The appointment is for a term of 6 years, beginning on May 6, 2017, or the date of the enactment of this joint resolution, whichever occurs later.

Effective date.

Approved April 19, 2017.

LEGISLATIVE HISTORY—S.J. Res. 35:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Mar. 27, considered and passed Senate.
Apr. 6, considered and passed House.

Public Law 115–29
115th Congress

Joint Resolution

Providing for the appointment of Roger W. Ferguson as a citizen regent of the Board of Regents of the Smithsonian Institution.

Apr. 19, 2017
[S.J. Res. 36]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy of the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Robert P. Kogod of the District of Columbia on May 5, 2017, is filled by the appointment of Roger W. Ferguson of the District of Columbia. The appointment is for a term of 6 years, beginning on May 6, 2017, or the date of the enactment of this joint resolution, whichever occurs later.

Effective date.

Approved April 19, 2017.

LEGISLATIVE HISTORY—S.J. Res. 36:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Mar. 27, considered and passed Senate.
Apr. 6, considered and passed House.

Public Law 115–30
115th Congress

Joint Resolution

Apr. 28, 2017
[H.J. Res. 99]

Making further continuing appropriations for fiscal year 2017, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Continuing Appropriations Act, 2017 (division C of Public Law 114–223) is further amended by—

Ante, p. 910.

(1) striking the date specified in section 106(3) and inserting "May 5, 2017"; and

(2) inserting after section 201 the following new section:

30 USC 1201 note.

"SEC. 202. (a) This section may be cited as the 'Further Continued Health Benefits for Miners Act'.

"(b) Section 402(h)(2)(C)(ii) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(2)(C)(ii)) is amended—

"(1) in subclause (II), by striking 'April 30, 2017' and inserting 'May 5, 2017';

"(2) in subclause (II)(aa), by striking 'the Continued Health Benefits for Miners Act' and inserting 'the Further Continued Health Benefits for Miners Act'; and

"(3) by adding at the end the following: 'For purposes of subclause (II)(aa), a beneficiary enrolled in the Plan as of the date of the enactment of the Further Continued Health Benefits for Miners Act shall be deemed to have been eligible to receive health benefits under the Plan on January 1, 2017.'.

Applicability.

"(c) The provisions of section 167(d) of Public Law 114–223 (as added by Public Law 114–254) shall apply to this section.".

Approved April 28, 2017.

LEGISLATIVE HISTORY—H.J. Res. 99:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Apr. 28, considered and passed House and Senate.

*Public Law 115–31
115th Congress

An Act

Making appropriations for the fiscal year ending September 30, 2017, and for other purposes.

May 5, 2017
[H.R. 244]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Consolidated Appropriations Act, 2017.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consolidated Appropriations Act, 2017".

SEC. 2. TABLE OF CONTENTS.

*See Endnote on 131 Stat. 842.

SEC. 3. REFERENCES.

1 USC 1 note.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. EXPLANATORY STATEMENT.

The explanatory statement regarding this Act, printed in the House section of the Congressional Record on or about May 2, 2017, and submitted by the Chairman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of divisions A through L of this Act as if it were a joint explanatory statement of a committee of conference.

SEC. 5. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2017.

SEC. 6. AVAILABILITY OF FUNDS.

President. Designation.

(a) Each amount designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

(b) Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 7. TECHNICAL ALLOWANCE FOR ESTIMATING DIFFERENCES.

If, for fiscal year 2017, new budget authority provided in appropriations Acts exceeds the discretionary spending limit for any category set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 due to estimating differences with the Congressional Budget Office, an adjustment to the discretionary spending limit in such category for fiscal year 2017 shall be made by the Director of the Office of Management and Budget in the amount of the excess but the total of all such adjustments shall not exceed 0.2 percent of the sum of the adjusted discretionary spending limits for all categories for that fiscal year.

SEC. 8. CORRECTION.

The Further Continuing and Security Assistance Appropriations Act, 2017 (Public Law 114–254) is amended by changing the long title so as to read: "Making further continuing appropriations for the fiscal year ending September 30, 2017, and for other purposes.".

130 Stat. 1005.

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2017.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary, $44,555,000, of which not to exceed $5,051,000 shall be available for the immediate Office of the Secretary; not to exceed $502,000 shall be available for the Office of Tribal Relations; not to exceed $1,496,000 shall be available for the Office of Homeland Security and Emergency Coordination; not to exceed $1,209,000 shall be available for the Office of Advocacy and Outreach; not to exceed $24,928,000 shall be available for the Office of the Assistant Secretary for Administration, of which $24,124,000 shall be available for Departmental Administration to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department; not to exceed $3,869,000 shall be available for the Office of Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch; and not to exceed $7,500,000 shall be available for the Office of Communications: *Provided*, That the Secretary of Agriculture is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent: *Provided further*, That not to exceed $11,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further*, That the amount made available under this heading for Departmental Administration shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558: *Provided further*, That funds made available under this heading for the Office of the Assistant Secretary for Congressional Relations may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available under this heading for the Office of Assistant Secretary for Congressional Relations may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency.

Reimbursement.

Funding obligation. Time period. Notification.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, $18,917,000, of which $4,000,000 shall be for grants or cooperative agreements for policy research under 7 U.S.C. 3155; and of which $2,000,000, to remain available until September 30, 2018, shall be available for policy research and related activities in support of the forthcoming Farm Bill.

OFFICE OF HEARINGS AND APPEALS

For necessary expenses of the Office of Hearings and Appeals, $13,399,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $9,525,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $49,538,000, of which not less than $33,000,000 is for cybersecurity requirements of the Department.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $8,028,000.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, $901,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $24,206,000.

AGRICULTURE BUILDINGS AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 121, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $84,189,000, to remain available until expended.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $3,633,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978, $98,208,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $44,697,000.

OFFICE OF ETHICS

For necessary expenses of the Office of Ethics, $4,136,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION, AND ECONOMICS

For necessary expenses of the Office of the Under Secretary for Research, Education, and Economics, $893,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service, $86,757,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, $171,239,000, of which up to $42,177,000 shall be available until expended for the Census of Agriculture: *Provided*, That amounts made available for the Census of Agriculture may be used to conduct Current Industrial Report surveys subject to 7 U.S.C. 2204g(d) and (f).

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,170,235,000: *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $500,000, except for headhouses or greenhouses which shall each be limited to $1,800,000, except for 10 buildings to be constructed or improved at a cost not to exceed $1,100,000 each, and except for two buildings to be constructed at a cost not to exceed $3,000,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $500,000, whichever is greater: *Provided further*, That appropriations hereunder shall be available for entering into lease agreements at any Agricultural Research Service location for the construction of a research facility by a non-Federal entity for use by the Agricultural Research Service and a condition of the lease shall be that any facility shall be owned, operated, and maintained by the non-Federal entity and shall be removed upon the expiration or termination of the lease agreement: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That appropriations hereunder shall be available for granting easements at any Agricultural Research Service location for the construction of a research facility by a non-Federal entity for use by, and acceptable to, the Agricultural Research Service and a condition of the easements shall be that upon completion the facility shall be accepted by the Secretary, subject to the availability of funds herein, if the Secretary finds that acceptance of the facility is in the interest of the United States: *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

7 USC 2254.

Contracts.

Maryland.

Easements.

BUILDINGS AND FACILITIES

For the acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of

the Department of Agriculture, where not otherwise provided, $99,600,000 to remain available until expended.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $849,518,000, which shall be for the purposes, and in the amounts, specified in the table titled "National Institute of Food and Agriculture, Research and Education Activities" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That funds for research grants for 1994 institutions, education grants for 1890 institutions, capacity building for non-land-grant colleges of agriculture, the agriculture and food research initiative, veterinary medicine loan repayment, multicultural scholars, graduate fellowship and institution challenge grants, and grants management systems shall remain available until expended: *Provided further,* That each institution eligible to receive funds under the Evans-Allen program receives no less than $1,000,000: *Provided further,* That funds for education grants for Alaska Native and Native Hawaiian-serving institutions be made available to individual eligible institutions or consortia of eligible institutions with funds awarded equally to each of the States of Alaska and Hawaii: *Provided further,* That funds for education grants for 1890 institutions shall be made available to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222: *Provided further*, That not more than 5 percent of the amounts made available by this or any other Act to carry out the Agriculture and Food Research Initiative under 7 U.S.C. 450i(b) may be retained by the Secretary of Agriculture to pay administrative costs incurred by the Secretary in carrying out that authority.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, $477,391,000, which shall be for the purposes, and in the amounts, specified in the table titled "National Institute of Food and Agriculture, Extension Activities" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That funds for facility improvements at 1890 institutions shall remain available until expended: *Provided further*, That institutions eligible to receive funds under 7 U.S.C. 3221 for cooperative extension receive no less than $1,000,000: *Provided further*, That funds for cooperative extension under sections 3(b) and (c) of the Smith-Lever Act (7 U.S.C. 343(b) and (c)) and section 208(c) of Public Law 93–471 shall be available for retirement and employees' compensation costs for extension agents.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $36,000,000, which shall be for the purposes, and in the amounts, specified in the table titled "National Institute of Food and Agriculture, Integrated Activities" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That funds for the Food and Agriculture Defense Initiative shall remain available until September 30, 2018: *Provided further*, That notwithstanding any other provision of law, indirect costs shall not be charged against any Extension Implementation Program Area grant awarded under the Crop Protection/Pest Management Program (7 U.S.C. 7626).

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, $901,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to $30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), $946,212,000, of which $477,000, to remain available until expended, shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds ("contingency fund") to the extent necessary to meet emergency conditions; of which $11,520,000, to remain available until expended, shall be used for the cotton pests program for cost share purposes or for debt retirement for active eradication zones; of which $37,857,000, to remain available until expended, shall be for Animal Health Technical Services; of which $697,000 shall be for activities under the authority of the Horse Protection Act of 1970, as amended (15 U.S.C. 1831); of which $55,340,000, to remain available until expended, shall be used to support avian health; of which $4,251,000, to remain available until expended, shall be for information technology infrastructure; of which $166,500,000, to remain available until expended, shall be for specialty crop pests; of which, $8,826,000, to remain available until expended, shall be for field crop and rangeland ecosystem pests; of which $16,523,000, to remain available until expended, shall be for zoonotic disease management; of which $40,966,000, to remain available until expended, shall be for emergency preparedness and response; of which $54,000,000, to remain available until expended, shall be for tree and wood pests; of which $5,723,000, to remain available until expended, shall be for the National Veterinary Stockpile; of which up to $1,500,000, to remain available until expended, shall be for the scrapie program for indemnities; of which $2,500,000, to remain available until expended, shall be for the wildlife damage management program for aviation safety: *Provided*, That of amounts available under this heading for wildlife

services methods development, $1,000,000 shall remain available until expended: *Provided further*, That of amounts available under this heading for the screwworm program, $4,990,000 shall remain available until expended; of which $3,000,000, to remain available until expended, shall be for National Bio and Agro-Defense human capital development: *Provided further,* That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed five, of which two shall be for replacement only: *Provided further*, That in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees.

In fiscal year 2017, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be reimbursed to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $3,175,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, $84,933,000, of which $1,000,000 shall be available for the purposes of section 12306 of Public Law 113–79: *Provided*, That of the funds provided herein, $1,000,000 shall be used for the transportation

services division: *Provided further*, That of the amounts made available under this heading, no more than $1,000,000 shall be used for the purpose of Public Law 114–216: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $61,227,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress. Notification.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $20,705,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,235,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Grain Inspection, Packers and Stockyards Administration, $43,482,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $55,000,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional Notification.

supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety, $819,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $1,032,062,000; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That funds provided for the Public Health Data Communication Infrastructure system shall remain available until expended: *Provided further*, That no fewer than 148 full-time equivalent positions shall be employed during fiscal year 2017 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: *Provided further*, That the Food Safety and Inspection Service shall continue implementation of section 11016 of Public Law 110–246 as further clarified by the amendments made in section 12106 of Public Law 113–79: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Employee positions.

Continuance.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services, $901,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, $1,206,110,000: *Provided*, That not more than 50 percent of the $100,851,000 made available under this heading for information technology related to farm program delivery, including the Modernize and Innovate the Delivery of Agricultural Systems and other farm program delivery systems, may be obligated until the Secretary submits to the Committees on Appropriations of both Houses of Congress, and receives written or electronic notification of receipt from such Committees of, a plan for expenditure that (1) identifies for each project/investment over $25,000 (a) the functional and performance capabilities to be delivered and the mission benefits

Notification. Expenditure plan.

to be realized, (b) the estimated lifecycle cost, including estimates for development as well as maintenance and operations, and (c) key milestones to be met; (2) demonstrates that each project/investment is (a) consistent with the Farm Service Agency Information Technology Roadmap, (b) being managed in accordance with applicable lifecycle management policies and guidance, and (c) subject to the applicable Department's capital planning and investment control requirements; and (3) has been reviewed by the Government Accountability Office and approved by the Committees on Appropriations of both Houses of Congress: *Provided further*, That the agency shall submit a report by the end of the fourth quarter of fiscal year 2017 to the Committees on Appropriations and the Government Accountability Office, that identifies for each project/investment that is operational (a) current performance against key indicators of customer satisfaction, (b) current performance of service level agreements or other technical metrics, (c) current performance against a pre-established cost baseline, (d) a detailed breakdown of current and planned spending on operational enhancements or upgrades, and (e) an assessment of whether the investment continues to meet business needs as intended as well as alternatives to the investment: *Provided further*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That funds made available to county committees shall remain available until expended: *Provided further*, That none of the funds available to the Farm Service Agency shall be used to close Farm Service Agency county offices: *Provided further*, That none of the funds available to the Farm Service Agency shall be used to permanently relocate county based employees that would result in an office with two or fewer employees without prior notification and approval of the Committees on Appropriations of both Houses of Congress.

Reports.
Deadline.
Assessment.

Notification.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $3,904,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), $6,500,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food

and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, emergency loans (7 U.S.C. 1961 et seq.), Indian tribe land acquisition loans (25 U.S.C. 488), boll weevil loans (7 U.S.C. 1989), guaranteed conservation loans (7 U.S.C. 1924 et seq.), and Indian highly fractionated land loans (25 U.S.C. 488) to be available from funds in the Agricultural Credit Insurance Fund, as follows: $2,750,000,000 for guaranteed farm ownership loans and $1,500,000,000 for farm ownership direct loans; $1,960,000,000 for unsubsidized guaranteed operating loans and $1,530,000,000 for direct operating loans; emergency loans, $22,576,000; Indian tribe land acquisition loans, $20,000,000; guaranteed conservation loans, $150,000,000; Indian highly fractionated land loans, $10,000,000; and for boll weevil eradication program loans, $60,000,000: *Provided*, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

Pink bollworm.

For the cost of direct and guaranteed loans and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm operating loans, $65,178,000 for direct operating loans, $20,972,000 for unsubsidized guaranteed operating loans, emergency loans, $1,262,000, to remain available until expended; and $2,550,000 for Indian highly fractionated land loans.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $317,068,000, of which $306,998,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership, operating and conservation direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

Notification. Deadline.

RISK MANAGEMENT AGENCY

SALARIES AND EXPENSES

For necessary expenses of the Risk Management Agency, $74,829,000: *Provided*, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

Contracts.

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard

to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): *Provided*, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment, $901,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve

soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $864,474,000, to remain available until September 30, 2018: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That of the amounts made available under this heading, $5,600,000, shall remain available until expended for the authorities under 16 U.S.C. 1001–1005 and 1007–1009 for authorized ongoing watershed projects with a primary purpose of providing water to rural communities.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to surveys and investigations, engineering operations, works of improvement, and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009) and in accordance with the provisions of laws relating to the activities of the Department, $150,000,000, to remain available until expended: *Provided*, That of the amounts made available under this heading, $50,000,000 shall be allocated to projects and activities that can commence promptly following enactment; that address regional priorities for flood prevention, agricultural water management, inefficient irrigation systems, fish and wildlife habitat, or watershed protection; or that address authorized ongoing projects under the authorities of section 13 of the Flood Control Act of December 22, 1944 (Public Law 78–534) with a primary purpose of watershed protection by preventing floodwater damage and stabilizing stream channels, tributaries, and banks to reduce erosion and sediment transport.

WATERSHED REHABILITATION PROGRAM

Under the authorities of section 14 of the Watershed Protection and Flood Prevention Act, $12,000,000 is provided.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary expenses of the Office of the Under Secretary for Rural Development, $896,000.

RURAL DEVELOPMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $225,835,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the Rural Development mission area: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business—Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $1,000,000,000 shall be for direct loans and $24,000,000,000 shall be for unsubsidized guaranteed loans; $26,278,000 for section 504 housing repair loans; $35,000,000 for section 515 rental housing; $230,000,000 for section 538 guaranteed multi-family housing loans; $10,000,000 for credit sales of single family housing acquired property; $5,000,000 for section 523 self-help housing land development loans; and $5,000,000 for section 524 site development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $67,700,000 shall be for direct loans; section 504 housing repair loans, $3,663,000; section 523 self-help housing land development loans, $417,000; section 524 site development loans, $111,000; and repair, rehabilitation, and new construction of section 515 rental housing, $10,360,000: *Provided*, That to support the loan program level for section 538 guaranteed loans made available under this heading the Secretary may charge or adjust any fees to cover the projected cost of such loan guarantees pursuant to the provisions of the Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), and the interest on such loans may not be subsidized: *Provided further*, That applicants in communities that have a current rural area waiver under section 541 of the Housing Act of 1949 (42 U.S.C. 1490q) shall be treated as living in a rural area for purposes of section 502 guaranteed loans provided under this heading: *Provided further*, That of the amounts available under this paragraph for section 502 direct loans, no less than $5,000,000 shall be available for direct loans for individuals whose homes will be built pursuant to a program funded with a mutual and self-help housing grant authorized by section 523 of the Housing Act of 1949 until June

Incentives. Nonprofit organizations. Determination.

1, 2017: *Provided further*, That the Secretary shall implement provisions to provide incentives to nonprofit organizations and public housing authorities to facilitate the acquisition of Rural Housing Service (RHS) multifamily housing properties by such nonprofit organizations and public housing authorities that commit to keep such properties in the RHS multifamily housing program for a period of time as determined by the Secretary, with such incentives to include, but not be limited to, the following: allow such nonprofit entities and public housing authorities to earn a Return on Investment (ROI) on their own resources to include proceeds from low income housing tax credit syndication, own contributions, grants, and developer loans at favorable rates and terms, invested in a deal; and allow reimbursement of organizational costs associated with owner's oversight of asset referred to as "Asset Management Fee" (AMF) of up to $7,500 per property.

In addition, for the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $15,387,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts: *Provided*, That any balances available for the Farm Labor Program Account shall be transferred to and merged with this account.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $412,254,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

Contracts.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $1,405,033,000, of which $40,000,000 shall be available until September 30, 2018; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: *Provided further*, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: *Provided further*, That rental assistance provided under agreements entered into prior to fiscal year 2017 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: *Provided further*, That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multi-family housing project financed under section 514 or 516 of the Act: *Provided further*, That except as provided in the third proviso under this heading and notwithstanding any other provision of the Act, the Secretary may recapture

Time period.

Time period.

Applicability.

rental assistance provided under agreements entered into prior to fiscal year 2017 for a project that the Secretary determines no longer needs rental assistance and use such recaptured funds for current needs.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

Vouchers.

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, $41,400,000, to remain available until expended: *Provided*, That of the funds made available under this heading, $19,400,000, shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: *Provided further*, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: *Provided further*, That funds made available for such vouchers shall be subject to the availability of annual appropriations: *Provided further*, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development: *Provided further*, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph: *Provided further*, That of the funds made available under this heading, $22,000,000 shall be available for a demonstration program for the preservation and revitalization of the sections 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: *Provided further*, That the Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring: *Provided further*, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: *Provided further*, That if Congress enacts legislation to permanently authorize a multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress:

Determination.

Determination.

Provided further, That in addition to any other available funds, the Secretary may expend not more than $1,000,000 total, from the program funds made available under this heading, for administrative expenses for activities funded under this heading.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $30,000,000, to remain available until expended.

RURAL HOUSING ASSISTANCE GRANTS

For grants for very low-income housing repair and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, and 1490m, $33,701,000, to remain available until expended.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $2,600,000,000 for direct loans and $148,305,000 for guaranteed loans.

For the cost of guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, $3,322,000, to remain available until expended.

For the cost of grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $43,778,000, to remain available until expended: *Provided*, That $4,000,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That $5,778,000 of the amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with up to 5 percent for administration and capacity building in the State rural development offices: *Provided further*, That $4,000,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: *Provided further*, That sections

Grants.

Grants.
Native Americans.

381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by section 310B and described in subsections (a), (c), (f) and (g) of section 310B of the Consolidated Farm and Rural Development Act, $65,319,000, to remain available until expended: *Provided*, That of the amount appropriated under this heading, not to exceed $500,000 shall be made available for one grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and $6,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 2009aa et seq.) and the Appalachian Regional Commission (40 U.S.C. 14101 et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: *Provided further*, That $4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including $250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further,* That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading.

Grants.

Grants.
Native Americans.

INTERMEDIARY RELENDING PROGRAM FUND ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Intermediary Relending Program Fund Account (7 U.S.C. 1936b), $18,889,000.

For the cost of direct loans, $5,476,000, as authorized by the Intermediary Relending Program Fund Account (7 U.S.C. 1936b), of which $557,000 shall be available through June 30, 2017, for Federally Recognized Native American Tribes; and of which $1,072,000 shall be available through June 30, 2017, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan programs, $4,468,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $42,213,000.

Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, $132,000,000 shall not be obligated and $132,000,000 are rescinded.

The cost of grants authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects shall not exceed $10,000,000.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $26,550,000, of which $2,750,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed $3,000,000 shall be for grants for cooperative development centers, individual cooperatives, or groups of cooperatives that serve socially disadvantaged groups and a majority of the boards of directors or governing boards of which are comprised of individuals who are members of socially disadvantaged groups; and of which $15,000,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1632a).

RURAL ENERGY FOR AMERICA PROGRAM

For the cost of a program of loan guarantees, under the same terms and conditions as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), $352,000: *Provided*, That the cost of loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, $571,190,000, to remain available until expended, of which not to exceed $1,000,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $993,000 shall be available for the rural utilities program described in section 306E of such Act: *Provided,* That not to exceed $10,000,000 of the amount appropriated under

Grants.

this heading shall be for grants authorized by section 306A(i)(2) of the Consolidated Farm and Rural Development Act in addition to funding authorized by section 306A(i)(1) of such Act: *Provided further,* That $64,000,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by section 306C(a)(2)(B) and section 306D of the Consolidated Farm and Rural Development Act, and Federally Recognized Native American Tribes authorized by 306C(a)(1) of such Act: *Provided further,* That funding provided for section 306D of the Consolidated Farm and Rural Development Act may be provided to a consortium formed pursuant to section 325 of Public Law 105–83: *Provided further,* That not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by the State of Alaska for training and technical assistance programs and not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by a consortium formed pursuant to section 325 of Public Law 105–83 for training and technical assistance programs: *Provided further,* That not to exceed $20,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which $6,500,000 shall be made available for a grant to a qualified nonprofit multi-State regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than $800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: *Provided further,* That not to exceed $16,897,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further,* That not to exceed $4,000,000 shall be for solid waste management grants: *Provided further,* That $10,000,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): *Provided further,* That any prior year balances for high-energy cost grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a) shall be transferred to and merged with the Rural Utilities Service, High Energy Cost Grants Account: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading.

Loans.
Grants.

Grants.
Determination.

Contracts.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by sections 305 and 306 of the Rural Electrification Act of

1936 (7 U.S.C. 935 and 936) shall be made as follows: loans made pursuant to section 306 of that Act, rural electric, $5,500,000,000; guaranteed underwriting loans pursuant to section 313A, $750,000,000; 5 percent rural telecommunications loans, cost of money rural telecommunications loans, and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $690,000,000: *Provided*, That up to $2,000,000,000 shall be used for the construction, acquisition, or improvement of fossil-fueled electric generating plants (whether new or existing) that utilize carbon sequestration systems.

For the cost of direct loans as authorized by section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935), including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, cost of money rural telecommunications loans, $3,071,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $33,270,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, $27,043,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $26,600,000, to remain available until expended: *Provided*, That $3,000,000 shall be made available for grants authorized by 379G of the Consolidated Farm and Rural Development Act: *Provided further*, That funding provided under this heading for grants under 379G of the Consolidated Farm and Rural Development Act may only be provided to entities that meet all of the eligibility criteria for a consortium as established by this section.

For the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act, $4,500,000, to remain available until expended: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, $34,500,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION, AND CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition, and Consumer Services, $814,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $22,793,982,000 to remain available through September 30, 2018, of which such sums as are made available under section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), as amended by this Act, shall be merged with and available for the same time period and purposes as provided herein: *Provided*, That of the total amount available, $17,004,000 shall be available to carry out section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.): *Provided further*, That of the total amount available, $25,000,000 shall be available to provide competitive grants to State agencies for subgrants to local educational agencies and schools to purchase the equipment needed to serve healthier meals, improve food safety, and to help support the establishment, maintenance, or expansion of the school breakfast program: *Provided further*, That of the total amount available, $23,000,000 shall remain available until expended to carry out section 749(g) of the Agriculture Appropriations Act of 2010 (Public Law 111–80): *Provided further*, That section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking "2010 through 2016" and inserting "2010 through 2017": *Provided further*, That section 9(h)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(3)) is amended in the first sentence by striking "for each of fiscal years 2011 through 2015" and inserting "for fiscal year 2017": *Provided further*, That section 9(h)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(4)) is amended in the first sentence by striking "for each of fiscal years 2011 through 2015" and inserting "for fiscal year 2017". Grants.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $6,350,000,000, to remain available through September 30, 2018: *Provided*, That notwithstanding section 17(h)(10) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)), not less than $60,000,000 shall be used for breastfeeding peer counselors and other related activities, and $13,600,000 shall be used for infrastructure: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act: *Provided further*, That upon termination of a federally mandated vendor moratorium and subject to terms and conditions established by the Secretary, the

Secretary may waive the requirement at 7 CFR 246.12(g)(6) at the request of a State agency.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), $78,480,694,000, of which $3,000,000,000, to remain available through December 31, 2018, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: *Provided further*, That of the funds made available under this heading, $998,000 may be used to provide nutrition education services to State agencies and Federally Recognized Tribes participating in the Food Distribution Program on Indian Reservations: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available through September 30, 2018: *Provided further*, That funds made available under this heading for section 28(d)(1), section 4(b), and section 27(a) of the Food and Nutrition Act of 2008 shall remain available through September 30, 2018: *Provided further,* That none of the funds made available under this heading may be obligated or expended in contravention of section 213A of the Immigration and Nationality Act (8 U.S.C. 1183A): *Provided further*, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

Workfare.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $315,139,000, to remain available through September 30, 2018: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2017 to support the Seniors Farmers' Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2018: *Provided further*, That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 10 percent for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, $170,716,000: *Provided*, That of the funds provided herein, $17,700,000 shall be available until expended for relocation expenses and for the alteration and repair of buildings and improvements pursuant to 7 U.S.C. 2250: *Provided further*, That of the funds provided herein, $2,000,000 shall be used for the purposes of section 4404 of Public Law 107–171, as amended by section 4401 of Public Law 110–246: *Provided further*, That of the funds provided herein, $1,000,000 shall be used to contract for an independent study to identify the best means of consolidating and coordinating reporting requirements under Child Nutrition Programs to eliminate redundancy, increase efficiency, and reduce the reporting burden on school food authorities and State agencies.

Contracts.
Study.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed $250,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $196,571,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: *Provided further*, That funds made available for middle-income country training programs, funds made available for the Borlaug International Agricultural Science and Technology Fellowship program, and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service, shall remain available until expended.

FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the credit program of title I, Food for Peace Act (Public Law 83–480) and the Food for Progress Act of 1985, $149,000, shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

FOOD FOR PEACE TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Food for Peace Act (Public Law 83–480), for commodities supplied in connection with dispositions abroad under title II of said Act, $1,466,000,000, to remain available until expended: *Provided*, That the Administrator of the United States Agency for International Development shall in each instance notify in writing the Committees on Appropriations of both Houses of Congress, the Committee on Agriculture of the House, and the Committee on Agriculture, Nutrition, and Forestry of the Senate and make publicly available online the amount and use of authority in section 202(a) of the Food for Peace Act (7 U.S.C. 1722(a)) to notwithstand the minimum level of nonemergency assistance required by section 412(e)(2) of the Food for Peace Act (7 U.S.C. 1736f(e)(2)) not later than 15 days after the date of such action.

Notification. Web posting. Deadline.

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $201,626,000, to remain available until expended: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein: *Provided further*, That of the amount made available under this heading, $5,000,000, shall remain available until expended for necessary expenses to carry out the provisions of section 3207 of the Agricultural Act of 2014 (7 U.S.C. 1726c).

COMMODITY CREDIT CORPORATION EXPORT (LOANS) CREDIT GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's Export Guarantee Program, GSM 102 and GSM 103, $8,537,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $6,074,000 shall be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $2,463,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

TITLE VI

RELATED AGENCY AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $4,655,089,000: *Provided*, That of the amount provided under this heading, $754,524,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, and shall be credited to this account and remain available until expended; $126,083,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; $323,011,000 shall be derived from human generic drug user fees authorized by 21 U.S.C. 379j–42, and shall be credited to this account and remain available until expended; $22,079,000 shall be derived from biosimilar biological product user fees authorized by 21 U.S.C. 379j–52, and shall be credited to this account and remain available until expended; $23,673,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j–12, and shall be credited to this account and remain available until expended; $11,341,000 shall be derived from animal generic drug user fees authorized by 21 U.S.C. 379j–21, and shall be credited to this account and remain available until expended; $635,000,000 shall be derived from tobacco product user fees authorized by 21 U.S.C. 387s, and shall be credited to this account and remain available until expended: *Provided further*, That in addition to and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees, medical device user fees, human generic drug user fees, biosimilar biological product user fees, animal drug user fees, and animal generic drug user fees that exceed the respective fiscal year 2017 limitations are appropriated and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, human generic drug, biosimilar biological product, animal drug, and animal generic drug assessments for fiscal year 2017, including any such fees collected prior to fiscal year 2017 but credited for fiscal year 2017, shall be subject to the fiscal year 2017 limitations: *Provided further*, That the Secretary may accept payment during fiscal year 2017 of user fees specified under this heading and authorized for fiscal year 2018, prior to the due date for such fees, and that amounts of such fees assessed for fiscal year 2018 for which the Secretary accepts payment in fiscal year 2017 shall not be included in amounts under this heading: *Provided further*, That none of these funds shall be used to develop, establish,

or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) $1,025,503,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $1,329,328,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $339,618,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $194,252,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $427,928,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $63,331,000 shall be for the National Center for Toxicological Research; (7) $596,338,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed $163,507,000 shall be for Rent and Related activities, of which $46,856,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) not to exceed $231,293,000 shall be for payments to the General Services Administration for rent; and (10) $283,991,000 shall be for other activities, including the Office of the Commissioner of Food and Drugs, the Office of Foods and Veterinary Medicine, the Office of Medical and Tobacco Products, the Office of Global and Regulatory Policy, the Office of Operations, the Office of the Chief Scientist, and central services for these offices: *Provided further*, That not to exceed $25,000 of this amount shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: *Provided further*, That any transfer of funds pursuant to section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd(n)) shall only be from amounts made available under this heading for other activities: *Provided further*, That of the amounts that are made available under this heading for "other activities", and that are not derived from user fees, $1,500,000 shall be transferred to and merged with the appropriation for "Department of Health and Human Services—Office of Inspector General" for oversight of the programs and operations of the Food and Drug Administration and shall be in addition to funds otherwise made available for oversight of the Food and Drug Administration: *Provided further,* That of the total amount made available under this heading, $3,000,000 shall be used by the Commissioner of Food and Drugs, in coordination with the Secretary of Agriculture, for consumer outreach and education regarding agricultural biotechnology and biotechnology-derived food products and animal feed, including through publication and distribution of science-based educational information on the environmental, nutritional, food safety, economic, and humanitarian impacts of such biotechnology, food products, and feed: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

Coordination.

Transfer approval.

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, priority review user fees authorized by 21 U.S.C. 360n and 360ff, food and feed recall fees, food reinspection fees, and voluntary qualified importer program fees authorized by 21 U.S.C. 379j–31, outsourcing facility fees authorized by 21 U.S.C. 379j–62,

prescription drug wholesale distributor licensing and inspection fees authorized by 21 U.S.C. 353(e)(3), third-party logistics provider licensing and inspection fees authorized by 21 U.S.C. 360eee–3(c)(1), third-party auditor fees authorized by 21 U.S.C. 384d(c)(8), and medical countermeasure priority review voucher user fees authorized by 21 U.S.C. 360bbb–4a, shall be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, demolition, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $11,788,000, to remain available until expended.

INDEPENDENT AGENCY

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $68,600,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships: *Provided further*, That the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

Notification.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 52 passenger motor vehicles of which 52 shall be for replacement only, and for the hire of such vehicles: *Provided*, That notwithstanding this section, the only purchase of new passenger vehicles shall be for those determined by the Secretary to be necessary for transportation safety, to reduce operational costs, and for the protection of life, property, and public safety.

SEC. 702. Notwithstanding any other provision of this Act, the Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or any other available unobligated discretionary balances that are remaining available of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture, such transferred funds to remain available until expended: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working

Transfer approval.

Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without written notification to and prior approval of the Committees on Appropriations of both Houses of Congress as required by section 717 of this Act: *Provided further*, That of annual income amounts in the Working Capital Fund of the Department of Agriculture allocated for the National Finance Center, the Secretary may reserve not more than 4 percent for the replacement or acquisition of capital equipment, including equipment for the improvement and implementation of a financial management plan, information technology, and other systems of the National Finance Center or to pay any unforeseen, extraordinary cost of the National Finance Center: *Provided further*, That none of the amounts reserved shall be available for obligation unless the Secretary submits written notification of the obligation to the Committees on Appropriations of both Houses of Congress: *Provided further*, That in addition to the funds appropriated or made available in this Act for the National Finance Center the Secretary shall make available $8,608,000 from unobligated balances of the Working Capital Fund and unobligated balances and reserves of the National Finance Center for travel, information technology, financial management systems, and related expenses incurred as a result of a February 2017 tornado: *Provided further*, That the limitations on the obligation of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center.

Notification. Transfer approval.

Notification. Transfer approval.

Notification.

Determination.

SEC. 703. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 704. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 705. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 706. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That, notwithstanding section 11319 of title 40, United States Code, none of the funds available to the Department of Agriculture for information technology shall be obligated for projects, contracts, or other agreements over $25,000 prior to receipt of written approval by the Chief Information Officer: *Provided further*, That the Chief Information Officer may authorize an agency to obligate funds without written approval from the Chief Information Officer for projects, contracts, or other agreements up to $250,000 based upon the performance of an agency measured against the performance plan requirements described in the explanatory statement accompanying Public Law 113–235.

Determination.
Contracts.
Approval.
Concurrence.

Notification.
Transfer approval.

SEC. 707. Funds made available under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

SEC. 708. Notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act of 1936, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 709. Except as otherwise specifically provided by law, not more than $20,000,000 in unobligated balances from appropriations made available for salaries and expenses in this Act for the Farm Service Agency shall remain available through September 30, 2018, for information technology expenses: *Provided*, That except as otherwise specifically provided by law, unobligated balances from appropriations made available for salaries and expenses in this Act for the Rural Development mission area shall remain available through September 30, 2018, for information technology expenses.

SEC. 710. None of the funds appropriated or otherwise made available by this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 711. In the case of each program established or amended by the Agricultural Act of 2014 (Public Law 113–79), other than by title I or subtitle A of title III of such Act, or programs for which indefinite amounts were provided in that Act, that is authorized or required to be carried out using funds of the Commodity Credit Corporation—

(1) such funds shall be available for salaries and related administrative expenses, including technical assistance, associated with the implementation of the program, without regard to the limitation on the total amount of allotments and fund

transfers contained in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and

(2) the use of such funds for such purpose shall not be considered to be a fund transfer or allotment for purposes of applying the limitation on the total amount of allotments and fund transfers contained in such section.

SEC. 712. Of the funds made available by this Act, not more than $2,000,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 713. None of the funds in this Act shall be available to pay indirect costs charged against any agricultural research, education, or extension grant awards issued by the National Institute of Food and Agriculture that exceed 30 percent of total Federal funds provided under each award: *Provided*, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the National Institute of Food and Agriculture shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 714. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the following:

(1) The Watershed Rehabilitation program authorized by section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)) in excess of $9,000,000;

(2) The Environmental Quality Incentives Program as authorized by sections 1240-1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–3839aa–8) in excess of $1,357,000,000: *Provided*, That this limitation shall apply only to funds provided by section 1241(a)(5)(D) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(5)(D)); Applicability.

(3) The Biomass Crop Assistance Program authorized by section 9011 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8111) in excess of $3,000,000 in new obligational authority;

(4) The Biorefinery, Renewable Chemical and Biobased Product Manufacturing Assistance program as authorized by section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103) in excess of $151,000,000 of the funding made available by subsection (g)(1)(A) of that section for all fiscal years; and

(5) A program authorized by section 524(b) of the Federal Crop Insurance Act, as amended (7 U.S.C. 1524(b)) in excess of $7,000,000 for fiscal year 2017: *Provided*, That notwithstanding section 524(b)(4)(C)(i) and 524(b)(4)(C)(iii) this limitation shall not apply to funds provided by section 524(b)(4)(C)(ii).

SEC. 715. Notwithstanding subsection (b) of section 14222 of Public Law 110–246 (7 U.S.C. 612c–6; in this section referred to as "section 14222"), none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a program under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c; in this section referred to as "section 32") in excess of $886,000,000

(exclusive of carryover appropriations from prior fiscal years), as follows: Child Nutrition Programs Entitlement Commodities—$465,000,000; State Option Contracts— $5,000,000; Removal of Defective Commodities—$2,500,000; Administration of Section 32 Commodity Purchases—$35,440,000: *Provided*, That of the total funds made available in the matter preceding this proviso that remain unobligated on October 1, 2017, such unobligated balances shall carryover into the next fiscal year and shall remain available until expended for any of the three stated purposes of section 32, except that any such carryover funds used in accordance with clause (3) of section 32 may not exceed $75,000,000 and may not be obligated until the Secretary of Agriculture provides written notification of the expenditures to the Committees on Appropriations of both Houses of Congress at least two weeks in advance: *Provided further*, That none of the funds made available in this Act or any other Act shall be used for salaries and expenses to carry out in this fiscal year sub-section (i)(1)(E) of section 19 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769a), except in an amount that excludes the transfer of $125,000,000 of the funds to be transferred under subsection (c) of section 14222, until October 1, 2017: *Provided further*, That $125,000,000 made available on October 1, 2017, to carry out such section 19 shall be excluded from the limitation described in subsection (b)(2)(A)(x) of section 14222: *Provided further*, That, with the exception of any available carryover funds authorized in the first proviso of this section to be used for the purposes of clause (3) of section 32, none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries or expenses of any employee of the Department of Agriculture or officer of the Commodity Credit Corporation to carry out clause (3) of section 32, or for any surplus removal activities or price support activities under section 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c): *Provided further*, That the available unobligated balances under (b)(2)(A)(ix) of section 14222 in excess of the limitation set forth in this section, excluding the carryover amounts authorized in the first proviso of this section for section 32 and the amounts to be transferred pursuant to the second proviso of this section, are hereby permanently rescinded.

Notification.
Time period.

SEC. 716. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's budget submission to the Congress for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the budget unless such budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2018 appropriations Act.

SEC. 717. (a) None of the funds provided by this Act, or provided by previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through

Notifications.
Time periods.

a reprogramming, transfer of funds, or reimbursements as authorized by the Economy Act, or in the case of the Department of Agriculture, through use of the authority provided by section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or section 8 of Public Law 89–106 (7 U.S.C. 2263), that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes offices, programs, or activities; or

(6) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Secretary of Agriculture or the Secretary of Health and Human Services (as the case may be) notifies in writing and receives approval from the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such authority.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming or use of the authorities referred to in subsection (a) involving funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Secretary of Agriculture or the Secretary of Health and Human Services (as the case may be) notifies in writing and receives approval from the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming or transfer of such funds or the use of such authority.

(c) The Secretary of Agriculture or the Secretary of Health and Human Services shall notify in writing and receive approval from the Committees on Appropriations of both Houses of Congress before implementing any program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

(d) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the agencies funded by this Act, shall be available for—

(1) modifying major capital investments funding levels, including information technology systems, that involves increasing or decreasing funds in the current fiscal year for

the individual investment in excess of $500,000 or 10 percent of the total cost, whichever is less;

(2) realigning or reorganizing new, current, or vacant positions or agency activities or functions to establish a center, office, branch, or similar entity with five or more personnel; or

(3) carrying out activities or functions that were not described in the budget request; unless the agencies funded by this Act notify, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of using the funds for these purposes.

(e) As described in this section, no funds may be used for any activities unless the Secretary of Agriculture or the Secretary of Health and Human Services receives from the Committee on Appropriations of both Houses of Congress written or electronic mail confirmation of receipt of the notification as required in this section.

Fees.

SEC. 718. Notwithstanding section 310B(g)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)(5)), the Secretary may assess a one-time fee for any guaranteed business and industry loan in an amount that does not exceed 3 percent of the guaranteed principal portion of the loan.

SEC. 719. None of the funds appropriated or otherwise made available to the Department of Agriculture, the Food and Drug Administration, or the Farm Credit Administration shall be used to transmit or otherwise make available reports, questions, or responses to questions that are a result of information requested for the appropriations hearing process to any non-Department of Agriculture, non-Department of Health and Human Services, or non-Farm Credit Administration employee.

News story.
Notification.

SEC. 720. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

Time period.
Reimbursement.

SEC. 721. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act or any other Act to any other agency or office of the Department for more than 60 days in a fiscal year unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 722. In addition to amounts otherwise made available by this Act and notwithstanding the last sentence of 16 U.S.C. 1310, there is appropriated $4,000,000, to remain available until expended, to implement non-renewable agreements on eligible lands, including flooded agricultural lands, as determined by the Secretary, under the Water Bank Act (16 U.S.C. 1301–1311).

Deadline.
Spending plan.
Fees.

SEC. 723. Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture, the Commissioner of the Food and Drug Administration, and the Chairman of the Farm Credit Administration shall submit to the Committees on Appropriations of both Houses of Congress a detailed spending plan by program, project, and activity for all the funds made available under this Act including appropriated user fees, as defined in the

explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

SEC. 724. Funds made available under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.) may only be used to provide assistance to recipient nations if adequate monitoring and controls, as determined by the Secretary, are in place to ensure that emergency food aid is received by the intended beneficiaries in areas affected by food shortages and not diverted for unauthorized or inappropriate purposes.

Loans.

SEC. 725. The Secretary shall establish an intermediary loan packaging program based on the pilot program in effect for fiscal year 2013 for packaging and reviewing section 502 single family direct loans. The Secretary shall enter into agreements with current intermediary organizations and with additional qualified intermediary organizations. The Secretary shall work with these organizations to increase effectiveness of the section 502 single family direct loan program in rural communities and shall set aside and make available from the national reserve section 502 loans an amount necessary to support the work of such intermediaries and provide a priority for review of such loans.

Contracts.

Loans.
Notification.
Time period.

SEC. 726. For loans and loan guarantees that do not require budget authority and the program level has been established in this Act, the Secretary of Agriculture may increase the program level for such loans and loan guarantees by not more than 25 percent: *Provided*, That prior to the Secretary implementing such an increase, the Secretary notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 15 days in advance.

Notification.
Transfer approval.

SEC. 727. None of the credit card refunds or rebates transferred to the Working Capital Fund pursuant to section 729 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (7 U.S.C. 2235a; Public Law 107–76) shall be available for obligation without written notification to, and the prior approval of, the Committees on Appropriations of both Houses of Congress: *Provided*, That the refunds or rebates so transferred shall be available for obligation only for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture.

SEC. 728. None of the funds made available by this Act may be used to procure processed poultry products imported into the United States from the People's Republic of China for use in the school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the Child and Adult Care Food Program under section 17 of such Act (42 U.S.C. 1766), the Summer Food Service Program for Children under section 13 of such Act (42 U.S.C. 1761), or the school breakfast program under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

Water.
Determination.
Time period.

SEC. 729. In response to an eligible community where the drinking water supplies are inadequate due to a natural disaster, as determined by the Secretary, including drought or severe weather, the Secretary may provide potable water through the Emergency Community Water Assistance Grant Program for an additional period of time not to exceed 120 days beyond the established period provided under the Program in order to protect public health.

SEC. 730. Funds provided by this or any prior Appropriations Act for the Agriculture and Food Research Initiative under 7 U.S.C. 450i(b) shall be made available without regard to section 7128 of the Agricultural Act of 2014 (7 U.S.C. 3371 note), under the matching requirements in laws in effect on the date before the date of enactment of such section: *Provided*, That the requirements of 7 U.S.C. 450i(b)(9) shall continue to apply. Applicability.

SEC. 731. There is hereby appropriated $1,996,000 to carry out section 1621 of Public Law 110–246.

SEC. 732. None of the funds made available by this Act may be used by the Secretary of Agriculture, acting through the Food and Nutrition Service, to commence any new research and evaluation projects until the Secretary submits to the Committees on Appropriations of both Houses of Congress a research and evaluation plan for fiscal year 2017, prepared in coordination with the Research, Education, and Economics mission area of the Department of Agriculture, and a period of 30 days beginning on the date of the submission of the plan expires to permit Congressional review of the plan. Plan. Coordination. Time period. Review.

SEC. 733. In carrying out subsection (h) of section 502 of the Housing Act of 1949 (42 U.S.C. 1472), the Secretary of Agriculture shall have the same authority with respect to loans guaranteed under such section and eligible lenders for such loans as the Secretary has under subsections (h) and (j) of section 538 of such Act (42 U.S.C. 1490p–2) with respect to loans guaranteed under such section 538 and eligible lenders for such loans.

SEC. 734. None of the funds made available by this Act may be used to propose, promulgate, or implement any rule, or take any other action with respect to, allowing or requiring information intended for a prescribing health care professional, in the case of a drug or biological product subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)), to be distributed to such professional electronically (in lieu of in paper form) unless and until a Federal law is enacted to allow or require such distribution.

SEC. 735. Any amounts transferred pursuant to section 149 of the Continuing Appropriations Act, 2017 (division C of Public Law 114–223), as amended by the Further Continuing and Security Assistance Appropriations Act, 2017 (Public Law 114–254), that the Secretary of Agriculture determines are not necessary for the cost of direct telecommunications loans authorized by section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be transferred back to the accounts to which they were originally appropriated and shall be available for the same purposes as originally appropriated.

SEC. 736. None of the funds made available by this Act may be used to notify a sponsor or otherwise acknowledge receipt of a submission for an exemption for investigational use of a drug or biological product under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) or section 351(a)(3) of the Public Health Service Act (42 U.S.C. 262(a)(3)) in research in which a human embryo is intentionally created or modified to include a heritable genetic modification. Any such submission shall be deemed to have not been received by the Secretary, and the exemption may not go into effect. Human embryo.

SEC. 737. None of the funds made available by this or any other Act may be used to carry out the final rule promulgated

by the Food and Drug Administration and put into effect November 16, 2015, in regards to the hazard analysis and risk-based preventive control requirements of the current good manufacturing practice, hazard analysis, and risk-based preventive controls for food for animals rule with respect to the regulation of the production, distribution, sale, or receipt of dried spent grain byproducts of the alcoholic beverage production process.

SEC. 738. (a) The Secretary of Agriculture shall—

Audits.

(1) conduct audits in a manner that evaluates the following factors in the country or region being audited, as applicable—

(A) veterinary control and oversight;

(B) disease history and vaccination practices;

(C) livestock demographics and traceability;

(D) epidemiological separation from potential sources of infection;

(E) surveillance practices;

(F) diagnostic laboratory capabilities; and

(G) emergency preparedness and response; and

Public information. Reports.

(2) promptly make publicly available the final reports of any audits or reviews conducted pursuant to subsection (1).

Applicability.

(b) This section shall be applied in a manner consistent with United States obligations under its international trade agreements.

SEC. 739. None of the funds made available by this Act may be used to carry out any activities or incur any expense related to the issuance of licenses under section 3 of the Animal Welfare Act (7 U.S.C. 2133), or the renewal of such licenses, to class B dealers who sell dogs and cats for use in research, experiments, teaching, or testing.

Hydrogenated oils.

SEC. 740. No partially hydrogenated oils as defined in the order published by the Food and Drug Administration in the Federal Register on June 17, 2015 (80 Fed. Reg. 34650 et seq.) shall be deemed unsafe within the meaning of section 409(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(a)) and no food that is introduced or delivered for introduction into interstate commerce that bears or contains a partially hydrogenated oil shall be deemed adulterated under sections 402(a)(1) or 402(a)(2)(C)(i) of this Act by virtue of bearing or containing a partially hydrogenated oil until the compliance date as specified in such order (June 18, 2018).

Fees.

SEC. 741. The Secretary may charge a fee for lenders to access Department loan guarantee systems in connection with such lenders' participation in loan guarantee programs of the Rural Housing Service: *Provided*, That the funds collected from such fees shall be made available to the Secretary without further appropriation and such funds shall be deposited into the Rural Development Salaries and Expense Account and shall remain available until expended for obligation and expenditure by the Secretary for administrative expenses of the Rural Housing Service Loan Guarantee Program in addition to other available funds: *Provided further*, That such fees collected shall not exceed $50 per loan.

Pornography.

SEC. 742. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency

or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 743. In addition to amounts otherwise made available by this Act under the heading "Animal and Plant Health Inspection Service—Buildings and Facilities", there is appropriated $47,000,000, to remain available until expended, for fruit fly rearing facilities.

SEC. 744. Beginning on the date of enactment of this Act, in fiscal year 2017 and each fiscal year hereafter, notwithstanding any other provision of law, a household certified to participate in the Supplemental Nutrition Assistance Program is required to report in a manner prescribed by the Secretary if the household no longer resides in the State in which it is certified. Effective date. Notification. 7 USC 2014a.

SEC. 745. Of the unobligated balances from amounts made available for the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $850,000,000 are rescinded.

SEC. 746. (a)(1) No Federal funds made available for this fiscal year for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926 et seq.) shall be used for a project for the construction, alteration, maintenance, or repair of a public water or wastewater system unless all of the iron and steel products used in the project are produced in the United States.

(2) In this section, the term "iron and steel products" means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials. Definition.

(b) Subsection (a) shall not apply in any case or category of cases in which the Secretary of Agriculture (in this section referred to as the "Secretary") or the designee of the Secretary finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or

(3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the Secretary or the designee receives a request for a waiver under this section, the Secretary or the designee shall make available to the public on an informal basis a copy of the request and information available to the Secretary or the designee concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Secretary or the designee shall make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Department. Waiver request. Public information. Time period. Web posting.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements. Applicability.

(e) The Secretary may retain up to 0.25 percent of the funds appropriated in this Act for "Rural Utilities Service—Rural Water

and Waste Disposal Program Account" for carrying out the provisions described in subsection (a)(1) for management and oversight of the requirements of this section.

(f) Subsection (a) shall not apply with respect to a project for which the engineering plans and specifications include use of iron and steel products otherwise prohibited by such subsection if the plans and specifications have received required approvals from State agencies prior to the date of enactment of this Act.

Definition.

(g) For purposes of this section, the terms "United States" and "State" shall include each of the several States, the District of Columbia, and each federally recognized Indian tribe.

Time periods.

SEC. 747. (a) For the period beginning on the date of enactment of this Act through school year 2017–2018, with respect to the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the school breakfast program established under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) and final regulations published by the Department of Agriculture in the Federal Register on January 26, 2012 (77 Fed. Reg. 4088 et seq.), the Secretary of Agriculture shall allow States to grant an exemption from the whole grain requirements that took effect on or after July 1, 2014, and the States shall establish a process for evaluating and responding, in a reasonable amount of time, to requests for an exemption: *Provided*, That school food authorities demonstrate hardship, including financial hardship, in procuring specific whole grain products which are acceptable to the students and compliant with the whole grain-rich requirements: *Provided further*, That school food authorities shall comply with the applicable grain component or standard with respect to the school lunch or school breakfast program that was in effect prior to July 1, 2014.

Compliance.

(b) For the period beginning on the date of enactment of this Act through school year 2017–2018, none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to implement any regulations under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), the Healthy, Hunger-Free Kids Act of 2010 (Public Law 111–296), or any other law that would require a reduction in the quantity of sodium contained in federally reimbursed meals, foods, and snacks sold in schools below Target 1 (as described in section 220.8(f)(3) of title 7, Code of Federal Regulations (or successor regulations)).

(c) For the period beginning on the date of enactment of this Act through school year 2017-2018, notwithstanding any other provision of law, the Secretary shall allow States to grant special exemptions for the service of flavored, low-fat fluid milk in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), and as a competitive food available on campus during the school day, to schools which demonstrate a reduction in student milk consumption or an increase in school milk waste.

SEC. 748. In addition to amounts otherwise made available under this Act to carry out section 27(a)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)(1)) for fiscal year 2017, there is appropriated $19,000,000 to carry out such section.

SEC. 749. (a) Subject to subsection (b), the Secretary of Agriculture may conduct a pilot program in accordance with this section that authorizes not more than $600,000,000 in funds from rural electrification loans made by the Federal Financing Bank that are guaranteed under section 306 of the Rural Electrification Act of 1936 to be used for refinancing debt pursuant to section 306C of such Act (including any associated prepayment penalties and prepayment or refinance premium), notwithstanding subsections (b) and (c)(4) of section 306C of such Act. 7 USC 936c note.

(b) The Secretary of Agriculture may not provide an authorization under subsection (a) to a borrower unless the Secretary determines that the refinancing involved will benefit the ratepayers of the borrower. Determination.

(c) The Federal Financing Bank shall make a new loan to each borrower refinancing a loan pursuant to this section and section 306 of the Rural Electrification Act of 1936, for the purpose of providing funds for the refinancing, which loan shall be obligated from amounts made available for rural electrification loans, and the Secretary of Agriculture shall guarantee the new loan pursuant to section 306 of the Rural Electrification Act of 1936. Loans.

(d) For the cost of refinancing a loan pursuant to this section for any borrower identified by the Federal Financing Bank as having opted since origination of the loan to pay an interest rate premium for the eligibility to prepay at par, including a borrower paying an interest rate premium in the near-term for the right to prepay at par starting in 2020, $13,800,000, to remain available until expended: *Provided*, That these funds shall also be available for refinancing a loan pursuant to any extension or expansion of this pilot program that is enacted subsequent to this Act for those same borrowers.

(e) The authority for the pilot program provided by this section shall remain in effect through September 30, 2019.

SEC. 750. Of the total amounts made available by this Act for direct loans and grants in the following headings: "Rural Housing Service—Rural Housing Insurance Fund Program Account"; "Rural Housing Service—Mutual and Self-Help Housing Grants"; "Rural Housing Service—Rural Housing Assistance Grants"; "Rural Housing Service—Rural Community Facilities Program Account"; "Rural Business-Cooperative Service—Rural Business Program Account"; "Rural Business-Cooperative Service—Rural Economic Development Loans Program Account"; "Rural Business- Cooperative Service—Rural Cooperative Development Grants"; "Rural Utilities Service—Rural Water and Waste Disposal Program Account"; "Rural Utilities Service—Rural Electrification and Telecommunications Loans Program Account"; and "Rural Utilities Service—Distance Learning, Telemedicine, and Broadband Program", to the maximum extent feasible, at least 10 percent of the new unobligated balances remaining upon enactment shall be allocated for assistance in persistent poverty counties under this section: *Provided*, That for purposes of this section, the term "persistent poverty counties" means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1980, 1990, and 2000 decennial censuses, and 2007–2011 American Community Survey 5-year average: *Provided further*, That with respect to specific activities for which program levels have been made available by this Act that are Definition. Applicability.

not supported by budget authority, the requirements of this section shall be applied to such program level.

SEC. 751. For the purposes of determining eligibility or level of program assistance for Rural Development mission area programs the Secretary shall not include incarcerated prison populations.

SEC. 752. For an additional amount for "Food and Drug Administration—Salaries and Expenses" to prevent, prepare for, and respond to emerging health threats, including the Ebola and Zika viruses, domestically and internationally and to develop necessary medical countermeasures and vaccines, including the review, regulation, and post market surveillance of vaccines and therapies, and for related administrative activities, $10,000,000, to remain available until expended.

SEC. 753. There is hereby appropriated for the "Emergency Conservation Program", $28,651,000, to remain available until expended for emergencies not declared as a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 754. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 755. In addition to funds appropriated in this Act, there is hereby appropriated $134,000,000, to remain available until expended, under the heading "Food for Peace Title II Grants": *Provided*, That the funds made available under this section shall be used for the purposes set forth in the Food for Peace Act for both emergency and non-emergency purposes.

Regulations. Deadline.

SEC. 756. The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall issue final regulations revising the Federal drug regulations (as defined in section 1112(c) of such Act (21 U.S.C. 360dd note)) with respect to medical gases not later than July 15, 2017.

SEC. 757. For an additional amount for "Animal and Plant Health Inspection Service—Salaries and Expenses", $5,500,000, to remain available until September 30, 2018, for one-time control and management and associated activities directly related to the multiple-agency response to citrus greening.

SEC. 758. The following unobligated balances identified by the following Treasury Appropriation Fund Symbols are hereby rescinded: 12X1951, $632,928.89; 12X1953, $2,420,129.91; 12X1902, $352,323.31; 12X1900, $16,452.44; and 12X1232, $529,310.95: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency or disaster relief requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 759. The unobligated balances resulting from offsetting collections identified by Treasury Appropriation Fund Symbols 12X1951, 12X2002, 12X2006, 12X1902, 12X1900, 12X1232, and 12X1980, respectively, are hereby rescinded: *Provided*, that no amounts may be rescinded from amounts that were designated by the Congress as an emergency or disaster relief requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

Grants.

SEC. 760. There is hereby appropriated $5,000,000, to remain available until September 30, 2018, for a pilot program for the National Institute of Food and Agriculture to provide grants to nonprofit organizations for programs and services to establish and enhance farming and ranching opportunities for military veterans.

Time period. Labeling.

SEC. 761. During fiscal year 2017, the Food and Drug Administration (FDA) shall not allow the introduction or delivery for introduction into interstate commerce of any food that contains genetically engineered salmon until FDA publishes final labeling guidelines for informing consumers of such content.

SEC. 762. None of the funds made available in this Act may be used to pay the salary or expenses of personnel—

(1) to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603);

(2) to inspect horses under section 903 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104–127); or

(3) to implement or enforce section 352.19 of title 9, Code of Federal Regulations (or a successor regulation).

Termination date.

SEC. 763. The Secretary shall set aside for Rural Economic Area Partnership (REAP) Zones, until August 15, 2017, an amount of funds made available in title III under the headings of Rural Housing Insurance Fund Program Account, Mutual and Self-Help Housing Grants, Rural Housing Assistance Grants, Rural Community Facilities Program Account, Rural Business Program Account, Rural Development Loan Fund Program Account, and Rural Water and Waste Disposal Program Account, equal to the amount obligated in REAP Zones with respect to funds provided under such headings in the most recent fiscal year any such funds were obligated under such headings for REAP Zones.

SEC. 764. There is hereby appropriated $600,000 for the purposes of section 727 of division A of Public Law 112–55.

SEC. 765. None of the funds made available by this Act may be used to implement, administer, or enforce the "variety" requirements of the final rule entitled "Enhancing Retailer Standards in the Supplemental Nutrition Assistance Program (SNAP)" published by the Department of Agriculture in the Federal Register on December 15, 2016 (81 Fed. Reg. 90675) until the Secretary of Agriculture amends the definition of the term "variety" as de fined in section 278.1(b)(1)(ii)(C) of title 7, Code of Federal Regulations, and "variety" as applied in the definition of the term "staple food" as defined in section 271.2 of title 7, Code of Federal Regulations, to increase the number of items that qualify as acceptable varieties in each staple food category so that the total number of such items in each staple food category exceeds the number of such items in each staple food category included in the final rule as published on December 15, 2016: *Provided*, That until the Secretary promulgates such regulatory amendments, the Secretary shall apply the requirements regarding acceptable varieties and breadth of stock to Supplemental Nutrition Assistance Program retailers that were in effect on the day before the date of the enactment of the Agricultural Act of 2014 (Public Law 113–79).

Applicability.

Sodium.

SEC. 766. None of the funds made available by this Act may be used by the Food and Drug Administration to develop, issue, promote, or advance any regulations applicable to food manufacturers for population-wide sodium reduction actions or to develop,

issue, promote or advance final guidance applicable to food manufacturers for long term population-wide sodium reduction actions until the date on which a dietary reference intake report with respect to sodium is completed.

Loans.
Grants.

SEC. 767. There is hereby appropriated $1,000,000, to remain available until September 30, 2018, for the cost of loans and grants that is consistent with section 4206 of the Agricultural Act of 2014, for necessary expenses of the Secretary to support projects that provide access to healthy food in underserved areas, to create and preserve quality jobs, and to revitalize low-income communities.

Implementation plan.

SEC. 768. In addition to funds appropriated in this Act, there is hereby appropriated $500,000, to remain available until September 30, 2018, under the heading "Rural Development, Salaries and Expenses", for development of an implementation plan for increasing access to education in the fields of science, technology, engineering, and mathematics in rural communities through the Distance Learning and Telemedicine program.

SEC. 769. There is hereby appropriated $8,000,000, to remain available until September 30, 2018, to carry out section 6407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a).

SEC. 770. (a) Of the unobligated balances from amounts made available in fiscal year 2016 for the Comprehensive Loan Accounting System under the heading "Rural Development, Salaries and Expenses", $8,900,000 are hereby rescinded.

(b) For an additional amount for "Rural Development, Salaries and Expenses", $8,900,000, to remain available until September 30, 2018, is provided for Information Technology modernization activities.

SEC. 771. The Secretary shall modify the pilot program initiated March 1, 2017, designed to preserve affordable rental housing through non-profit transfer or acquisition of Section 515 properties with expiring mortgages. The program will study effective means to transfer Section 515 properties exiting the program due to mortgage maturity to qualified nonprofit organizations to preserve the properties in the Rural Housing Service multi-family program. The Secretary shall—

(1) Conduct limited research under the authority found at section 506(b) of the Housing Act of 1949, as amended (41 U.S.C. §1476(b));

(2) Track the results and identify ways or incentives to create additional opportunities for nonprofits to participate in the preservation of properties;

(3) Work collaboratively with third-parties to address concerns identified on the Department issued guidance issued September 16, 2016 titled, "March 1, 2017, Pilot Program to Promote Non-Profit Participation in Transactions to Retain the Section 515 Portfolio" to maximize research benefits and potential application; and

Time period.
Reports.

(4) Conduct research for two years after the date of the enactment of this Act and report the findings to the Committees on Appropriations of both Houses of Congress:

Grants.

Provided, That there is hereby appropriated $1,000,000, to remain available until September 30, 2018, to provide grants to qualified non-profit organizations and public housing authorities to provide technical assistance, including financial and legal services, to RHS multi-family housing borrowers to facilitate the acquisition of RHS

multi-family housing properties in areas where the Secretary determines a risk of loss of affordable housing.

Time period. Determinations.

SEC. 772. (a) The Secretary of Agriculture (referred to in this section as the "Secretary") shall carry out a pilot program during fiscal year 2017 with respect to the 2016 crop year for county-level agriculture risk coverage payments under section 1117(b)(1) of the Agricultural Act of 2014 (7 U.S.C. 9017(b)(1)), that provides all or some of the State Farm Service Agency offices in each State the opportunity to provide agricultural producers in the State a supplemental payment described in subsection (c) based on the alternate calculation method described in subsection (b) for 1 or more counties in a State if the office for that State determines that the alternate calculation method is necessary to ensure that, to the maximum extent practicable, there are not significant yield calculation disparities between comparable counties in the State.

(b) The alternate calculation method referred to in subsection (a) is a method of calculating the actual yield for the 2016 crop year for county-level agriculture risk coverage payments under section 1117(b)(1) of the Agricultural Act of 2014 (7 U.S.C. 9017(b)(1)), under which—

(1) county data of the National Agricultural Statistics Service (referred to in this section as "NASS data") is used for the calculations;

(2) if there is insufficient NASS data for a county (as determined under standards of the Secretary in effect as of the date of enactment of this Act) or the available NASS data produces a substantially disparate result, the calculation of the county yield is determined using comparable contiguous county NASS data as determined by the Farm Service Agency office in the applicable State; and

(3) if there is insufficient NASS data for a comparable contiguous county (as determined under standards of the Secretary in effect as of the date of enactment of this Act), the calculation of the county yield is determined using reliable yield data from other sources, such as Risk Management Agency data, National Agricultural Statistics Service district data, National Agricultural Statistics Service State yield data, or other data as determined by the Farm Service Agency office in the applicable State.

(c)(1) A supplemental payment made under the pilot program established under this section may be made to an agricultural producer who is subject to the alternate calculation method described in subsection (b) if that agricultural producer would otherwise receive a county-level agriculture risk coverage payment for the 2016 crop year in an amount that is less than the payment that the agricultural producer would receive under the alternate calculation method.

(2) The amount of a supplemental payment to an agricultural producer under this section may not exceed the difference between—

(A) the payment that the agricultural producer would have received without the alternate calculation method described in subsection (b); and

(B) the payment that the agricultural producer would receive using the alternate calculation method.

(d)(1) There is appropriated to the Secretary, out of funds of the Treasury not otherwise appropriated, $5,000,000, to remain

available until September 30, 2018, to carry out the pilot program described in this section.

(2) Of the funds appropriated, the Secretary shall use not more than $5,000,000 to carry out the pilot program described in this section.

(e)(1) To the maximum extent practicable, the Secretary shall select States to participate in the pilot program under this section so the cost of the pilot program equals the amount provided under subsection (d).

(2) To the extent that the cost of the pilot program exceeds the amount made available, the Secretary shall reduce all payments under the pilot program on a pro rata basis.

(f) Nothing in this section affects the calculation of actual yield for purposes of county-level agriculture risk coverage payments under section 1117(b)(1) of the Agricultural Act of 2014 (7 U.S.C. 9017(b)(1)) other than payments made in accordance with the pilot program under this section.

(g) A calculation of actual yield made using the alternate calculation method described in subsection (b) shall not be used as a basis for any agriculture risk coverage payment determinations under section 1117 of the Agricultural Act of 2014 (7 U.S.C. 9017) other than for purposes of the pilot program under this section.

SEC. 773. None of the funds made available by this Act or any other Act may be used—

(1) in contravention of section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940); or

(2) to prohibit the transportation, processing, sale, or use of industrial hemp that is grown or cultivated in accordance with section 7606 of the Agricultural Act of 2014, within or outside the State in which the industrial hemp is grown or cultivated.

Applicability.

SEC. 774. Notwithstanding any other provision of law, for purposes of applying the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the acceptable market name of Lithodes aequispinus is "golden king crab."

This division may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2017".

Commerce, Justice, Science, and Related Agencies Appropriations Act, 2017.

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

TITLE I

DEPARTMENT OF COMMERCE

Department of Commerce Appropriations Act, 2017.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

Time periods. Fees.

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to sections 3702 and 3703 of title 44, United States Code; full medical coverage for dependent members of immediate families of employees stationed overseas

and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to section 40118 of title 49, United States Code; employment of citizens of the United States and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed $294,300 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $495,000,000, to remain available until September 30, 2018, of which $12,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding section 3302 of title 31, United States Code: *Provided*, That, of amounts provided under this heading, not less than $16,400,000 shall be for China antidumping and countervailing duty enforcement and compliance activities: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

China.

Applicability.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of citizens of the United States and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed $13,500 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by section 1(b) of the Act of June 15, 1917 (40 Stat. 223; 22 U.S.C. 401(b)); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $112,500,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national

Applicability.

security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

Grants.

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, for trade adjustment assistance, and for grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722), $237,000,000, to remain available until expended, of which $17,000,000 shall be for grants under such section 27.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $39,000,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722), and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $34,000,000.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $107,300,000, to remain available until September 30, 2018.

BUREAU OF THE CENSUS

CURRENT SURVEYS AND PROGRAMS

For necessary expenses for collecting, compiling, analyzing, preparing and publishing statistics, provided for by law, $270,000,000: *Provided*, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities: *Provided further*, That the Bureau of the Census shall collect and analyze data for the Annual Social and Economic Supplement to the Current Population Survey using the same health insurance questions included in previous years, in addition to the revised questions implemented in the Current Population Survey beginning in February 2014.

Analysis.

PERIODIC CENSUSES AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for collecting, compiling, analyzing, preparing and publishing statistics for periodic censuses and programs provided for by law, $1,200,000,000, to remain available until September 30, 2018: *Provided*, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities: *Provided further*, That within the amounts appropriated, $2,580,000 shall be transferred to the "Office of Inspector General" account for activities associated with carrying out investigations and audits related to the Bureau of the Census: *Provided further*, That not more than 50 percent of the amounts made available under this heading for information technology related to 2020 census delivery, including the Census Enterprise Data Collection and Processing (CEDCaP) program, may be obligated until the Secretary submits to the Committees on Appropriations of the House of Representatives and the Senate a plan for expenditure that: (1) identifies for each CEDCaP project/investment over $25,000: (A) the functional and performance capabilities to be delivered and the mission benefits to be realized; (B) the estimated lifecycle cost, including estimates for development as well as maintenance and operations; and (C) key milestones to be met; (2) details for each project/investment: (A) reasons for any cost and schedule variances; and (B) top risks and mitigation strategies; and (3) has been submitted to the Government Accountability Office. Expenditure plan.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $32,000,000, to remain available until September 30, 2018: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended. Fees.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION Grants.

For the administration of prior-year grants, recoveries and unobligated balances of funds previously appropriated are available for the administration of all open grants until their expiration.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, $3,230,000,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections of fees and surcharges assessed and collected by the USPTO under any law are received during fiscal year 2017, so as to result in a fiscal year 2017 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2017, should the total amount of such offsetting collections be less than $3,230,000,000 this amount shall be reduced accordingly: *Provided further*, That any amount received in excess of $3,230,000,000 in fiscal year 2017 and deposited in the Patent and Trademark Fee Reserve Fund shall remain available until expended: *Provided further*, That the Director of USPTO shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That any amounts reprogrammed in accordance with the preceding proviso shall be transferred to the United States Patent and Trademark Office "Salaries and Expenses" account: *Provided further*, That from amounts provided herein, not to exceed $900 shall be made available in fiscal year 2017 for official reception and representation expenses: *Provided further*, That in fiscal year 2017 from the amounts made available for "Salaries and Expenses" for the USPTO, the amounts necessary to pay (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) as provided by the Office of Personnel Management (OPM) for USPTO's specific use, of basic pay, of employees subject to subchapter III of chapter 83 of that title, and (2) the present value of the otherwise unfunded accruing costs, as determined by OPM for USPTO's specific use of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees who are enrolled in Federal Employees Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGLI), shall be transferred to the Civil Service Retirement and Disability Fund, the FEGLI Fund, and the FEHB Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That any differences between the present value factors published in OPM's yearly 300 series benefit letters and the factors that OPM provides for USPTO's specific use shall be recognized as an imputed cost on USPTO's financial statements, where applicable: *Provided further*, That, notwithstanding any other provision of law, all fees and surcharges assessed and collected by USPTO are available for USPTO only pursuant to section 42(c)

Spending plan.

of title 35, United States Code, as amended by section 22 of the Leahy-Smith America Invents Act (Public Law 112–29): *Provided further*, That within the amounts appropriated, $2,000,000 shall be transferred to the "Office of Inspector General" account for activities associated with carrying out investigations and audits related to the USPTO.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the National Institute of Standards and Technology (NIST), $690,000,000, to remain available until expended, of which not to exceed $9,000,000 may be transferred to the "Working Capital Fund": *Provided*, That not to exceed $5,000 shall be for official reception and representation expenses: *Provided further*, That NIST may provide local transportation for summer undergraduate research fellowship program participants.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses for industrial technology services, $155,000,000, to remain available until expended, of which $130,000,000 shall be for the Hollings Manufacturing Extension Partnership, and of which $25,000,000 shall be for the National Network for Manufacturing Innovation: *Provided*, That of the amount provided under this heading, $2,000,000 shall be derived from recoveries of prior year obligations.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by sections 13 through 15 of the National Institute of Standards and Technology Act (15 U.S.C. 278c–278e), $109,000,000, to remain available until expended: *Provided*, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than $5,000,000, and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years.

Estimates.
15 USC 1513b note.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including

maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $3,367,875,000, to remain available until September 30, 2018, except that funds provided for cooperative enforcement shall remain available until September 30, 2019: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That in addition, $130,164,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries", which shall only be used for fishery activities related to the Saltonstall-Kennedy Grant Program, Cooperative Research, Annual Stock Assessments, Survey and Monitoring Projects, Interjurisdictional Fisheries Grants, and Fish Information Networks: *Provided further*, That of the $3,515,539,000 provided for in direct obligations under this heading, $3,367,875,000 is appropriated from the general fund, $130,164,000 is provided by transfer and $17,500,000 is derived from recoveries of prior year obligations: *Provided further*, That the total amount available for National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $228,440,000: *Provided further*, That any deviation from the amounts designated for specific activities in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That in addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents' Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $2,242,610,000, to remain available until September 30, 2019, except that funds provided for acquisition and construction of vessels and construction of facilities shall remain available until expended: *Provided*, That of the $2,255,610,000 provided for in direct obligations under this heading, $2,242,610,000 is appropriated from the general fund and $13,000,000 is provided from recoveries of prior year obligations: *Provided further*, That any deviation from the amounts designated for specific activities in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in support of the

Estimates.
15 USC 1513a note.

Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Oceanic and Atmospheric Administration procurement, acquisition or construction project having a total of more than $5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years: *Provided further*, That, within the amounts appropriated, $1,302,000 shall be transferred to the "Office of Inspector General" account for activities associated with carrying out investigations and audits related to satellite procurement, acquisition and construction.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $65,000,000, to remain available until September 30, 2018: *Provided*, That, of the funds provided herein, the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and to the Federally recognized tribes of the Columbia River and Pacific Coast (including Alaska), for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or that are identified by a State as at-risk to be so listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: *Provided further*, That all funds shall be allocated based on scientific and other merit principles and shall not be available for marketing activities: *Provided further*, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

Grants.
States.
Native Americans.
Guidelines.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $350,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2017, obligations of direct loans may not exceed $24,000,000 for Individual Fishing Quota loans and not to exceed $100,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for the management of the Department of Commerce provided for by law, including not to exceed $4,500 for official reception and representation, $58,000,000: *Provided*, That within amounts provided, the Secretary of Commerce may use up to $2,500,000 to engage in activities to provide businesses

and communities with information about and referrals to relevant Federal, State, and local government programs.

RENOVATION AND MODERNIZATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the renovation and modernization of the Herbert C. Hoover Building, including security-related costs, $4,000,000, to remain available until expended: *Provided*, That the Secretary of Commerce may transfer up to $8,224,000 to this account from funds available to the Department of Commerce: *Provided further*, That the transfer authority provided in the first proviso is in addition to any other transfer authority contained in this Act: *Provided further*, That any transfer pursuant to the authority provided under this heading shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $32,744,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING TRANSFER OF FUNDS)

Certification.

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce.

Notification.
Deadline.

SEC. 104. The requirements set forth by section 105 of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012 (Public Law 112–55), as amended by section 105 of title I of division B of Public Law 113–6, are hereby adopted by reference and made applicable with respect to fiscal year 2017: *Provided*, That the life cycle cost for the Joint Polar Satellite System is $11,322,125,000 and the life cycle cost for the Geostationary Operational Environmental Satellite R-Series Program is $10,828,059,000. 33 USC 878a note.

SEC. 105. Notwithstanding any other provision of law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms, or organizations are authorized, pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority, to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949 on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to $200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 106. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks. Pornography. Patents and copyrights.

SEC. 107. The Administrator of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency, or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory, or possession, or of any political subdivision thereof, or of any foreign government or international organization, for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration. Reimbursement.

SEC. 108. The National Technical Information Service shall not charge any customer for a copy of any report or document generated by the Legislative Branch unless the Service has provided information to the customer on how an electronic copy of such report or document may be accessed and downloaded for free online. Should a customer still require the Service to provide a printed or digital copy of the report or document, the charge shall be limited to recovering the Service's cost of processing, reproducing, and delivering such report or document. Records.

SEC. 109. The Secretary of Commerce may waive the requirement for bonds under 40 U.S.C. 3131 with respect to contracts for the construction, alteration, or repair of vessels, regardless of the terms of the contracts as to payment or title, when the contract is made under the Coast and Geodetic Survey Act of 1947 (33 U.S.C. 883a et seq.). Waiver authority. Contracts.

SEC. 110. None of the funds appropriated or otherwise made available in this or any other Act, with respect to any fiscal year, may be used in contravention of section 110 of the Commerce, 16 USC 1851 note.

Justice, Science, and Related Agencies Appropriations Act, 2016 (Public Law 114–113).

Grants.
Contracts.

SEC. 111. To carry out the responsibilities of the National Oceanic and Atmospheric Administration (NOAA), the Administrator of NOAA is authorized to: (1) enter into grants and cooperative agreements with; (2) use on a non-reimbursable basis land, services, equipment, personnel, and facilities provided by; and (3) receive and expend funds made available on a consensual basis from: a Federal agency, State or subdivision thereof, local government, tribal government, territory, or possession or any subdivisions thereof: *Provided*, That funds received for permitting and related regulatory activities pursuant to this section shall be deposited under the heading "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" and shall remain available until September 30, 2019, for such purposes: *Provided further*, That all funds within this section and their corresponding uses are subject to section 505 of this Act.

SEC. 112. Amounts provided by this Act or by any prior appropriations Act that remain available for obligation, for necessary expenses of the programs of the Economics and Statistics Administration of the Department of Commerce, including amounts provided for programs of the Bureau of Economic Analysis and the U.S. Census Bureau, shall be available for expenses of cooperative agreements with appropriate entities, including any Federal, State, or local governmental unit, or institution of higher education, to aid and promote statistical, research, and methodology activities which further the purposes for which such amounts have been made available.

RMS *Titanic*.

SEC. 113. For fiscal year 2017 and each fiscal year thereafter, no person shall conduct any research, exploration, salvage, or other activity that would physically alter or disturb the wreck or wreck site of the RMS *Titanic* unless authorized by the Secretary of Commerce per the provisions of the Agreement Concerning the Shipwrecked Vessel RMS *Titanic*. The Secretary of Commerce shall take appropriate actions to carry out this section consistent with the Agreement.

This title may be cited as the "Department of Commerce Appropriations Act, 2017".

Department of Justice Appropriations Act, 2017.

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $114,124,000, of which not to exceed $4,000,000 for security and construction of Department of Justice facilities shall remain available until expended.

JUSTICE INFORMATION SHARING TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information sharing technology, including planning, development, deployment and departmental

direction, $31,000,000, to remain available until expended: *Provided*, That the Attorney General may transfer up to $35,400,000 to this account, from funds available to the Department of Justice for information technology, to remain available until expended, for enterprise-wide information technology initiatives: *Provided further*, That the transfer authority in the preceding proviso is in addition to any other transfer authority contained in this Act: *Provided further*, That any transfer pursuant to the first proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the administration of immigration-related activities of the Executive Office for Immigration Review, $440,000,000, of which $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examinations Fee" account: *Provided*, That not to exceed $15,000,000 of the total amount made available under this heading shall remain available until expended: *Provided further*, That any unobligated balances available from funds appropriated for the Executive Office for Immigration Review under the heading "General Administration, Administrative Review and Appeals" shall be transferred to and merged with the appropriation under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $95,583,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $13,308,000: *Provided*, That, notwithstanding any other provision of law, upon the expiration of a term of office of a Commissioner, the Commissioner may continue to act until a successor has been appointed.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; the administration of pardon and clemency petitions; and rent of private or Government-owned space in the District of Columbia, $897,500,000, of which not to exceed $20,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the amount provided for

INTERPOL Washington dues payments, not to exceed $685,000 shall remain available until expended: *Provided further*, That of the total amount appropriated, not to exceed $9,000 shall be available to INTERPOL Washington for official reception and representation expenses: *Provided further*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That of the amount appropriated, such sums as may be necessary shall be available to the Civil Rights Division for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (52 U.S.C. 10305) and to reimburse the Office of Personnel Management for such salaries and expenses: *Provided further*, That of the amounts provided under this heading for the election monitoring program, $3,390,000 shall remain available until expended.

Determination. Transfer authority.

Reimbursement.

Reimbursement.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $10,000,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $164,977,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be $125,000,000 in fiscal year 2017), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2017, so as to result in a final fiscal year 2017 appropriation from the general fund estimated at $39,977,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $2,035,000,000: *Provided*, That of the total amount appropriated, not to exceed $7,200 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $25,000,000 shall remain available until expended: *Provided further*, That each United States Attorney shall establish or participate in a task force on human trafficking.

Establishment. Human rights.

UNITED STATES TRUSTEE SYSTEM FUND

Fees.

For necessary expenses of the United States Trustee Program, as authorized, $225,908,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, deposits to the United States Trustee System Fund and amounts herein appropriated shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, fees collected pursuant to section 589a(b) of title 28, United States Code, shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further*, That to the extent that fees collected in fiscal year 2017, net of amounts necessary to pay refunds due depositors, exceed $225,908,000, those excess amounts shall be available in future fiscal years only to the extent provided in advance in appropriations Acts: *Provided further*, That the sum herein appropriated from the general fund shall be reduced (1) as such fees are received during fiscal year 2017, net of amounts necessary to pay refunds due depositors, (estimated at $163,000,000) and (2) to the extent that any remaining general fund appropriations can be derived from amounts deposited in the Fund in previous fiscal years that are not otherwise appropriated, so as to result in a final fiscal year 2017 appropriation from the general fund estimated at $62,908,000.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, $2,374,000.

FEES AND EXPENSES OF WITNESSES

Contracts.

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $270,000,000, to remain available until expended, of which not to exceed $16,000,000 is for construction of buildings for protected witness safesites; not to exceed $3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed $13,000,000 is for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses: *Provided*, That amounts made available under this heading may not be transferred pursuant to section 205 of this Act.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

(INCLUDING TRANSFER OF FUNDS)

Determination.
Transfer authority.

For necessary expenses of the Community Relations Service, $15,500,000: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current

fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by subparagraphs (B), (F), and (G) of section 524(c)(1) of title 28, United States Code, $20,514,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $1,249,040,000, of which not to exceed $6,000 shall be available for official reception and representation expenses, and not to exceed $15,000,000 shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, $10,000,000, to remain available until expended.

FEDERAL PRISONER DETENTION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses related to United States prisoners in the custody of the United States Marshals Service as authorized by section 4013 of title 18, United States Code, $1,454,414,000, to remain available until expended: *Provided*, That not to exceed $20,000,000 shall be considered "funds appropriated for State and local law enforcement assistance" pursuant to section 4013(b) of title 18, United States Code: *Provided further*, That the United States Marshals Service shall be responsible for managing the Justice Prisoner and Alien Transportation System: *Provided further*, That any unobligated balances available from funds appropriated under the heading "General Administration, Detention Trustee" shall be transferred to and merged with the appropriation under this heading.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the activities of the National Security Division, $96,000,000, of which not to exceed $5,000,000 for information technology systems shall remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that

Determination. Transfer authority.

emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking organizations, transnational organized crime, and money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in transnational organized crime and drug trafficking, $517,000,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, $8,767,201,000, of which not to exceed $285,882,000 shall remain available until expended: *Provided*, That not to exceed $184,500 shall be available for official reception and representation expenses: *Provided further*, That in addition to other funds provided for Construction projects, the Federal Bureau of Investigation may use up to $68,982,000 under this heading for all costs related to construction, conversion, modification and extension of federally owned and leased space; preliminary planning and design of projects; and operation and maintenance of secure work environment facilities and secure networking capabilities.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of federally owned buildings; preliminary planning and design of projects; and operation and maintenance of secure work environment facilities and secure networking capabilities; $420,178,000, to remain available until expended, of which $181,000,000 shall be derived by transfer from the Department of Justice's Working Capital Fund: *Provided*, That $323,000,000

shall be for the new Federal Bureau of Investigation consolidated headquarters facility in the National Capital Region.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to section 530C of title 28, United States Code; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $2,102,976,000, of which not to exceed $75,000,000 shall remain available until expended and not to exceed $90,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $1,258,600,000, of which not to exceed $36,000 shall be for official reception and representation expenses, not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code, and not to exceed $20,000,000 shall remain available until expended: *Provided*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $7,008,800,000: *Provided*, That the Attorney General may transfer to the Department of Health and Human Services such amounts as may be necessary for direct expenditures by that

42 USC 250a note.

Department for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed $5,400 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2018: *Provided further*, That, of the amounts provided for contract confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past, notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

Contracts. Determination.

Contracts. Grants.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $130,000,000, to remain available until expended, of which $50,000,000 shall be available only for costs related to construction of new facilities: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,700,000 of the funds of the Federal Prison Industries, Incorporated, shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost

of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101–647) ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) ("the 1974 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) ("the 2000 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) ("the 2013 Act"); and the Rape Survivor Child Custody Act of 2015 (Public Law 114–22) ("the 2015 Act"); and for related victims services, $481,500,000, to remain available until expended, of which $326,000,000 shall be derived by transfer from amounts available for obligation in this Act from the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (42 U.S.C. 10601), notwithstanding section 1402(d) of such Act of 1984, and merged with the amounts otherwise made available under this heading: *Provided*, That except as otherwise provided by law, not to exceed 5 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: *Provided further*, That of the amount provided—

(1) $215,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act;

(2) $30,000,000 is for transitional housing assistance grants for victims of domestic violence, dating violence, stalking, or sexual assault as authorized by section 40299 of the 1994 Act;

(3) $3,000,000 is for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women, which shall be transferred to "Research, Evaluation and Statistics" for administration by the Office of Justice Programs;

(4) $11,000,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs

to engage men and youth in preventing such violence; and assistance to middle and high school students through education and other services related to such violence: *Provided*, That unobligated balances available for the programs authorized by sections 41201, 41204, 41303, and 41305 of the 1994 Act, prior to its amendment by the 2013 Act, shall be available for this program: *Provided further*, That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act: *Provided further*, That the definitions and grant conditions in section 40002 of the 1994 Act shall apply to this program;

(5) $53,000,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act, of which $4,000,000 is for a homicide reduction initiative;

(6) $35,000,000 is for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(7) $35,000,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(8) $20,000,000 is for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(9) $45,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(10) $5,000,000 is for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(11) $16,000,000 is for grants to support families in the justice system, as authorized by section 1301 of the 2000 Act: *Provided*, That unobligated balances available for the programs authorized by section 1301 of the 2000 Act and section 41002 of the 1994 Act, prior to their amendment by the 2013 Act, shall be available for this program;

(12) $6,000,000 is for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(13) $500,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act;

(14) $1,000,000 is for analysis and research on violence against Indian women, including as authorized by section 904 of the 2005 Act: *Provided*, That such funds may be transferred to "Research, Evaluation and Statistics" for administration by the Office of Justice Programs;

(15) $500,000 is for a national clearinghouse that provides training and technical assistance on issues relating to sexual assault of American Indian and Alaska Native women;

(16) $4,000,000 is for grants to assist tribal governments in exercising special domestic violence criminal jurisdiction, as authorized by section 904 of the 2013 Act: *Provided*, That the grant conditions in section 40002(b) of the 1994 Act shall apply to this program; and

(17) $1,500,000 for the purposes authorized under the 2015 Act.

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION AND STATISTICS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Justice for All Act of 2004 (Public Law 108–405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101–647); the Second Chance Act of 2007 (Public Law 110–199); the Victims of Crime Act of 1984 (Public Law 98–473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) ("the Adam Walsh Act"); the PROTECT Our Children Act of 2008 (Public Law 110–401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) ("the 2002 Act"); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) ("the 2013 Act"); and other programs, $89,000,000, to remain available until expended, of which—

(1) $45,500,000 is for criminal justice statistics programs, and other activities, as authorized by part C of title I of the 1968 Act, of which $5,000,000 is for a nationwide incident-based crime statistics program;

(2) $39,500,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act and subtitle D of title II of the 2002 Act, of which $4,000,000 is for research targeted toward developing a better understanding of the domestic radicalization phenomenon, and advancing evidence-based strategies for effective intervention and prevention; and

(3) $4,000,000 is for activities to strengthen and enhance the practice of forensic sciences, of which $3,000,000 is for transfer to the National Institute of Standards and Technology to support Scientific Area Committees.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Justice for All Act of 2004 (Public Law 108–405); the Victims of Child Abuse Act of 1990 (Public Law 101–647) ("the 1990 Act"); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) ("the Adam Walsh Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law

106–386); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) ("the 2002 Act"); the Second Chance Act of 2007 (Public Law 110–199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110–403); the Victims of Crime Act of 1984 (Public Law 98–473); the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) ("the 2013 Act"); the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198) ("CARA"); and other programs, $1,258,500,000, to remain available until expended as follows—

(1) $396,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g) of title I of the 1968 Act shall not apply for purposes of this Act), of which, notwithstanding such subpart 1, $7,500,000 is for the Officer Robert Wilson III Memorial Initiative on Preventing Violence Against Law Enforcement Officer Resilience and Survivability (VALOR), $5,000,000 is for an initiative to support evidence-based policing, $2,500,000 is for an initiative to enhance prosecutorial decision-making, $2,400,000 is for the operationalization, maintenance and expansion of the National Missing and Unidentified Persons System, $2,500,000 is for a national training initiative to improve police-based responses to people with mental illness or developmental disabilities, $6,500,000 is for competitive and evidence-based programs to reduce gun crime and gang violence, $2,000,000 is for a student loan repayment assistance program pursuant to section 952 of Public Law 110–315, $2,500,000 is for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108–405, and for grants for wrongful conviction review, $10,500,000 is for prison rape prevention and prosecution grants to States and units of local government, and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79), and $20,000,000 is for the sole purpose of providing reimbursement of extraordinary law enforcement and related costs directly associated with protection of the President-elect incurred from November 9, 2016 until the inauguration of the President-elect as President: *Provided*, That reimbursement under the foregoing shall be provided only for costs that a State or local agency can document as being over and above normal law enforcement operations and directly attributable to the provision of protection described herein: *Provided further*, That section 154 of the Continuing Appropriations Act, 2017 (division C of Public Law 114–223), as amended by the Further Continuing and Security Assistance Appropriations Act, 2017 (Public Law 114–254), is amended by inserting after "$7,000,000" the following: ", to remain available until September 30, 2017,";

130 Stat. 1006.

(2) $210,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)): *Provided*, That no jurisdiction shall request compensation for any cost greater

than the actual cost for Federal immigration and other detainees housed in State and local detention facilities;

(3) $45,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386, for programs authorized under Public Law 109–164, or programs authorized under Public Law 113–4;

(4) $13,000,000 for economic, high technology, white collar and Internet crime prevention grants, including as authorized by section 401 of Public Law 110–403;

(5) $20,000,000 for sex offender management assistance, as authorized by the Adam Walsh Act, and related activities;

(6) $22,500,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: *Provided*, That $1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards for research, testing and evaluation programs;

(7) $1,000,000 for the National Sex Offender Public Website;

(8) $73,000,000 for grants to States to upgrade criminal and mental health records for the National Instant Criminal Background Check System, of which no less than $25,000,000 shall be for grants made under the authorities of the NICS Improvement Amendments Act of 2007 (Public Law 110–180);

(9) $13,000,000 for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act;

(10) $125,000,000 for DNA-related and forensic programs and activities, of which—

(A) $117,000,000 is for a DNA analysis and capacity enhancement program and for other local, State, and Federal forensic activities, including the purposes authorized under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106–546) (the Debbie Smith DNA Backlog Grant Program): *Provided*, That up to 4 percent of funds made available under this paragraph may be used for the purposes described in the DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers program (Public Law 108–405, section 303);

(B) $4,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program (Public Law 108–405, section 412); and

(C) $4,000,000 is for Sexual Assault Forensic Exam Program grants, including as authorized by section 304 of Public Law 108–405;

(11) $45,000,000 for a grant program for community-based sexual assault response reform;

(12) $9,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(13) $68,000,000 for offender reentry programs and research, as authorized by the Second Chance Act of 2007 (Public Law 110–199), without regard to the time limitations specified at section 6(1) of such Act, of which not to exceed $6,000,000 is for a program to improve State, local, and tribal probation or parole supervision efforts and strategies,

$5,000,000 is for Children of Incarcerated Parents Demonstrations to enhance and maintain parental and family relationships for incarcerated parents as a reentry or recidivism reduction strategy, and $4,000,000 is for additional replication sites employing the Project HOPE Opportunity Probation with Enforcement model implementing swift and certain sanctions in probation, and for a research project on the effectiveness of the model: *Provided*, That up to $7,500,000 of funds made available in this paragraph may be used for performance-based awards for Pay for Success projects, of which up to $5,000,000 shall be for Pay for Success programs implementing the Permanent Supportive Housing Model;

(14) $50,000,000 for the Comprehensive School Safety Initiative;

(15) $65,000,000 for initiatives to improve police-community relations, of which $22,500,000 is for a competitive matching grant program for purchases of body-worn cameras for State, local and tribal law enforcement, $25,000,000 is for a justice reinvestment initiative, for activities related to criminal justice reform and recidivism reduction, and $17,500,000 is for an Edward Byrne Memorial criminal justice innovation program; and

(16) $103,000,000 for comprehensive opioid abuse reduction activities, including as authorized by CARA, and for the following programs, which shall address opioid abuse reduction consistent with underlying program authorities—

(A) $43,000,000 for Drug Courts, as authorized by section 1001(a)(25)(A) of title I of the 1968 Act;

(B) $12,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416);

(C) $14,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(D) $7,000,000 for a veterans treatment courts program; and

(E) $14,000,000 for a program to monitor prescription drugs and scheduled listed chemical products:

Provided, That, if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act

of 2003 (Public Law 108–21); the Victims of Child Abuse Act of 1990 (Public Law 101–647) ("the 1990 Act"); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) ("the Adam Walsh Act"); the PROTECT Our Children Act of 2008 (Public Law 110–401); the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4) ("the 2013 Act"); and other juvenile justice programs, $247,000,000, to remain available until expended as follows—

(1) $55,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, nonprofit organizations with the Federal grants process: *Provided*, That of the amounts provided under this paragraph, $500,000 shall be for a competitive demonstration grant program to support emergency planning among State, local and tribal juvenile justice residential facilities;

(2) $80,000,000 for youth mentoring grants;

(3) $14,500,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) $4,000,000 shall be for gang and youth violence education, prevention and intervention, and related activities;

(B) $500,000 shall be for an Internet site providing information and resources on children of incarcerated parents;

(C) $2,000,000 shall be for competitive grants focusing on girls in the juvenile justice system; and

(D) $8,000,000 shall be for community-based violence prevention initiatives, including for public health approaches to reducing shootings and violence;

(4) $21,000,000 for programs authorized by the Victims of Child Abuse Act of 1990;

(5) $72,500,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act (except that section 102(b)(4)(B) of the PROTECT Our Children Act of 2008 (Public Law 110–401) shall not apply for purposes of this Act);

(6) $2,000,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act; and

(7) $2,000,000 for a program to improve juvenile indigent defense:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of the amounts designated under paragraphs (1) through (4) and (6) may be used for training and technical assistance: *Provided further*, That the two preceding provisos shall not apply to grants and projects administered pursuant to sections 261 and 262 of the 1974 Act and to missing and exploited children programs.

PUBLIC SAFETY OFFICER BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs), to remain available until expended; and $16,300,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to "Public Safety Officer Benefits" from available appropriations for the Department of Justice as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Determination. Transfer authority.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"), $221,500,000, to remain available until expended: *Provided*, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act: *Provided further*, That of the amount provided under this heading—

(1) $10,000,000 is for anti-methamphetamine-related activities, which shall be transferred to the Drug Enforcement Administration upon enactment of this Act;

(2) $194,500,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section: *Provided*, That, notwithstanding section 1704(c) of such title (42 U.S.C. 3796dd–3(c)), funding for hiring or rehiring a career law enforcement officer may not exceed $125,000 unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation: *Provided further*, That of the amounts appropriated under this paragraph, $5,000,000 is for community policing development activities in furtherance of the purposes in section 1701: *Provided further*, That within the amounts appropriated under this paragraph, $10,000,000 is for the collaborative reform model of technical assistance in furtherance of the purposes in section 1701: *Provided further*, That of the amounts appropriated under this paragraph $35,000,000 is for regional information sharing activities, as authorized by part M of title I of the 1968 Act, which shall

Waiver.

be transferred to and merged with "Research, Evaluation, and Statistics" for administration by the Office of Justice Programs: *Provided further*, That of the amounts appropriated under this paragraph, $7,500,000 is for activities authorized by the POLICE Act of 2016 (Public Law 114–199);

(3) $7,000,000 is for competitive grants to State law enforcement agencies in States with high seizures of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures: *Provided*, That funds appropriated under this paragraph shall be utilized for investigative purposes to locate or investigate illicit activities, including precursor diversion, laboratories, or methamphetamine traffickers; and

(4) $10,000,000 is for competitive grants to statewide law enforcement agencies in States with high rates of primary treatment admissions for heroin and other opioids: *Provided*, That these funds shall be utilized for investigative purposes to locate or investigate illicit activities, including activities related to the distribution of heroin or unlawful distribution of prescription opioids, or unlawful heroin and prescription opioid traffickers through statewide collaboration.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

Abortion.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape or incest: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

Abortion.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 206. None of the funds made available under this title may be used by the Federal Bureau of Prisons or the United

States Marshals Service for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 207. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, or to rent or purchase audiovisual or electronic media or equipment used primarily for recreational purposes.

(b) Subsection (a) does not preclude the rental, maintenance, or purchase of audiovisual or electronic media or equipment for inmate training, religious, or educational programs.

Certification.

SEC. 208. None of the funds made available under this title shall be obligated or expended for any new or enhanced information technology program having total estimated development costs in excess of $100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations of the House of Representatives and the Senate that the information technology program has appropriate program management controls and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

Applicability.

SEC. 209. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 210. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A–76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 211. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of section 545 of title 28, United States Code.

SEC. 212. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this title under the headings "Research, Evaluation and Statistics", "State and Local Law Enforcement Assistance", and "Juvenile Justice Programs"—

(1) up to 3 percent of funds made available to the Office of Justice Programs for grant or reimbursement programs may be used by such Office to provide training and technical assistance; and

(2) up to 2 percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National

Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation, or statistical purposes, without regard to the authorizations for such grant or reimbursement programs.

SEC. 213. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, up to 7 percent of funds made available for grant or reimbursement programs—

(1) under the heading "State and Local Law Enforcement Assistance" (except for funds made available under paragraphs (1), (2), and (16) under such heading); and

(2) under the headings "Juvenile Justice Programs" (except for funds made available under paragraph (5) under such heading) and "Community Oriented Policing Services Programs", to be transferred to and merged with funds made available under the heading "State and Local Law Enforcement Assistance",

shall be available for tribal criminal justice assistance without regard to the authorizations for such grant or reimbursement programs.

SEC. 214. Upon request by a grantee for whom the Attorney General has determined there is a fiscal hardship, the Attorney General may, with respect to funds appropriated in this or any other Act making appropriations for fiscal years 2014 through 2017 for the following programs, waive the following requirements:

(1) For the adult and juvenile offender State and local reentry demonstration projects under part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(g)(1)), the requirements under section 2976(g)(1) of such part.

(2) For State, Tribal, and local reentry courts under part FF of title I of such Act of 1968 (42 U.S.C. 3797w–2(e)(1) and (2)), the requirements under section 2978(e)(1) and (2) of such part.

(3) For the prosecution drug treatment alternatives to prison program under part CC of title I of such Act of 1968 (42 U.S.C. 3797q–3), the requirements under section 2904 of such part.

(4) For grants to protect inmates and safeguard communities as authorized by section 6 of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15605(c)(3)), the requirements of section 6(c)(3) of such Act.

SEC. 215. Notwithstanding any other provision of law, section 20109(a) of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(a)) shall not apply to amounts made available by this or any other Act.

SEC. 216. None of the funds made available under this Act, other than for the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note), may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel, unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 217. (a) None of the income retained in the Department of Justice Working Capital Fund pursuant to title I of Public Law

102–140 (105 Stat. 784; 28 U.S.C. 527 note) shall be available for obligation during fiscal year 2017, except up to $40,000,000 may be obligated for implementation of a unified Department of Justice financial management system.

(b) Not to exceed $30,000,000 of the unobligated balances transferred to the capital account of the Department of Justice Working Capital Fund pursuant to title I of Public Law 102–140 (105 Stat. 784; 28 U.S.C. 527 note) shall be available for obligation in fiscal year 2017, and any use, obligation, transfer or allocation of such funds shall be treated as a reprogramming of funds under section 505 of this Act.

(c) Not to exceed $10,000,000 of the excess unobligated balances available under section 524(c)(8)(E) of title 28, United States Code, shall be available for obligation during fiscal year 2017, and any use, obligation, transfer or allocation of such funds shall be treated as a reprogramming of funds under section 505 of this Act.

SEC. 218. Discretionary funds that are made available in this Act for the Office of Justice Programs may be used to participate in Performance Partnership Pilots authorized under section 526 of division H of Public Law 113–76, section 524 of division G of Public Law 113–235, section 525 of division H of Public Law 114–113, and such authorities as are enacted for Performance Partnership Pilots in an appropriations Act for fiscal year 2017.

SEC. 219. In addition to any other transfer authority available to the Department of Justice, for fiscal years 2017 through 2022, unobligated balances available in the Department of Justice Working Capital Fund pursuant to title I of Public Law 102–140 (105 Stat. 784; 28 U.S.C. 527 note) may be transferred to the "Federal Bureau of Investigation, Construction" account, to remain available until expended for the new Federal Bureau of Investigation headquarters in the National Capital Region: *Provided*, That the cumulative total amount of funds transferred from the Working Capital Fund from fiscal year 2017 through 2022 pursuant to this section shall not exceed $315,000,000: *Provided further*, That transfers pursuant to this section shall not count against any ceiling on the use of unobligated balances transferred to the capital account of the Working Capital Fund in this or any other Act in any such fiscal year: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

This title may be cited as the "Department of Justice Appropriations Act, 2017".

TITLE III

Science Appropriations Act, 2017.

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, not to exceed $2,250 for official reception and representation expenses,

and rental of conference rooms in the District of Columbia, $5,555,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $5,764,900,000, to remain available until September 30, 2018: *Provided*, That the formulation and development costs (with development cost as defined under section 30104 of title 51, United States Code) for the James Webb Space Telescope shall not exceed $8,000,000,000: *Provided further*, That should the individual identified under subsection (c)(2)(E) of section 30104 of title 51, United States Code, as responsible for the James Webb Space Telescope determine that the development cost of the program is likely to exceed that limitation, the individual shall immediately notify the Administrator and the increase shall be treated as if it meets the 30 percent threshold described in subsection (f) of section 30104: *Provided further*, That, of the amounts provided, $275,000,000 is for an orbiter and a lander to meet the science goals for the Jupiter Europa mission as outlined in the most recent planetary science decadal survey: *Provided further*, That the National Aeronautics and Space Administration shall use the Space Launch System as the launch vehicle or vehicles for the Jupiter Europa mission, plan for an orbiter launch no later than 2022 and a lander launch no later than 2024, and include in the fiscal year 2018 budget the 5-year funding profile necessary to achieve these goals.

Determination.
Notification.

Plan.
Deadlines.
Budget profile.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $660,000,000, to remain available until September 30, 2018.

SPACE TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of space technology research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design;

space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $686,500,000, to remain available until September 30, 2018: *Provided*, That $130,000,000 shall be for the RESTORE satellite servicing program for continuation of formulation and development activities for RESTORE and such funds shall not support activities solely needed for the asteroid redirect mission.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $4,324,000,000, to remain available until September 30, 2018: *Provided*, That not less than $1,350,000,000 shall be for the Orion Multi-Purpose Crew Vehicle: *Provided further*, That not less than $2,150,000,000 shall be for the Space Launch System (SLS) launch vehicle, which shall have a lift capability not less than 130 metric tons and which shall have core elements and an Exploration Upper Stage developed simultaneously: *Provided further*, That of the amounts provided for SLS, not less than $300,000,000 shall be for Exploration Upper Stage development: *Provided further*, That $429,000,000 shall be for exploration ground systems: *Provided further*, That the National Aeronautics and Space Administration (NASA) shall provide to the Committees on Appropriations of the House of Representatives and the Senate, concurrent with the annual budget submission, a 5-year budget profile for an integrated budget that includes the Space Launch System, the Orion Multi-Purpose Crew Vehicle, and associated ground systems, that will meet the Exploration Mission 2 (EM–2) management agreement launch date of no later than 2021 at a success level equal to the Agency Baseline Commitment for EM–2 of the Orion Multi-Purpose Crew Vehicle: *Provided further*, That $395,000,000 shall be for exploration research and development.

Budget profile.
Deadline.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities, including operations, production, and services; maintenance and repair, facility planning and design; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation

of mission and administrative aircraft, $4,950,700,000, to remain available until September 30, 2018.

EDUCATION

For necessary expenses, not otherwise provided for, in the conduct and support of aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $100,000,000, to remain available until September 30, 2018, of which $18,000,000 shall be for the Experimental Program to Stimulate Competitive Research and $40,000,000 shall be for the National Space Grant College and Fellowship Program.

SAFETY, SECURITY AND MISSION SERVICES

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, space technology, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $63,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $2,768,600,000, to remain available until September 30, 2018.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, $360,700,000, to remain available until September 30, 2022: *Provided*, That proceeds from leases deposited into this account shall be available for a period of 5 years to the extent and in amounts as provided in annual appropriations Acts: *Provided further*, That such proceeds referred to in the preceding proviso shall be available for obligation for fiscal year 2017 in an amount not to exceed $9,470,300: *Provided further*, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 20145 of title 51, United States Code.

Contracts.
Time period.
51 USC 20145 note.

51 USC 30103.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $37,900,000, of which $500,000 shall remain available until September 30, 2018.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

Funds for any announced prize otherwise authorized shall remain available, without fiscal year limitation, until a prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers, except that "Construction and Environmental Compliance and Restoration" may be increased up to 15 percent by such transfers. Balances so transferred shall be merged with and available for the same purposes and the same time period as the appropriations to which transferred. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The spending plan required by this Act shall be provided by NASA at the theme, program, project and activity level. The spending plan, as well as any subsequent change of an amount established in that spending plan that meets the notification requirements of section 505 of this Act, shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), and Public Law 86–209 (42 U.S.C. 1880 et seq.); services as authorized by section 3109 of title 5, United States Code; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $6,033,645,000, to remain available until September 30, 2018, of which not to exceed $544,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including authorized travel, $209,000,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including services as authorized by section 3109 of title 5, United States Code, authorized travel, and rental of conference rooms in the District of Columbia, $880,000,000, to remain available until September 30, 2018.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.); services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; $330,000,000: *Provided*, That not to exceed $8,280 is for official reception and representation expenses: *Provided further*, That contracts may be entered into under this heading in fiscal year 2017 for maintenance and operation of facilities and for other services to be provided during the next fiscal year: *Provided further*, That of the amount provided for costs associated with the acquisition, occupancy, and related costs of new headquarters space, not more than $40,700,000 shall remain available until expended.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,370,000: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, $15,200,000, of which $400,000 shall remain available until September 30, 2018.

ADMINISTRATIVE PROVISION

(INCLUDING TRANSFER OF FUNDS)

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Science Foundation in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 15 percent by any such transfers. Any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 505

of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

This title may be cited as the "Science Appropriations Act, 2017".

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,200,000: *Provided*, That none of the funds appropriated in this paragraph may be used to employ any individuals under Schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days: *Provided further*, That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by section 3 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975a).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, section 501 of the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Genetic Information Nondiscrimination Act (GINA) of 2008 (Public Law 110–233), the ADA Amendments Act of 2008 (Public Law 110–325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–2), including services as authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles as authorized by section 1343(b) of title 31, United States Code; nonmonetary awards to private citizens; and up to $29,500,000 for payments to State and local enforcement agencies for authorized services to the Commission, $364,500,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,250 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations of the House of Representatives and the Senate have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: *Provided further*, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

Workforce proposal. Notification.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed $2,250 for official reception and representation expenses, $91,500,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $385,000,000, of which $352,000,000 is for basic field programs and required independent audits; $5,000,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $19,000,000 is for management and grants oversight; $4,000,000 is for client self-help and information technology; $4,000,000 is for a Pro Bono Innovation Fund; and $1,000,000 is for loan repayment assistance: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by section 5304 of title 5, United States Code, notwithstanding section 1005(d) of the Legal Services Corporation Act (42 U.S.C. 2996(d)): *Provided further*, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation: *Provided further*, That, for the purposes of section 505 of this Act, the Legal Services Corporation shall be considered an agency of the United States Government.

Locality pay.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2016 and 2017, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), $3,431,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by section 3109 of title 5, United States Code, $62,000,000, of which $1,000,000 shall remain available until expended: *Provided*, That of the total amount made available under this heading, up to $15,000,000 may be derived from the Trade Enforcement Trust Fund established in subsection (a) of section 611 of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4405) for activities of the United States Trade Representative authorized by subsection (d) of such section, including transfers: *Provided further*, That any transfer pursuant to paragraph (1) of such subsection (d) shall be treated as a reprogramming under section 505 of this Act: *Provided further*, That of the total amount made available under this heading, not to exceed $124,000 shall be available for official reception and representation expenses.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Act of 1984 (42 U.S.C. 10701 et seq.) $5,121,000, of which $500,000 shall remain available until September 30, 2018: *Provided*, That not to exceed $2,250 shall be available for official reception and representation expenses: *Provided further*, That, for the purposes of section 505 of this Act, the State Justice Institute shall be considered an agency of the United States Government.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

(INCLUDING TRANSFER OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Contracts.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Notification. Deadline.

SEC. 505. None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2017, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (2) eliminates a program, project or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices, programs or activities; (6) contracts out or privatizes any functions or activities presently performed by Federal employees; (7) augments existing programs, projects or activities in excess of $500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

Labeling. Contracts.

SEC. 506. (a) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(b)(1) To the extent practicable, with respect to authorized purchases of promotional items, funds made available by this Act shall be used to purchase items that are manufactured, produced, or assembled in the United States, its territories or possessions.

Definition.

(2) The term "promotional items" has the meaning given the term in OMB Circular A–87, Attachment B, Item (1)(f)(3).

Deadlines. Reports.

SEC. 507. (a) The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate a quarterly report on the status of balances of appropriations at the account level. For unobligated, uncommitted balances and unobligated, committed balances the quarterly reports shall separately identify the amounts attributable to each source year of appropriation from which the balances were derived. For balances that are obligated, but unexpended, the quarterly reports shall separately identify amounts by the year of obligation.

(b) The report described in subsection (a) shall be submitted within 30 days of the end of each quarter.

(c) If a department or agency is unable to fulfill any aspect of a reporting requirement described in subsection (a) due to a

limitation of a current accounting system, the department or agency shall fulfill such aspect to the maximum extent practicable under such accounting system and shall identify and describe in each quarterly report the extent to which such aspect is not fulfilled.

SEC. 508. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That for the Department of Commerce, this section shall also apply to actions taken for the care and protection of loan collateral or grant property.

Applicability.

SEC. 509. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

Tobacco and tobacco products.

SEC. 510. Notwithstanding any other provision of law, amounts deposited or available in the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (42 U.S.C. 10601) in any fiscal year in excess of $2,573,000,000 shall not be available for obligation until the following fiscal year: *Provided*, That notwithstanding section 1402(d) of such Act, of the amounts available from the Fund for obligation, $10,000,000 shall remain available until expended to the Department of Justice Office of Inspector General for oversight and auditing purposes.

42 USC 10601 note.

SEC. 511. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

Religion.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 513. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 514. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

Audits. Reports. Deadlines.

Public information. Web posting.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

Grants. Contracts. Certification.

(c) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

Effective date. Consultation. Determination.

(d) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

Reviews.

SEC. 515. (a) None of the funds appropriated or otherwise made available under this Act may be used by the Departments of Commerce and Justice, the National Aeronautics and Space Administration, or the National Science Foundation to acquire a high-impact or moderate-impact information system, as defined for security categorization in the National Institute of Standards and Technology's (NIST) Federal Information Processing Standard Publication 199, "Standards for Security Categorization of Federal Information and Information Systems" unless the agency has—

(1) reviewed the supply chain risk for the information systems against criteria developed by NIST and the Federal Bureau of Investigation (FBI) to inform acquisition decisions for high-impact and moderate-impact information systems within the Federal Government;

(2) reviewed the supply chain risk from the presumptive awardee against available and relevant threat information provided by the FBI and other appropriate agencies; and

Consultation.

(3) in consultation with the FBI or other appropriate Federal entity, conducted an assessment of any risk of cyber-espionage or sabotage associated with the acquisition of such system, including any risk associated with such system being produced, manufactured, or assembled by one or more entities identified by the United States Government as posing a cyber threat, including but not limited to, those that may be owned, directed, or subsidized by the People's Republic of China.

Consultations.

(b) None of the funds appropriated or otherwise made available under this Act may be used to acquire a high-impact or moderate-impact information system reviewed and assessed under subsection (a) unless the head of the assessing entity described in subsection (a) has—

(1) developed, in consultation with NIST, the FBI, and supply chain risk management experts, a mitigation strategy for any identified risks;

(2) determined, in consultation with NIST and the FBI, that the acquisition of such system is in the national interest of the United States; and

(3) reported that determination to the Committees on Appropriations of the House of Representatives and the Senate and the agency Inspector General. Determination.

SEC. 516. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government. Torture.

SEC. 517. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles. Exports and imports. China. Arms and munitions.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another President. Determination. Canada.

nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

Exports and imports. Arms and munitions.

SEC. 518. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin "curios or relics" firearms, parts, or ammunition.

Commerce and trade.

SEC. 519. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States–Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States–Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States–Morocco Free Trade Agreement.

National security letter.

SEC. 520. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act of 1978; The Electronic Communications Privacy Act of 1986; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; USA FREEDOM Act of 2015; and the laws amended by these Acts.

Notifications.

SEC. 521. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than $75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent or more, the program manager shall immediately inform the respective Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

Deadline. Determination.

SEC. 522. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2017 until the enactment of the Intelligence Authorization Act for fiscal year 2017.

Contracts. Grants. Certification. Time period.

SEC. 523. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies

in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

(RESCISSIONS)

SEC. 524. (a) Of the unobligated balances from prior year appropriations available to the Department of Commerce, the following funds are hereby rescinded, not later than September 30, 2017, from the following accounts in the specified amounts— Deadlines.

(1) "Economic Development Administration, Economic Development Assistance Programs", $10,000,000;

(2) "National Oceanic and Atmospheric Administration, Operations, Research, and Facilities", $18,000,000; and

(3) "National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction", $5,000,000.

(b) Of the unobligated balances available to the Department of Justice, the following funds are hereby rescinded, not later than September 30, 2017, from the following accounts in the specified amounts—

(1) "Working Capital Fund", $300,000,000;

(2) "United States Marshals Service, Federal Prisoner Detention", $24,000,000;

(3) "Federal Bureau of Investigation, Salaries and Expenses", $140,000,000 from fees collected to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs;

(4) "State and Local Law Enforcement Activities, Office on Violence Against Women, Violence Against Women Prevention and Prosecution Programs", $10,000,000;

(5) "State and Local Law Enforcement Activities, Office of Justice Programs", $50,000,000;

(6) "State and Local Law Enforcement Activities, Community Oriented Policing Services", $15,000,000;

(7) "Legal Activities, Assets Forfeiture Fund", $503,196,000, of which $201,196,000 is permanently rescinded;

(8) "Drug Enforcement Administration, Salaries and Expenses", $12,092,000;

(9) "Federal Bureau of Investigation, Salaries and Expenses", $51,600,000; and

(10) "Federal Prison System, Buildings and Facilities", $3,400,000.

(c) The Departments of Commerce and Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report no later than September 1, 2017, specifying the amount of each rescission made pursuant to subsections (a) and (b). Reports.

SEC. 525. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 526. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency, who are stationed in the United States, at any single conference occurring outside the United States unless such conference is a law enforcement training or operational conference for law enforcement personnel and the majority of Federal employees in attendance are law enforcement personnel stationed outside the United States.

Khalid Sheikh Mohammed. Detainees. Cuba.

SEC. 527. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

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

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

Detainees. Cuba.

SEC. 528. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

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

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

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

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 529. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.

(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts. Time periods.

SEC. 530. (a) None of the funds made available by this Act may be used for the National Aeronautics and Space Administration (NASA) or the Office of Science and Technology Policy (OSTP) to develop, design, plan, promulgate, implement, or execute a bilateral policy, program, order, or contract of any kind to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned company unless such activities are specifically authorized by a law enacted after the date of enactment of this Act. Contracts. China.

(b) None of the funds made available by this Act may be used to effectuate the hosting of official Chinese visitors at facilities belonging to or utilized by NASA.

(c) The limitations described in subsections (a) and (b) shall not apply to activities which NASA or OSTP, after consultation with the Federal Bureau of Investigation, have certified— Consultation. Certification.

(1) pose no risk of resulting in the transfer of technology, data, or other information with national security or economic security implications to China or a Chinese-owned company; and

(2) will not involve knowing interactions with officials who have been determined by the United States to have direct involvement with violations of human rights. Human rights.

(d) Any certification made under subsection (c) shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate, and the Federal Bureau of Investigation, no later than 30 days prior to the activity in question and shall include a description of the purpose of the activity, its agenda, its major participants, and its location and timing. Deadline.

SEC. 531. None of the funds made available by this Act may be used to pay the salaries or expenses of personnel to deny, or fail to act on, an application for the importation of any model of shotgun if— Exports and imports. Arms and munitions.

(1) all other requirements of law with respect to the proposed importation are met; and

(2) no application for the importation of such model of shotgun, in the same configuration, had been denied by the Attorney General prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes. Time period.

SEC. 532. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography. Pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, adjudication, or other law enforcement- or victim assistance-related activity.

SEC. 533. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, the National Science Foundation, the Commission on Civil Rights, the Equal Employment Opportunity Commission, the International Trade Spending plans. Deadline.

Commission, the Legal Services Corporation, the Marine Mammal Commission, the Offices of Science and Technology Policy and the United States Trade Representative, and the State Justice Institute shall submit spending plans, signed by the respective department or agency head, to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act.

SEC. 534. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

Contracts.

SEC. 535. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or for performance that does not meet the basic requirements of a contract.

Reports.
China.

SEC. 536. The Department of Commerce, the National Aeronautics and Space Administration, and the National Science Foundation shall provide a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate on any official travel to China by any employee of such Department or agency, including the purpose of such travel.

States.
Marijuana.

SEC. 537. None of the funds made available in this Act to the Department of Justice may be used, with respect to any of the States of Alabama, Alaska, Arkansas, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, or with respect to the District of Columbia, Guam, or Puerto Rico, to prevent any of them from implementing their own laws that authorize the use, distribution, possession, or cultivation of medical marijuana.

SEC. 538. None of the funds made available by this Act may be used in contravention of section 7606 ("Legitimacy of Industrial Hemp Research") of the Agricultural Act of 2014 (Public Law 113–79) by the Department of Justice or the Drug Enforcement Administration.

Poverty.

SEC. 539. Of the amounts made available by this Act, not less than 10 percent of each total amount provided, respectively, for Public Works grants authorized by the Public Works and Economic Development Act of 1965 and grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722) shall be allocated for assistance in persistent poverty counties: *Provided*, That for purposes of this section, the term "persistent poverty counties" means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the most recent Small Area Income and Poverty Estimates.

Definition.

SEC. 540. For an additional amount for "National Aeronautics and Space Administration—Construction and Environmental Compliance and Restoration", $109,000,000, to remain available until expended, for repairs at National Aeronautics and Space Administration (NASA) owned facilities that directly support NASA's mission which were damaged as a result of recent natural

disasters: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EXCEPTION TO LIMITATION ON APPOINTMENT OF CERTAIN PERSONS AS UNITED STATES TRADE REPRESENTATIVE

SEC. 541. (a) IN GENERAL.—The limitation under section 141(b)(4) of the Trade Act of 1974 (19 U.S.C. 2171(b)(4)) shall not apply to the first person appointed, by and with the advice and consent of the Senate, as the United States Trade Representative after the date of the enactment of this Act, if that person served as a Deputy United States Trade Representative before the date of the enactment of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.). 19 USC 2171 note.

(b) LIMITED EXCEPTION.—This section applies only to the first person appointed as United States Trade Representative after the date of enactment of this Act, and to no other person. Applicability.

SEC. 542. For an additional amount for "Department of Justice, State and Local Law Enforcement Activities, Office of Justice Programs, State and Local Law Enforcement Assistance", $15,000,000 for emergency law enforcement assistance for events occurring during fiscal years 2016 and 2017, as authorized by section 609M of the Justice Assistance Act of 1984 (42 U.S.C. 10501; Public Law 98–473).

This division may be cited as the "Commerce, Justice, Science, and Related Agencies Appropriations Act, 2017".

DIVISION C—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2017

Department of Defense Appropriations Act, 2017.

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $40,042,962,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and

for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $27,889,405,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $12,735,182,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $27,958,795,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,524,863,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,921,045,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $744,795,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,725,526,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under sections 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $7,899,423,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,283,982,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law, $32,738,173,000: *Provided*, That not to exceed $12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law, $38,552,017,000: *Provided*, That not to exceed $15,055,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $5,676,152,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law, $36,247,724,000: *Provided*, That not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $32,373,949,000: *Provided*, That not more than $15,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than $34,964,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available

for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $5,023,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That of the funds provided under this heading, $480,000,000, to remain available until September 30, 2018, shall be available to provide support and assistance to foreign security forces or other groups or individuals to conduct, support or facilitate counterterrorism, crisis response, or other Department of Defense security cooperation programs: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,743,688,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $929,656,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $271,133,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and

equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,069,229,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $6,861,478,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $6,615,095,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $14,194,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

Determination.

For the Department of the Army, $170,167,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred

Determination.

from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $289,262,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

Determination.

Determination.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $371,521,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

Determination.

Determination.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $9,009,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this

Determination.

appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

Determination.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $222,084,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

Determination.

Determination.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $123,125,000, to remain available until September 30, 2018.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance, including assistance provided by contract or by grants, under programs and activities of the Department of Defense Cooperative Threat Reduction Program authorized under the Department of Defense Cooperative Threat Reduction Act, $325,604,000, to remain available until September 30, 2019.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private

plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,587,598,000, to remain available for obligation until September 30, 2019.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,533,804,000, to remain available for obligation until September 30, 2019.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,229,455,000, to remain available for obligation until September 30, 2019.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,483,566,000, to remain available for obligation until September 30, 2019.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $6,147,328,000, to remain available for obligation until September 30, 2019.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $16,135,335,000, to remain available for obligation until September 30, 2019.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,265,285,000, to remain available for obligation until September 30, 2019.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other

expenses necessary for the foregoing purposes, $633,678,000, to remain available for obligation until September 30, 2019.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Ohio Replacement Submarine (AP), $773,138,000;
Carrier Replacement Program, $1,255,783,000;
Carrier Replacement Program (AP), $1,370,784,000;
Virginia Class Submarine, $3,187,985,000;
Virginia Class Submarine (AP), $1,852,234,000;
CVN Refueling Overhauls, $1,699,120,000;
CVN Refueling Overhauls (AP), $233,149,000;
DDG–1000 Program, $271,756,000;
DDG–51 Destroyer, $3,614,792,000;
Littoral Combat Ship, $1,563,692,000;
LPD–17, $1,786,000,000;
LHA Replacement, $1,617,719,000;
TAO Fleet Oiler (AP), $73,079,000;
Moored Training Ship, $624,527,000;
Ship to Shore Connector, $128,067,000;
Service Craft, $65,192,000;
LCAC Service Life Extension Program, $82,074,000;
YP Craft Maintenance/ROH/SLEP, $21,363,000;
For outfitting, post delivery, conversions, and first destination transportation, $626,158,000;
Completion of Prior Year Shipbuilding Programs, $160,274,000; and
Polar Icebreakers (AP), $150,000,000.

In all: $21,156,886,000, to remain available for obligation until September 30, 2021: *Provided*, That additional obligations may be incurred after September 30, 2021, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards: *Provided further*, That funds appropriated or otherwise made available by this Act for production of the common missile compartment of nuclear-powered vessels may be available for multiyear procurement of critical components to support continuous production of such compartments only in accordance with the provisions of subsection (i) of section 2218a of title 10, United States Code (as added by section 1023 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328)).

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $6,308,919,000, to remain available for obligation until September 30, 2019.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,307,456,000, to remain available for obligation until September 30, 2019.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $14,253,623,000, to remain available for obligation until September 30, 2019.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation

of things, $2,348,121,000, to remain available for obligation until September 30, 2019.

SPACE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of spacecraft, rockets, and related equipment, including spare parts and accessories therefor; ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $2,733,243,000, to remain available for obligation until September 30, 2019.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,589,219,000, to remain available for obligation until September 30, 2019.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $17,768,224,000, to remain available for obligation until September 30, 2019.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of

land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $4,881,022,000, to remain available for obligation until September 30, 2019.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533), $64,065,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $8,332,965,000, to remain available for obligation until September 30, 2018.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $17,214,530,000, to remain available for obligation until September 30, 2018: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $27,788,548,000, to remain available for obligation until September 30, 2018.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $18,778,550,000, to remain available for obligation until September 30, 2018: *Provided*, That, of the funds made available in this paragraph, $250,000,000 for the Defense Rapid Innovation Program shall only be available for expenses, not otherwise provided for, to include program management and oversight, to conduct research,

development, test and evaluation to include proof of concept demonstration; engineering, testing, and validation; and transition to full-scale production: *Provided further*, That the Secretary of Defense may transfer funds provided herein for the Defense Rapid Innovation Program to appropriations for research, development, test and evaluation to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

Deadline.
Notification.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $186,994,000, to remain available for obligation until September 30, 2018.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,511,613,000.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $33,781,270,000; of which $31,277,002,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available for obligation until September 30, 2018, and of which up to $15,315,832,000 may be available for contracts entered into under the TRICARE program; of which $402,161,000, to remain available for obligation until September 30, 2019, shall be for procurement; and of which $2,102,107,000, to remain available for obligation until September 30, 2018, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $8,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations: *Provided further*, That of the funds provided under this heading for research, development, test and evaluation, not less than $1,014,600,000 shall be made available

to the United States Army Medical Research and Materiel Command to carry out the congressionally directed medical research programs.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $523,726,000, of which $119,985,000 shall be for operation and maintenance, of which no less than $49,533,000 shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $20,368,000 for activities on military installations and $29,165,000, to remain available until September 30, 2018, to assist State and local governments, and of which not more than $13,700,000, to remain available until September 30, 2018, shall be for the destruction of eight United States-origin chemical munitions in the Republic of Panama, to the extent authorized by law; $15,132,000 shall be for procurement, to remain available until September 30, 2019, of which $15,132,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and $388,609,000, to remain available until September 30, 2018, shall be for research, development, test and evaluation, of which $380,892,000 shall only be for the Assembled Chemical Weapons Alternatives program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $998,800,000, of which $626,087,000 shall be for counter-narcotics support; $118,713,000 shall be for the drug demand reduction program; $234,000,000 shall be for the National Guard counter-drug program; and $20,000,000 shall be for the National Guard counter-drug schools program: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

Determination.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $312,035,000, of which $308,882,000 shall

be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $3,153,000, to remain available until September 30, 2018, shall be for research, development, test and evaluation.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $514,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $515,596,000.

TITLE VIII

GENERAL PROVISIONS

Propaganda.

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further,* That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

Time period.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations

for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2017: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

Notification.

Time period.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled Explanation of Project Level Adjustments in the explanatory statement regarding this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

Applicability.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2017: *Provided*, That the report shall include—

Deadline.
Reports.

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made

by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement: *Provided*, That this subsection shall not apply to transfers from the following appropriations accounts: Certification.

(1) "Environmental Restoration, Army";

(2) "Environmental Restoration, Navy";

(3) "Environmental Restoration, Air Force";

(4) "Environmental Restoration, Defense-wide";

(5) "Environmental Restoration, Formerly Used Defense Sites"; and

(6) "Drug Interdiction and Counter-drug Activities, Defense".

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer: *Provided further*, That except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation. Notifications.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act Contracts. Notification. Time period.

shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 30-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows: AH–64E Apache Helicopter and UH–60M Blackhawk Helicopter.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern

Human rights.

Determination.
Hawaii.

Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. (a) During fiscal year 2017, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2018 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2018 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2018.

(c) As required by section 1107 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2358 note) civilian personnel at the Department of Army Science and Technology Reinvention Laboratories may not be managed on the basis of the Table of Distribution and Allowances, and the management of the workforce strength shall be done in a manner consistent with the budget available with respect to such Laboratories.

(d) Nothing in this section shall be construed to apply to military (civilian) technicians.

Contracts.
Alcohol and alcoholic beverages.

SEC. 8013. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That, in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

Applicability.

Lobbying.

SEC. 8014. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8015. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

Time period.

Applicability.

(TRANSFER OF FUNDS)

SEC. 8016. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protégé Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protégé Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8017. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term "manufactured" shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

Definition.

Waiver authority.
Certification.

SEC. 8018. Of the amounts appropriated for "Working Capital Fund, Army", $140,000,000 shall be available to maintain competitive rates at the arsenals.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8020. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

Waiver authority.
Certification.

SEC. 8021. Of the funds made available in this Act, $15,000,000 shall be available for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined

Contracts.

in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 1906 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part, by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

Applicability.

SEC. 8022. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8023. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

Kuwait.

SEC. 8024. (a) Of the funds made available in this Act, not less than $40,021,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $28,000,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counter-drug activities, and drug demand reduction activities involving youth programs;

(2) $10,337,000 shall be available from "Aircraft Procurement, Air Force"; and

(3) $1,684,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

Reimbursement.

SEC. 8025. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel

expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during the current fiscal year may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings not located on a military installation, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2017, not more than 5,750 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That, of the specific amount referred to previously in this subsection, not more than 1,125 staff years may be funded for the defense studies and analysis FFRDCs: *Provided further*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

Reports.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2018 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $60,000,000.

Contracts.
Canada.

SEC. 8026. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy, or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

Applicability.

Waiver authority.
Certification.

Definition.

SEC. 8027. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8028. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities

and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section. Certification.

SEC. 8029. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country. Consultation. Determination. Memorandum.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2017. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party. Reports.

(c) For purposes of this section, the term "Buy American Act" means chapter 83 of title 41, United States Code. Definition.

SEC. 8030. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8031. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force. Land conveyances. Native Americans. State listing.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington. Any such conveyance shall be subject to the condition that the housing units shall be removed within a reasonable period of time, as determined by the Secretary.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under

subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

Definition.

(d) In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8032. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8033. None of the funds made available by this Act may be used to—

(1) disestablish, or prepare to disestablish, a Senior Reserve Officers' Training Corps program in accordance with Department of Defense Instruction Number 1215.08, dated June 26, 2006; or

(2) close, downgrade from host to extension center, or place on probation a Senior Reserve Officers' Training Corps program in accordance with the information paper of the Department of the Army titled "Army Senior Reserve Officers' Training Corps (SROTC) Program Review and Criteria", dated January 27, 2014.

Regulations. Tobacco and tobacco products.

SEC. 8034. The Secretary of Defense shall issue regulations to prohibit the sale of any tobacco or tobacco-related products in military resale outlets in the United States, its territories and possessions at a price below the most competitive price in the local community: *Provided,* That such regulations shall direct that the prices of tobacco or tobacco-related products in overseas military retail outlets shall be within the range of prices established for military retail system stores located in the United States.

SEC. 8035. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2018 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2018 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2018 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8036. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2018: *Provided*, That funds appropriated,

transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947 (50 U.S.C. 3093) shall remain available until September 30, 2018.

SEC. 8037. Notwithstanding any other provision of law, funds made available in this Act and hereafter for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8038. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8039. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means chapter 83 of title 41, United States Code.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense. Determination.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

SEC. 8040. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to consolidate or relocate any element of a United States Air Force Rapid Engineer Deployable Heavy Operational Repair Squadron Engineer (RED HORSE) outside of the United States until the Secretary of the Air Force—

(1) completes an analysis and comparison of the cost and infrastructure investment required to consolidate or relocate a RED HORSE squadron outside of the United States versus within the United States; Analysis.

(2) provides to the congressional defense committees a report detailing the findings of the cost analysis; and Reports.

Certification.

(3) certifies in writing to the congressional defense committees that the preferred site for the consolidation or relocation yields the greatest savings for the Air Force:

Provided, That the term "United States" in this section does not include any territory or possession of the United States.

SEC. 8041. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

Waiver authority.
Determination.
Certification.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and the Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program;

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats;

(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense; or

(4) an Air Force field operating agency established to administer the Air Force Mortuary Affairs Program and Mortuary Operations for the Department of Defense and authorized Federal entities.

Contracts.

SEC. 8042. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

Determination.

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed

in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (section 8503 of title 41, United States Code);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(RESCISSIONS)

SEC. 8043. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: Provided, That no amounts may be rescinded from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

"Aircraft Procurement, Army", 2015/2017, $15,000,000;

"Other Procurement, Army", 2015/2017, $23,045,000;

"Aircraft Procurement, Navy", 2015/2017, $88,000,000;

"Weapons Procurement, Navy", 2015/2017, $11,933,000;

"Procurement of Ammunition, Navy and Marine Corps", 2015/2017, $43,600,000;

"Aircraft Procurement, Air Force", 2015/2017, $57,000,000;
"Other Procurement, Air Force", 2015/2017, $25,500,000;
"Aircraft Procurement, Army", 2016/2018, $34,594,000;
"Procurement of Ammunition, Army", 2016/2018, $5,000,000;
"Other Procurement, Army", 2016/2018, $84,100,000;
"Aircraft Procurement, Navy", 2016/2018, $6,755,000;
"Weapons Procurement, Navy", 2016/2018, $5,307,000;
"Procurement of Ammunition, Navy and Marine Corps", 2016/2018, $6,968,000;
"Shipbuilding and Conversion, Navy", 2016/2020: DDG-51 Destroyer, $50,000,000;
"Shipbuilding and Conversion, Navy", 2016/2020: LPD-17, $14,906,000;
"Shipbuilding and Conversion, Navy", 2016/2020: LX (R), (AP), $236,000,000;
"Other Procurement, Navy", 2016/2018, $56,374,000;
"Aircraft Procurement, Air Force", 2016/2018, $383,200,000;
"Missile Procurement, Air Force", 2016/2018, $34,700,000;
"Space Procurement, Air Force", 2016/2018, $100,000,000;
"Other Procurement, Air Force", 2016/2018, $56,369,000;
"Procurement, Defense-Wide", 2016/2018, $2,600,000;
"Research, Development, Test and Evaluation, Army", 2016/2017, $33,402,000;
"Research, Development, Test and Evaluation, Navy", 2016/2017, $31,219,000;
"Research, Development, Test and Evaluation, Air Force", 2016/2017, $532,550,000; and
"Research, Development, Test and Evaluation, Defense-Wide", 2016/2017, $64,500,000.

SEC. 8044. None of the funds available in this Act may be used to reduce the authorized positions for military technicians (dual status) of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military technicians (dual status), unless such reductions are a direct result of a reduction in military force structure.

North Korea.

SEC. 8045. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

Reimbursement.

SEC. 8046. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

Drugs and drug abuse.

SEC. 8047. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or

agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

Contracts.
Ball and roller bearings.
Waiver authority.
Certification.
Applicability.

SEC. 8048. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of "commercial items", as defined by section 103 of title 41, United States Code, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8049. None of the funds made available by this Act may be used to retire, divest, realign, or transfer RQ–4B Global Hawk aircraft, or to disestablish or convert units associated with such aircraft.

Award.

SEC. 8050. None of the funds made available by this Act for Evolved Expendable Launch Vehicle service competitive procurements may be used unless the competitive procurements are open for award to all certified providers of Evolved Expendable Launch Vehicle-class systems: *Provided*, That the award shall be made to the provider that offers the best value to the government.

Determination.
Grants.

SEC. 8051. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $44,000,000 is hereby appropriated to the Department of Defense: *Provided*, That upon the determination of the Secretary of Defense that it shall serve the national interest, the Secretary shall make grants in the amounts specified as follows: $20,000,000 to the United Service Organizations and $24,000,000 to the Red Cross.

Contracts.
Supercomputer.
Certification.

SEC. 8052. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8053. Notwithstanding any other provision in this Act, the Small Business Innovation Research program and the Small Business Technology Transfer program set-asides shall be taken proportionally from all programs, projects, or activities to the extent they contribute to the extramural budget.

Contracts.

SEC. 8054. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8055. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8056. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8057. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

Reimbursement.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8058. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command operational and administrative control of United States Navy forces assigned to the Pacific fleet: *Provided,* That the command and control relationships which

Fleet modification.

existed on October 1, 2004, shall remain in force until a written modification has been proposed to the House and Senate Appropriations Committees: *Provided further*, That the proposed modification may be implemented 30 days after the notification unless an objection is received from either the House or Senate Appropriations Committees: *Provided further*, That any proposed modification shall not preclude the ability of the commander of United States Pacific Command to meet operational requirements.

Implementation date.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8059. Of the funds appropriated in this Act under the heading "Operation and Maintenance, Defense-wide", $25,000,000 shall be for continued implementation and expansion of the Sexual Assault Special Victims' Counsel Program: *Provided*, That the funds are made available for transfer to the Department of the Army, the Department of the Navy, and the Department of the Air Force: *Provided further*, That funds transferred shall be merged with and available for the same purposes and for the same time period as the appropriations to which the funds are transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority provided in this Act.

SEC. 8060. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8061. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section XI (chapters 50–65) of the Harmonized Tariff Schedule of the United States

and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8062. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8063. Of the amounts appropriated for "Operation and Maintenance, Navy", up to $1,000,000 shall be available for transfer to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105).

Reports.

SEC. 8064. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 45 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

Waiver authority.
Certification.

Classified.
Deadlines.
Reports.

SEC. 8065. The Secretary of Defense shall continue to provide a classified quarterly report to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8066. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8067. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary tracer (API–T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8068. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8069. Of the amounts appropriated in this Act under the heading "Operation and Maintenance, Army", $75,950,170 shall remain available until expended: *Provided*, That, notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

Compliance. Determination.

SEC. 8070. (a) None of the funds appropriated in this or any other Act may be used to take any action to modify—

(1) the appropriations account structure for the National Intelligence Program budget, including through the creation of a new appropriation or new appropriation account;

(2) how the National Intelligence Program budget request is presented in the unclassified P–1, R–1, and O–1 documents supporting the Department of Defense budget request;

(3) the process by which the National Intelligence Program appropriations are apportioned to the executing agencies; or

(4) the process by which the National Intelligence Program appropriations are allotted, obligated and disbursed.

(b) Nothing in section (a) shall be construed to prohibit the merger of programs or changes to the National Intelligence Program budget at or below the Expenditure Center level, provided such change is otherwise in accordance with paragraphs (a)(1)–(3).

(c) The Director of National Intelligence and the Secretary of Defense may jointly, only for the purposes of achieving auditable financial statements and improving fiscal reporting, study and develop detailed proposals for alternative financial management processes. Such study shall include a comprehensive counterintelligence risk assessment to ensure that none of the alternative processes will adversely affect counterintelligence.

Study.

Assessment.

(d) Upon development of the detailed proposals defined under subsection (c), the Director of National Intelligence and the Secretary of Defense shall—

(1) provide the proposed alternatives to all affected agencies;

Certification.

(2) receive certification from all affected agencies attesting that the proposed alternatives will help achieve auditability, improve fiscal reporting, and will not adversely affect counter-intelligence; and

Deadline.

(3) not later than 30 days after receiving all necessary certifications under paragraph (2), present the proposed alternatives and certifications to the congressional defense and intelligence committees.

SEC. 8071. In addition to amounts provided elsewhere in this Act, $5,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, that upon the determination of the Secretary of Defense that it shall serve the national interest, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

Determination.
Grants.
Fisher House Foundation.

(INCLUDING TRANSFER OF FUNDS)

Israel.

SEC. 8072. Of the amounts appropriated in this Act under the headings "Procurement, Defense-Wide" and "Research, Development, Test and Evaluation, Defense-Wide", $600,735,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, $62,000,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats, subject to the U.S.-Israel Iron Dome Procurement Agreement, as amended; $266,511,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, of which $150,000,000 shall be for co-production activities of SRBMD missiles in the United States and in Israel to meet Israel's defense requirements consistent with each nation's laws, regulations, and procedures, of which not more than $90,000,000, subject to previously established transfer procedures, may be obligated or expended until establishment of a U.S.-Israeli co-production agreement for SRBMD; $204,893,000 shall be for an upper-tier component to the Israeli Missile Defense Architecture, of which $120,000,000 shall be for co-production activities of Arrow 3 Upper Tier missiles in the United States and in Israel to meet Israel's defense requirements consistent with each nation's laws, regulations, and procedures, of which not more than $70,000,000 subject to previously established transfer procedures, may be obligated or expended until establishment of a U.S.-Israeli co-production agreement for Arrow 3 Upper Tier; and $67,331,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

Contracts.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", $160,274,000 shall be available until September 30, 2017, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this

Act, the Secretary of the Navy shall transfer funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred to:

(1) Under the heading "Shipbuilding and Conversion, Navy", 2012/2017: LPD–17 Amphibious Transport Dock Program $45,060,000;

(2) Under the heading "Shipbuilding and Conversion, Navy", 2011/2017: DDG–51 Destroyer $15,959,000;

(3) Under the heading "Shipbuilding and Conversion, Navy", 2012/2017: Littoral Combat Ship $3,600,000;

(4) Under the heading "Shipbuilding and Conversion, Navy", 2013/2017: Littoral Combat Ship $82,400,000;

(5) Under the heading "Shipbuilding and Conversion, Navy", 2012/2017: Expeditionary Fast Transport $6,710,000; and

(6) Under the heading "Shipbuilding and Conversion, Navy", 2013/2017: Expeditionary Fast Transport $6,545,000.

SEC. 8074. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2017 until the enactment of the Intelligence Authorization Act for Fiscal Year 2017.

Notification.

SEC. 8075. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

10 USC 221 note.

SEC. 8076. The budget of the President for fiscal year 2018 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, the Procurement accounts, and the Research, Development, Test and Evaluation accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

Cost estimates.

SEC. 8077. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8078. Notwithstanding any other provision of this Act, to reflect savings due to favorable foreign exchange rates, the total amount appropriated in this Act is hereby reduced by $157,000,000.

SEC. 8079. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8080. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8081. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ–1C Gray Eagle Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8082. Up to $10,120,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8083. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2018.

Applicability.

SEC. 8084. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

Deadline.
Reports.

SEC. 8085. (a) Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2017: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement. Certification.

SEC. 8086. None of the funds made available by this Act may be used to eliminate, restructure, or realign Army Contracting Command—New Jersey or make disproportionate personnel reductions at any Army Contracting Command—New Jersey sites without 30-day prior notification to the congressional defense committees. New Jersey. Time period. Notification.

(RESCISSION)

SEC. 8087. Of the unobligated balances available to the Department of Defense, the following funds are permanently rescinded from the following accounts and programs in the specified amounts to reflect excess cash balances in Department of Defense Acquisition Workforce Development Fund: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

From "Department of Defense Acquisition Workforce Development Fund, Defense", $531,000,000.

SEC. 8088. None of the funds made available by this Act for excess defense articles, assistance under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), or peacekeeping operations for the countries designated annually to be in violation of the standards of the Child Soldiers Prevention Act of 2008 (Public Law 110–457; 22 U.S.C. 2370c–1) may be used to support any military training or operation that includes child soldiers, as defined by the Child Soldiers Prevention Act of 2008, unless such assistance is otherwise permitted under section 404 of the Child Soldiers Prevention Act of 2008.

SEC. 8089. Of the amounts appropriated for "Operation and Maintenance, Defense-Wide", $67,500,000, to remain available until expended, shall be available, notwithstanding any other provision of law, to the Secretary of Defense acting through the Office of Economic Adjustment of the Department of Defense to make grants, conclude cooperative agreements, and supplement other Federal funds to address the need for assistance to support critical existing and enduring military installations and missions on Guam, as well as any potential Department of Defense growth, for purposes of addressing the need for civilian water and wastewater improvements. Grants. Contracts. Guam.

Notification.
Time period.

SEC. 8090. (a) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that—

(1) creates a new start effort;

(2) terminates a program with appropriated funding of $10,000,000 or more;

(3) transfers funding into or out of the National Intelligence Program; or

(4) transfers funding between appropriations, unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

(b) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 3024(d)) that results in a cumulative increase or decrease of the levels specified in the classified annex accompanying the Act unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

50 USC 3103 note.

SEC. 8091. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8092. For the purposes of this Act, the term "congressional intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8093. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this Act for "Operation and Maintenance, Army", "Operation and Maintenance, Navy", and "Operation and Maintenance, Air Force" may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8094. Funds appropriated by this Act for operation and maintenance may be available for the purpose of making remittances and transfer to the Defense Acquisition Workforce Development Fund in accordance with section 1705 of title 10, United States Code.

SEC. 8095. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest. Web posting. Reports. Determination.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days. Time period.

SEC. 8096. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of $1,000,000, unless the contractor agrees not to— Contracts.

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a "covered subcontractor" is an entity that has a subcontract in excess of $1,000,000 on a contract subject to subsection (a). Certification. Definition.

(c) The prohibitions in this section do not apply with respect to a contractor's or subcontractor's agreements with employees or independent contractors that may not be enforced in a court of the United States.

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the Waiver authority. Determination.

waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

Public information. Deadline.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8097. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to $122,375,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84: *Provided,* That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: *Provided further,* That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

Notification.

SEC. 8098. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Defense or a component thereof in contravention of the provisions of section 130h of title 10, United States Code.

SEC. 8099. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $450,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8100. Upon a determination by the Director of National Intelligence that such action is necessary and in the national interest, the Director may, with the approval of the Office of Management and Budget, transfer not to exceed $1,500,000,000 of the funds made available in this Act for the National Intelligence Program: *Provided,* That such authority to transfer may not be used unless for higher priority items, based on unforeseen intelligence requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further,* That a request

Determination.

Deadline.

for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2017.

SEC. 8101. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

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

(2) is or was held on or after June 24, 2009, at United States Naval Station, Guantánamo Bay, Cuba, by the Department of Defense.

SEC. 8102. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

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

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantánamo Bay, Cuba, and who—

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

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantánamo Bay, Cuba.

SEC. 8103. None of the funds appropriated or otherwise made available in this Act may be used to transfer any individual detained at United States Naval Station Guantanamo Bay, Cuba, to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity except in accordance with section 1034 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) and section 1034 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328).

SEC. 8104. None of the funds made available by this Act may be used in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.).

SEC. 8105. (a) None of the funds appropriated or otherwise made available by this or any other Act may be used by the Secretary of Defense, or any other official or officer of the Department of Defense, to enter into a contract, memorandum of understanding, or cooperative agreement with, or make a grant to, or provide a loan or loan guarantee to Rosoboronexport or any subsidiary of Rosoboronexport.

(b) The Secretary of Defense may waive the limitation in subsection (a) if the Secretary, in consultation with the Secretary of State and the Director of National Intelligence, determines that it is in the vital national security interest of the United States to do so, and certifies in writing to the congressional defense committees that, to the best of the Secretary's knowledge:

(1) Rosoboronexport has ceased the transfer of lethal military equipment to, and the maintenance of existing lethal military equipment for, the Government of the Syrian Arab Republic;

(2) The armed forces of the Russian Federation have withdrawn from Crimea, other than armed forces present on military bases subject to agreements in force between the Government of the Russian Federation and the Government of Ukraine; and

(3) Agents of the Russian Federation have ceased taking active measures to destabilize the control of the Government of Ukraine over eastern Ukraine.

(c) The Inspector General of the Department of Defense shall conduct a review of any action involving Rosoboronexport with respect to a waiver issued by the Secretary of Defense pursuant to subsection (b), and not later than 90 days after the date on which such a waiver is issued by the Secretary of Defense, the Inspector General shall submit to the congressional defense committees a report containing the results of the review conducted with respect to such waiver.

SEC. 8106. None of the funds made available in this Act may be used for the purchase or manufacture of a flag of the United States unless such flags are treated as covered items under section 2533a(b) of title 10, United States Code.

10 USC 2731 note.

SEC. 8107. (a) Of the funds appropriated in this Act for the Department of Defense, amounts may be made available, under such regulations as the Secretary of Defense may prescribe, to local military commanders appointed by the Secretary, or by an officer or employee designated by the Secretary, to provide at their discretion ex gratia payments in amounts consistent with subsection (d) of this section for damage, personal injury, or death that is incident to combat operations of the Armed Forces in a foreign country.

(b) An ex gratia payment under this section may be provided only if—

(1) the prospective foreign civilian recipient is determined by the local military commander to be friendly to the United States;

(2) a claim for damages would not be compensable under chapter 163 of title 10, United States Code (commonly known as the "Foreign Claims Act"); and

(3) the property damage, personal injury, or death was not caused by action by an enemy.

(c) NATURE OF PAYMENTS.—Any payments provided under a program under subsection (a) shall not be considered an admission or acknowledgement of any legal obligation to compensate for any damage, personal injury, or death.

(d) AMOUNT OF PAYMENTS.—If the Secretary of Defense determines a program under subsection (a) to be appropriate in a particular setting, the amounts of payments, if any, to be provided to civilians determined to have suffered harm incident to combat operations of the Armed Forces under the program should be determined pursuant to regulations prescribed by the Secretary and based on an assessment, which should include such factors as cultural appropriateness and prevailing economic conditions.

(e) LEGAL ADVICE.—Local military commanders shall receive legal advice before making ex gratia payments under this subsection. The legal advisor, under regulations of the Department of Defense, shall advise on whether an ex gratia payment is proper under this section and applicable Department of Defense regulations.

(f) WRITTEN RECORD.—A written record of any ex gratia payment offered or denied shall be kept by the local commander and on a timely basis submitted to the appropriate office in the Department of Defense as determined by the Secretary of Defense.

(g) REPORT.—The Secretary of Defense shall report to the congressional defense committees on an annual basis the efficacy of the ex gratia payment program including the number of types of cases considered, amounts offered, the response from ex gratia payment recipients, and any recommended modifications to the program.

SEC. 8108. None of the funds available in this Act to the Department of Defense, other than appropriations made for necessary or routine refurbishments, upgrades or maintenance activities, shall be used to reduce or to prepare to reduce the number of deployed and non-deployed strategic delivery vehicles and launchers below the levels set forth in the report submitted to Congress in accordance with section 1042 of the National Defense Authorization Act for Fiscal Year 2012.

SEC. 8109. The Secretary of Defense shall post grant awards on a public Web site in a searchable format.

SEC. 8110. None of the funds made available by this Act may be used to fund the performance of a flight demonstration team at a location outside of the United States: *Provided*, That this prohibition applies only if a performance of a flight demonstration team at a location within the United States was canceled during the current fiscal year due to insufficient funding.

SEC. 8111. None of the funds made available by this Act may be used by the National Security Agency to—

(1) conduct an acquisition pursuant to section 702 of the Foreign Intelligence Surveillance Act of 1978 for the purpose of targeting a United States person; or

(2) acquire, monitor, or store the contents (as such term is defined in section 2510(8) of title 18, United States Code) of any electronic communication of a United States person from a provider of electronic communication services to the public pursuant to section 501 of the Foreign Intelligence Surveillance Act of 1978.

SEC. 8112. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

SEC. 8113. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of any agency funded by this Act who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8114. None of the funds made available in this Act may be obligated for activities authorized under section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 112–81; 125 Stat. 1621) to initiate support for, or expand support to, foreign forces, irregular forces, groups, or individuals unless the congressional defense committees are notified in accordance with the direction contained in the classified annex accompanying this Act, not less than 15 days before initiating such support: *Provided*, That none of the funds made available in this Act may be used under section 1208 for any activity that is not in support of an ongoing military operation being conducted by United States Special Operations Forces to combat terrorism: *Provided further*, That the Secretary of Defense may waive the prohibitions in this section if the Secretary determines that such waiver is required by extraordinary circumstances and, by not later than 72 hours after making such waiver, notifies the congressional defense committees of such waiver.

Iraq.

SEC. 8115. None of the funds made available by this Act may be used with respect to Iraq in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States armed forces into hostilities in Iraq, into situations in Iraq where imminent involvement in hostilities is clearly indicated by the circumstances, or into Iraqi territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of such Resolution (50 U.S.C. 1542 and 1543).

SEC. 8116. None of the funds made available by this Act may be used to divest, retire, transfer, or place in storage or on backup aircraft inventory status, or prepare to divest, retire, transfer, or place in storage or on backup aircraft inventory status, any A–10 aircraft, or to disestablish any units of the active or reserve component associated with such aircraft.

SEC. 8117. None of the funds provided in this Act for the T–AO(X) program shall be used to award a new contract that provides for the acquisition of the following components unless those components are manufactured in the United States: Auxiliary equipment (including pumps) for shipboard services; propulsion equipment (including engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes.

SEC. 8118. The amount appropriated in title II of this Act for "Operation and Maintenance, Army" is hereby reduced by $336,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds.

SEC. 8119. Notwithstanding any other provision of this Act, to reflect savings due to lower than anticipated fuel costs, the total amount appropriated in title II of this Act is hereby reduced by $1,155,000,000.

SEC. 8120. None of the funds made available by this Act may be used to divest or retire, or to prepare to divest or retire, KC–10 aircraft.

SEC. 8121. None of the funds made available by this Act may be used to divest, retire, transfer, or place in storage or on backup aircraft inventory status, or prepare to divest, retire, transfer, or place in storage or on backup aircraft inventory status, any EC–130H aircraft.

SEC. 8122. None of the funds made available by this Act may be used for Government Travel Charge Card expenses by military

or civilian personnel of the Department of Defense for gaming, or for entertainment that includes topless or nude entertainers or participants, as prohibited by Department of Defense FMR, Volume 9, Chapter 3 and Department of Defense Instruction 1015.10 (enclosure 3, 14a and 14b).

SEC. 8123. None of the funds made available by this Act may be used to propose, plan for, or execute a new or additional Base Realignment and Closure (BRAC) round.

SEC. 8124. Of the amounts appropriated in this Act for "Operation and Maintenance, Navy", $274,524,000, to remain available until expended, may be used for any purposes related to the National Defense Reserve Fleet established under section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. 4405): *Provided*, That such amounts are available for reimbursements to the Ready Reserve Force, Maritime Administration account of the United States Department of Transportation for programs, projects, activities, and expenses related to the National Defense Reserve Fleet.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8125. Of the amounts appropriated in this Act, the Secretary of Defense may use up to $20,000,000 under the heading "Operation and Maintenance, Defense-Wide", and up to $75,000,000 under the heading "Research, Development, Test and Evaluation, Defense-Wide" to develop, replace, and sustain Federal Government security and suitability background investigation information technology systems of the Office of Personnel Management or other Federal agency responsible for conducting such investigations: *Provided*, That the Secretary may reprogram or transfer additional amounts into these headings or into "Procurement, Defense-Wide" using established reprogramming procedures applicable to congressional special interest items: *Provided further*, That such funds shall supplement, not supplant any other amounts made available to other Federal agencies for such purposes.

SEC. 8126. None of the funds made available by this Act for the Joint Surveillance Target Attack Radar System recapitalization program may be obligated or expended for pre-milestone B activities after March 31, 2018.

SEC. 8127. None of the funds made available by this Act may be used to carry out the closure or realignment of the United States Naval Station, Guantanamo Bay, Cuba.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8128. Additional readiness funds made available in title II of this Act for "Operation and Maintenance, Army", "Operation and Maintenance, Navy", "Operation and Maintenance, Marine Corps", and "Operation and Maintenance, Air Force" may be transferred to and merged with any appropriation of the Department of Defense for activities related to the Zika virus in order to provide health support for the full range of military operations and sustain the health of the members of the Armed Forces, civilian employees of the Department of Defense, and their families, to include: research and development, disease surveillance, vaccine development, rapid detection, vector controls and surveillance, training, and outbreak response: *Provided*, That the authority provided in this section is subject to the same terms and conditions as the authority provided in section 8005 of this Act.

SEC. 8129. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network is designed to block access to pornography websites.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities, or for any activity necessary for the national defense, including intelligence activities.

(RESCISSION)

SEC. 8130. (a) The Ship Modernization, Operations and Sustainment Fund established by section 8103 of the Department of Defense Appropriations Act, 2013 (division C of Public Law 113–6; 127 Stat. 321) is hereby terminated, effective as of the date of the enactment of this Act.

(b) Any unobligated balances in the Ship Modernization, Operations and Sustainment Fund as of the date of the enactment of this Act are hereby rescinded.

SEC. 8131. None of the funds made available by this Act may be used to provide arms, training, or other assistance to the Azov Battalion.

SEC. 8132. Notwithstanding any other provision of law, any transfer of funds appropriated or otherwise made available by this Act to the Global Engagement Center pursuant to section 1287 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) shall be made in accordance with section 8005 or 9002 of this Act, as applicable.

SEC. 8133. No amounts credited or otherwise made available in this or any other Act to the Department of Defense Acquisition Workforce Development Fund may be transferred to:

(1) the Rapid Prototyping Fund established under section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 2302 note); or

(2) credited to a military-department specific fund established under section 804(d)(2) of the National Defense Authorization Act for Fiscal Year 2016 (as amended by section 897 of the National Defense Authorization Act for Fiscal Year 2017).

Records.

SEC. 8134. No funds provided in this Act shall be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978, or to prevent or impede that Inspector General's access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General's right of access. A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner. Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978. Each Inspector General covered by this section shall

Reports.
Deadline.

report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS/GLOBAL WAR ON TERRORISM

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $1,948,648,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $327,427,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $179,733,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $705,706,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $42,506,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $11,929,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $3,764,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $20,535,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $196,472,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $5,288,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $15,693,068,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $7,887,349,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $1,607,259,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $10,556,598,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $6,476,649,000: *Provided*, That of the funds provided under this heading, not to exceed $920,000,000, to remain available until September 30, 2018, shall be for payments to reimburse key cooperating nations for logistical, military, and other support, including access, provided to United States military and stability operations in Afghanistan and to counter the Islamic State of Iraq and the Levant: *Provided further*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military and stability operations in Afghanistan and to counter the Islamic State of Iraq and the Levant, and 15 days following notification to the appropriate congressional committees: *Provided further*, That these funds may be used to support the Government of Jordan, in such amounts as the Secretary of Defense may determine, to enhance the ability of the armed forces of Jordan to increase or sustain security along its borders, upon 15 days prior written notification to the congressional defense committees outlining the amounts intended to be provided and the nature of the expenses incurred: *Provided further*, That of the funds provided under this heading, not to exceed $750,000,000, to remain available until September 30, 2018, shall be available to provide support and assistance to foreign security forces or other groups or individuals to conduct, support or facilitate counterterrorism, crisis response, or other Department of Defense security cooperation programs: *Provided further*, That of the funds provided under this heading, up to $30,000,000 shall be for Operation Observant Compass: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Reimbursement.
Consultation.
Determination.
Time period.
Notification.

Time period.
Notification.

Jordan.
Time period.
Notification.

Deadlines.
Reports.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $38,679,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $26,265,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $3,304,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $57,586,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $127,035,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $20,000,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AFGHANISTAN SECURITY FORCES FUND

For the "Afghanistan Security Forces Fund", $4,262,715,000, to remain available until September 30, 2018: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security

forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funding: *Provided further*, That the Secretary of Defense may obligate and expend funds made available to the Department of Defense in this title for additional costs associated with existing projects previously funded with amounts provided under the heading "Afghanistan Infrastructure Fund" in prior Acts: *Provided further*, That such costs shall be limited to contract changes resulting from inflation, market fluctuation, rate adjustments, and other necessary contract actions to complete existing projects, and associated supervision and administration costs and costs for design during construction: *Provided further*, That the Secretary may not use more than $50,000,000 under the authority provided in this section: *Provided further*, That the Secretary shall notify in advance such contract changes and adjustments in annual reports to the congressional defense committees: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: *Provided further*, That the United States may accept equipment procured using funds provided under this heading in this or prior Acts that was transferred to the security forces of Afghanistan and returned by such forces to the United States: *Provided further*, That equipment procured using funds provided under this heading in this or prior Acts, and not yet transferred to the security forces of Afghanistan or transferred to the security forces of Afghanistan and returned by such forces to the United States, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That of the funds provided under this heading, not less than $10,000,000 shall be for recruitment and retention of women in the Afghanistan National Security Forces, and the recruitment and training of female security personnel: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Contracts.

Notify.
Contracts.
Deadline.
Reports.

Notification.

Deadline.
Notification.

Notification.

Notification.

COUNTER-ISIL TRAIN AND EQUIP FUND

For the "Counter-Islamic State of Iraq and the Levant Train and Equip Fund", $980,000,000, to remain available until September 30, 2018: *Provided*, That such funds shall be available to the Secretary of Defense in coordination with the Secretary

Coordination.

of State, to provide assistance, including training; equipment; logistics support, supplies, and services; stipends; infrastructure repair and renovation; and sustainment, to foreign security forces, irregular forces, groups, or individuals participating, or preparing to participate in activities to counter the Islamic State of Iraq and the Levant, and their affiliated or associated groups: *Provided further*, That these funds may be used, in such amounts as the Secretary of Defense may determine, to enhance the border security of nations adjacent to conflict areas, including Jordan and Lebanon, resulting from actions of the Islamic State of Iraq and the Levant: *Provided further*, That amounts made available under this heading shall be available to provide assistance only for activities in a country designated by the Secretary of Defense, in coordination with the Secretary of State, as having a security mission to counter the Islamic State of Iraq and the Levant, and following written notification to the congressional defense committees of such designation: *Provided further*, That the Secretary of Defense shall ensure that prior to providing assistance to elements of any forces or individuals, such elements or individuals are appropriately vetted, including at a minimum, assessing such elements for associations with terrorist groups or groups associated with the Government of Iran; and receiving commitments from such elements to promote respect for human rights and the rule of law: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense may accept and retain contributions, including assistance in-kind, from foreign governments, including the Government of Iraq and other entities, to carry out assistance authorized under this heading: *Provided further*, That contributions of funds for the purposes provided herein from any foreign government or other entity may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense may waive a provision of law relating to the acquisition of items and support services or sections 40 and 40A of the Arms Export Control Act (22 U.S.C. 2780 and 2785) if the Secretary determines that such provision of law would prohibit, restrict, delay or otherwise limit the provision of such assistance and a notice of and justification for such waiver is submitted to the congressional defense committees, the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives: *Provided further*, That the United States may accept equipment procured using funds provided under this heading, or under the heading, "Iraq Train and Equip Fund" in prior Acts, that was transferred to security forces, irregular forces, or groups participating, or preparing to participate in activities to counter the Islamic State of Iraq and the Levant and returned by such forces or groups to the United States, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That equipment procured using funds provided under this heading, or under the heading, "Iraq Train and Equip Fund" in prior Acts, and not yet transferred to security forces, irregular forces, or groups participating, or preparing to participate in activities to counter the Islamic State of Iraq and the Levant may be treated as stocks of the Department of Defense

Coordination.
Notification.

Deadline.
Notification.

Waiver authority.
Determination.
Notice.

Notification.

Notification.
Determination.

when determined by the Secretary to no longer be required for transfer to such forces or groups and upon written notification to the congressional defense committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided under this heading, including, but not limited to, the number of individuals trained, the nature and scope of support and sustainment provided to each group or individual, the area of operations for each group, and the contributions of other countries, groups, or individuals: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadlines.
Reports.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $313,171,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $405,317,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $395,944,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $290,670,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $1,343,010,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas

Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $367,930,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $8,600,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $65,380,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $99,786,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $118,939,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $927,249,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $235,095,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $273,345,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $3,529,456,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $244,184,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD AND RESERVE EQUIPMENT ACCOUNT

For procurement of rotary-wing aircraft; combat, tactical and support vehicles; other weapons; and other procurement items for the reserve components of the Armed Forces, $750,000,000, to remain available for obligation until September 30, 2019: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further*, That none of the funds made available by this paragraph may be used to procure manned fixed wing aircraft, or procure or modify missiles, munitions, or ammunition: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Assessment.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $100,522,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $78,323,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $67,905,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $159,919,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $140,633,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $331,764,000, which shall be for operation and maintenance: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $215,333,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

JOINT IMPROVISED-THREAT DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Joint Improvised-Threat Defeat Fund", $339,472,000, to remain available until September 30, 2019: *Provided,* That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised-Threat Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further,* That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further,* That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further,* That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Notification.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the "Office of the Inspector General", $22,062,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2017.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to $2,500,000,000 between the appropriations or funds made available to the Department of Defense in this title: *Provided*,

Notification.

That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act.

SEC. 9003. Supervision and administration costs and costs for design during construction associated with a construction project funded with appropriations available for operation and maintenance or the "Afghanistan Security Forces Fund" provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That, for the purpose of this section, supervision and administration costs and costs for design during construction include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in the United States Central Command area of responsibility: (1) passenger motor vehicles up to a limit of $75,000 per vehicle; and (2) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $450,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed $5,000,000 of the amounts appropriated by this title under the heading "Operation and Maintenance, Army" may be used, notwithstanding any other provision of law, to fund the Commanders' Emergency Response Program (CERP), for the purpose of enabling military commanders in Afghanistan to respond to urgent, small-scale, humanitarian relief and reconstruction requirements within their areas of responsibility: *Provided,* That each project (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed $2,000,000: *Provided further,* That not later than 45 days after the end of each 6 months of the fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that 6-month period that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: *Provided further,* That, not later than 30 days after the end of each fiscal year quarter, the Army shall submit to the congressional defense committees quarterly commitment, obligation, and expenditure data for the CERP in Afghanistan: *Provided further,* That, not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of $500,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:

Deadline.
Time period.
Reports.

Deadline.
Time periods.
Data.
Afghanistan.

Deadline.
Notification.

(1) The location, nature and purpose of the proposed project, including how the project is intended to advance the military campaign plan for the country in which it is to be carried out.

(2) The budget, implementation timeline with milestones, and completion date for the proposed project, including any

other CERP funding that has been or is anticipated to be contributed to the completion of the project.

(3) A plan for the sustainment of the proposed project, including the agreement with either the host nation, a non-Department of Defense agency of the United States Government or a third-party contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project. Plan.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to allied forces participating in a combined operation with the armed forces of the United States and coalition forces supporting military and stability operations in Afghanistan and to counter the Islamic State of Iraq and the Levant: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section. Deadline. Reports.

SEC. 9007. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9008. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 9009. None of the funds provided for the "Afghanistan Security Forces Fund" (ASFF) may be obligated prior to the approval of a financial and activity plan by the Afghanistan Resources Oversight Council (AROC) of the Department of Defense: *Provided*, That the AROC must approve the requirement and acquisition plan for any service requirements in excess of $50,000,000 annually and any non-standard equipment requirements in excess of $100,000,000 using ASFF: *Provided further,* That the Department of Defense must certify to the congressional defense committees that the AROC has convened and approved a process for ensuring compliance with the requirements in the preceding proviso and accompanying report language for the ASFF. Plan. Certification.

SEC. 9010. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: *Provided*, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

Determination.

SEC. 9011. From funds made available to the Department of Defense in this title under the heading "Operation and Maintenance, Air Force", up to $60,000,000 may be used by the Secretary of Defense, notwithstanding any other provision of law, to support United States Government transition activities in Iraq by funding the operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction, and site closeout activities prior to returning sites to the Government of Iraq: *Provided*, That to the extent authorized under the National Defense Authorization Act for Fiscal Year 2017, the operations and activities that may be carried out by the Office of Security Cooperation in Iraq may, with the concurrence of the Secretary of State, include non-operational training activities in support of Iraqi Minister of Defense and Counter Terrorism Service personnel in an institutional environment to address capability gaps, integrate processes relating to intelligence, air sovereignty, combined arms, logistics and maintenance, and to manage and integrate defense-related institutions: *Provided further*, That not later than 30 days following the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the congressional defense committees a plan for transitioning any such training activities that they determine are needed after the end of fiscal year 2017, to existing or new contracts for the sale of defense articles or defense services consistent with the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.): *Provided further*, That, not less than 15 days before making funds available pursuant to the authority provided in this section, the Secretary of Defense shall submit to the congressional defense committees a written notice containing a detailed justification and timeline for the operations and activities of the Office of Security Cooperation in Iraq at each site where such operations and activities will be conducted during fiscal year 2017: *Provided further*, That amounts made available by this section are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Transition plan.

Deadline.
Notification.

SEC. 9012. Up to $500,000,000 of funds appropriated by this Act for the Defense Security Cooperation Agency in "Operation and Maintenance, Defense-Wide" may be used to provide assistance to the Government of Jordan to support the armed forces of Jordan and to enhance security along its borders.

SEC. 9013. None of the funds made available by this Act under the heading "Counter-ISIL Train and Equip Fund" may be used to procure or transfer man-portable air defense systems.

SEC. 9014. For the "Ukraine Security Assistance Initiative", $150,000,000 is hereby appropriated, to remain available until September 30, 2017: *Provided*, That such funds shall be available to the Secretary of Defense, in coordination with the Secretary

Coordination.

of State, to provide assistance, including training; equipment; lethal weapons of a defensive nature; logistics support, supplies and services; sustainment; and intelligence support to the military and national security forces of Ukraine, and for replacement of any weapons or defensive articles provided to the Government of Ukraine from the inventory of the United States: *Provided further*, That the Secretary of Defense shall, not less than 15 days prior to obligating funds provided under this heading, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the United States may accept equipment procured using funds provided under this heading in this or prior Acts that was transferred to the security forces of Ukraine and returned by such forces to the United States: *Provided further*, That equipment procured using funds provided under this heading in this or prior Acts, and not yet transferred to the military or National Security Forces of Ukraine or returned by such forces to the United States, may be treated as stocks of the Department of Defense upon written notification to the congressional defense committees: *Provided further*, That amounts made available by this section are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline. Notification.

Notification.

SEC. 9015. Funds appropriated in this title shall be available for replacement of funds for items provided to the Government of Ukraine from the inventory of the United States to the extent specifically provided for in section 9014 of this Act.

SEC. 9016. None of the funds made available by this Act under section 9014 for "Assistance and Sustainment to the Military and National Security Forces of Ukraine" may be used to procure or transfer man-portable air defense systems.

SEC. 9017. (a) None of the funds appropriated or otherwise made available by this Act under the heading "Operation and Maintenance, Defense-Wide" for payments under section 1233 of Public Law 110–181 for reimbursement to the Government of Pakistan may be made available unless the Secretary of Defense, in coordination with the Secretary of State, certifies to the congressional defense committees that the Government of Pakistan is—

Coordination. Certifications. Pakistan.

(1) cooperating with the United States in counterterrorism efforts against the Haqqani Network, the Quetta Shura Taliban, Lashkar e-Tayyiba, Jaish-e-Mohammed, Al Qaeda, and other domestic and foreign terrorist organizations, including taking steps to end support for such groups and prevent them from basing and operating in Pakistan and carrying out cross border attacks into neighboring countries;

(2) not supporting terrorist activities against United States or coalition forces in Afghanistan, and Pakistan's military and intelligence agencies are not intervening extra-judicially into political and judicial processes in Pakistan;

(3) dismantling improvised explosive device (IED) networks and interdicting precursor chemicals used in the manufacture of IEDs;

(4) preventing the proliferation of nuclear-related material and expertise;

(5) implementing policies to protect judicial independence and due process of law;

(6) issuing visas in a timely manner for United States visitors engaged in counterterrorism efforts and assistance programs in Pakistan; and

(7) providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by the conflict.

Coordination. Waiver authority.

(b) The Secretary of Defense, in coordination with the Secretary of State, may waive the restriction in subsection (a) on a case-by-case basis by certifying in writing to the congressional defense committees that it is in the national security interest to do so: *Provided*, That if the Secretary of Defense, in coordination with the Secretary of State, exercises such waiver authority, the Secretaries shall report to the congressional defense committees on both the justification for the waiver and on the requirements of this section that the Government of Pakistan was not able to meet: *Provided further*, That such report may be submitted in classified form if necessary.

Reports.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9018. In addition to amounts otherwise made available in this Act, $500,000,000 is hereby appropriated to the Department of Defense and made available for transfer only to the operation and maintenance, military personnel, and procurement accounts, to improve the intelligence, surveillance, and reconnaissance capabilities of the Department of Defense: *Provided*, That the transfer authority provided in this section is in addition to any other transfer authority provided elsewhere in this Act: *Provided further*, That not later than 30 days prior to exercising the transfer authority provided in this section, the Secretary of Defense shall submit a report to the congressional defense committees on the proposed uses of these funds: *Provided further*, That the funds provided in this section may not be transferred to any program, project, or activity specifically limited or denied by this Act: *Provided further*, That amounts made available by this section are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the authority to provide funding under this section shall terminate on September 30, 2017.

Deadline. Reports.

Termination date.

SEC. 9019. None of the funds made available by this Act may be used with respect to Syria in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States armed or military forces into hostilities in Syria, into situations in Syria where imminent involvement in hostilities is clearly indicated by the circumstances, or into Syrian territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of that law (50 U.S.C. 1542 and 1543).

SEC. 9020. None of the funds in this Act may be made available for the transfer of additional C–130 cargo aircraft to the Afghanistan National Security Forces or the Afghanistan Air Force until the Department of Defense provides a report to the congressional defense committees of the Afghanistan Air Force's medium airlift requirements. The report should identify Afghanistan's ability to utilize and maintain existing medium lift aircraft in the inventory and the best alternative platform, if necessary, to provide additional

Reports.

support to the Afghanistan Air Force's current medium airlift capacity.

(RESCISSIONS)

SEC. 9021. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That such amounts are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985:

"Operation and Maintenance, Defense-Wide, DSCA Coalition Support Fund", 2016/2017, $300,000,000;

"Counterterrorism Partnerships Fund", 2016/2017, $200,000,000;

"Afghanistan Security Forces Fund", 2016/2017, $150,000,000; and

"Other Procurement, Air Force", 2016/2018, $169,000,000.

(RESCISSION)

SEC. 9022. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That amounts rescinded pursuant to this section that were previously designated by the Congress for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress) are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985:

"Operation and Maintenance, Defense-Wide: Coalition Support Funds", XXXX, $11,524,000.

Termination date.

SEC. 9023. (a) The Mine Resistant Ambush Protected Vehicle Fund provided for by section 123 of Public Law 110–92 (121 Stat. 992) is hereby terminated, effective as of the date of the enactment of this Act.

(b) Any unobligated balances in the Mine Resistant Ambush Protected Vehicle Fund as of the date of the enactment of this Act shall, notwithstanding any provision of subchapter IV of chapter 15 of title 31, United States Code, or the procedures under such subchapter, be deposited in the Treasury as miscellaneous receipts.

TITLE X

DEPARTMENT OF DEFENSE—ADDITIONAL APPROPRIATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $131,375,000: *Provided*, That such amount is designated by the

Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $986,754,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $1,772,631,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $255,250,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $1,566,272,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $650,951,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $3,208,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $115,099,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/

Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $87,868,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $23,000,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COUNTER-ISIL TRAIN AND EQUIP FUND

For an additional amount for the "Counter-Islamic State of Iraq and the Levant Train and Equip Fund", $626,400,000, to remain available until September 30, 2018: *Provided*, That such amounts shall not be obligated or expended until 15 days after the President submits a plan in accordance with section 10005 of this Act: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Plan.

COUNTER-ISIL OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts provided elsewhere in this Act, there is appropriated $1,610,000,000, for the "Counter-Islamic State of Iraq and the Levant Overseas Contingency Operations Transfer Fund", for expenses directly relating to overseas contingency operations by United States military forces, to remain available until expended: *Provided*, That of the funds made available in this section, the Secretary of Defense may transfer these funds only to military personnel accounts, operation and maintenance accounts, procurement accounts, and working capital fund accounts: *Provided further*, That such amounts shall not be transferred until 15 days after the President submits a plan in accordance with section 10005 of this Act: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That the Secretary shall notify the congressional defense committees 15 days prior to such transfer or any subsequent transfer: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section

Deadline.
President.
Plan.

Notification.
Deadline.

251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $316,784,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $579,754,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $61,218,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $447,685,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $412,109,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $314,257,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $129,000,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $103,100,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $151,297,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $212,280,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $856,820,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SPACE PROCUREMENT, AIR FORCE

For an additional amount for "Space Procurement, Air Force", $19,900,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $70,000,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress

for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $1,335,381,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $510,635,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $163,134,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $248,214,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $297,300,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $279,185,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For an additional amount for "Operational Test and Evaluation, Defense", $2,725,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $285,681,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For an additional amount for "Chemical Agents and Munitions Destruction, Defense", $127,000,000, to remain available until September 30, 2018, shall be for research, development, test and evaluation: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 10001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2017: *Provided*, That except as otherwise explicitly provided for in this title, such amounts shall be subject to the terms and conditions set forth in titles VIII and IX of this division.

(INCLUDING TRANSFER OF FUNDS)

SEC. 10002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to $250,000,000 between the appropriations or funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2017.

Determination.

Notification.

SEC. 10003. Funds appropriated by this title, or made available by the transfer of funds in this title, for intelligence or intelligence related activities are deemed to be specifically authorized by the

Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 10004. In addition to funds made available in section 8124 of this division, $7,000,000 of the amounts appropriated in this Act for "Operation and Maintenance, Navy", may be used for any purposes related to the National Defense Reserve Fleet established under section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. 4405): *Provided*, That such amounts are available for reimbursements to the Ready Reserve Force, Maritime Administration account of the United States Department of Transportation for programs, projects, activities, and expenses related to the National Defense Reserve Fleet.

Deadline. President. Reports. Strategy. Iraq.

SEC. 10005. (a) Of the amounts appropriated in this title, $2,476,200,000 shall not be obligated or expended until 15 days after the President provides the appropriate committees a report on the United States strategy for the defeat of the Islamic State of Iraq and al Sham.

(b) Such report, which may include a classified annex, shall include, at a minimum, the following—

(1) a description of the objectives of the United States to defeat the Islamic State of Iraq and al Sham, including the desired end states in Iraq and Syria to achieve such objectives;

(2) a description of the roles and responsibilities of the Department of Defense in the strategy, the regions covered by the strategy, and the specific allies and coalition partners required to carry out the strategy, including the expected lines of effort of such coalition;

(3) a description of the roles and responsibilities of the Department of State in the strategy, the diplomatic and regional engagement necessary to achieve the objectives of the strategy, to include plans for stabilizing territory formerly held by the Islamic State of Iraq and al Sham;

Estimate.

(4) an estimate of the resources required to undertake the strategy, and a description of the plan for the use of funds provided in this Act to implement the strategy;

(5) a description of the benchmarks to be used to measure progress in achieving the objectives of the strategy; and

Assessment.

(6) an assessment of how the actions of the Government of Syria and other state and non-state actors in the region impact the ability to achieve the objectives of the strategy.

Deadlines. Progress update.

(c) Not more than 90 days after the initial report, and every 90 days thereafter, the Secretary of Defense and the Secretary of State shall submit to the appropriate congressional committees an update on the progress toward the benchmarks established in the initial report, and if applicable, a description of any changes to the objectives of the strategy.

Definition.

(d) For purposes of this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate.

SEC. 10006. (a) Not later than 90 days after the date of enactment of this Act, the President shall transmit a report to the appropriate congressional committees describing a strategy for Syria. Deadline. Reports. Strategy. Syria.

(b) Such report, which may include a classified annex, shall include, at a minimum, the following—

(1) a description of the United States political and military objectives regarding the Government of Syria;

(2) a description of United States and multilateral efforts to address the needs of civilians affected by the conflict in Syria, to include efforts to protect the civilian population from the use of chemical weapons and the deliberate targeting of civilians by the Government of Syria;

(3) a description of the efforts of the United States to engage regional and international partners in support of such objectives; and

(4) a description of the efforts undertaken by the relevant agencies to achieve such objectives.

(c) For purposes of this section, the term "appropriate congressional committees" means— Definition.

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

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the Senate.

This division may be cited as the "Department of Defense Appropriations Act, 2017".

DIVISION D—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

Energy and Water Development and Related Agencies Appropriations Act, 2017.

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects, and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations, and, when authorized by law, surveys and detailed

studies, and plans and specifications of projects prior to construction, $121,000,000, to remain available until expended: *Provided*, That the Secretary may initiate up to, but not more than, six new study starts during fiscal year 2017: *Provided further*, That the new study starts will consist of five studies where the majority of the benefits are derived from navigation transportation savings or from flood and storm damage reduction and one study where the majority of benefits are derived from environmental restoration: *Provided further*, That the Secretary shall not deviate from the new starts proposed in the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $1,876,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects shall be derived from the Inland Waterways Trust Fund, except as otherwise specifically provided for in law: *Provided*, That the Secretary may initiate up to, but not more than, six new construction starts during fiscal year 2017: *Provided further*, That the new construction starts will consist of five projects where the majority of the benefits are derived from navigation transportation savings or from flood and storm damage reduction and one project where the majority of the benefits are derived from environmental restoration: *Provided further*, That for new construction projects, project cost sharing agreements shall be executed as soon as practicable but no later than September 30, 2017: *Provided further*, That no allocation for a new start shall be considered final and no work allowance shall be made until the Secretary provides to the Committees on Appropriations of both Houses of Congress an out-year funding scenario demonstrating the affordability of the selected new starts and the impacts on other projects: *Provided further*, That the Secretary may not deviate from the new starts proposed in the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

Deadline.

Funding scenario.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $362,000,000, to

remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $3,149,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104–303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: *Provided*, That 1 percent of the total amount of funds provided for each of the programs, projects, or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects, or activities.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $200,000,000, to remain available until September 30, 2018.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $112,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, $32,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Corps of Engineers and the offices of the Division Engineers; and for costs of management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center allocable to the civil works program, $181,000,000, to remain available until September 30, 2018, of which not to exceed $5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation provided in this title shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: *Provided further*, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), $4,764,000, to remain available until September 30, 2018: *Provided*, That not more than 75 percent of such amount may be obligated or expended until the Assistant Secretary submits to the Committees on Appropriations of both Houses of Congress a work plan that allocates at least 95 percent of the additional funding provided under each heading in this title (as designated under such heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act)) to specific programs, projects, or activities.

Plan.

GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2017, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted

by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects, or activities in excess of the amounts contained in paragraphs (6) through (10), unless prior approval is received from the House and Senate Committees on Appropriations;

(6) INVESTIGATIONS.—For a base level over $100,000, reprogramming of 25 percent of the base amount up to a limit of $150,000 per project, study or activity is allowed: *Provided*, That for a base level less than $100,000, the reprogramming limit is $25,000: *Provided further*, That up to $25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over $2,000,000, reprogramming of 15 percent of the base amount up to a limit of $3,000,000 per project, study or activity is allowed: *Provided*, That for a base level less than $2,000,000, the reprogramming limit is $300,000: *Provided further*, That up to $3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: *Provided further*, That up to $300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted for the Corps to be able to respond to emergencies: *Provided*, That the Chief of Engineers shall notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: *Provided further*, That for a base level over $1,000,000, reprogramming of 15 percent of the base amount up to a limit of $5,000,000 per project, study, or activity is allowed: *Provided further*, That for a base level less than $1,000,000, the reprogramming limit is $150,000: *Provided further*, That $150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation; Notification.

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The reprogramming guidelines in paragraphs (6), (7), and (8) shall apply to the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account, respectively; and Applicability.

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) DE MINIMUS REPROGRAMMINGS.—In no case should a reprogramming for less than $50,000 be submitted to the House and Senate Committees on Appropriations.

(c) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(d) Not later than 60 days after the date of enactment of this Act, the Secretary shall submit a report to the House and Senate Committees on Appropriations to establish the baseline Deadline. Reports.

for application of reprogramming and transfer authorities for the current fiscal year which shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if applicable, and the fiscal year enacted level; and

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.

SEC. 102. The Secretary shall allocate funds made available in this Act solely in accordance with the provisions of this Act and the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), including the determination and designation of new starts.

SEC. 103. None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

SEC. 104. The Secretary of the Army may transfer to the Fish and Wildlife Service, and the Fish and Wildlife Service may accept and expend, up to $5,400,000 of funds provided in this title under the heading "Operation and Maintenance" to mitigate for fisheries lost due to Corps of Engineers projects.

SEC. 105. None of the funds in this Act shall be used for an open lake placement alternative for dredged material, after evaluating the least costly, environmentally acceptable manner for the disposal or management of dredged material originating from Lake Erie or tributaries thereto, unless it is approved under a State water quality certification pursuant to section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341); *Provided further*, That until an open lake placement alternative for dredged material is approved under a State water quality certification, the Corps of Engineers shall continue upland placement of such dredged material consistent with the requirements of section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

SEC. 106. None of the funds made available in this title may be used for any acquisition that is not consistent with 48 CFR 225.7007.

SEC. 107. None of the funds made available by this Act may be used to carry out any water supply reallocation study under the Wolf Creek Dam, Lake Cumberland, Kentucky, project authorized under the Act of July 24, 1946 (60 Stat. 636, ch. 595).

SEC. 108. None of the funds made available in this or any other Act making appropriations for Energy and Water Development for any fiscal year may be used by the Corps of Engineers during the fiscal year ending September 30, 2017, to develop, adopt, implement, administer, or enforce any change to the regulations in effect on October 1, 2012, pertaining to the definitions of the terms "fill material" or "discharge of fill material" for the purposes of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

SEC. 109. None of the funds made available by this Act may be used to require a permit for the discharge of dredged or fill

material under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) for the activities identified in subparagraphs (A) and (C) of section 404(f)(1) of the Act (33 U.S.C. 1344(f)(1)(A), (C)).

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $10,500,000, to remain available until expended, of which $1,300,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission: *Provided*, That of the amount provided under this heading, $1,350,000 shall be available until September 30, 2018, for expenses necessary in carrying out related responsibilities of the Secretary of the Interior: *Provided further*, That for fiscal year 2017, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $1,155,894,000, to remain available until expended, of which $22,000 shall be available for transfer to the Upper Colorado River Basin Fund and $5,551,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 6806 shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which the funds were contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That of

the amounts provided herein, funds may be used for high-priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $55,606,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $36,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For expenses necessary for policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until September 30, 2018, $59,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed five passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous

or subsequent appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2017, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) initiates or creates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

(B) $400,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term transfer means any movement of funds into or out of a program, project, or activity. Definition.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act. Reports. Deadlines.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters. Plan. California.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program—Alternative Repayment Plan" and the "SJVDP—Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

Reimbursement.

SEC. 203. Section 205(2) of division D of Public Law 114–113 is amended by striking "2016" and inserting "2017".

129 Stat. 2407.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $2,090,200,000, to remain available until expended: *Provided*, That of such amount, $153,500,000 shall be available until September 30, 2018, for program direction.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $230,000,000, to remain available until expended: *Provided*, That of such amount, $28,500,000 shall be available until September 30, 2018, for program direction.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion and the purchase of no more than three emergency service vehicles for replacement only, $1,016,616,000,

to remain available until expended: *Provided*, That of such amount, $80,000,000 shall be available until September 30, 2018, for program direction.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For Department of Energy expenses necessary in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $618,000,000, to remain available until expended: *Provided*, That of such amount $60,000,000 shall be available until September 30, 2018, for program direction: *Provided further*, That in addition, $50,000,000, to remain available until expended, shall be for the transformational coal technologies pilot program described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

NAVAL PETROLEUM AND OIL SHALE RESERVES

For Department of Energy expenses necessary to carry out naval petroleum and oil shale reserve activities, $14,950,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For Department of Energy expenses necessary for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $223,000,000, to remain available until expended: *Provided*, That the proceeds from the drawdown and sale under section 159 of the Continuing Appropriations Act, 2017 (division C of Public Law 114–223), as amended by the Further Continuing and Security Assistance Appropriations Act, 2017 (Public Law 114–254), which have been or will be deposited into the "Energy Security and Infrastructure Modernization Fund" during fiscal year 2017 shall be made available and shall remain available until expended for necessary expenses in carrying out the Life Extension II project for the Strategic Petroleum Reserve.

NORTHEAST HOME HEATING OIL RESERVE

For Department of Energy expenses necessary for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $6,500,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For Department of Energy expenses necessary in carrying out the activities of the Energy Information Administration, $122,000,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $247,000,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For Department of Energy expenses necessary in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, $768,000,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended, of which $30,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 17 passenger motor vehicles for replacement only, including one ambulance and one bus, $5,392,000,000, to remain available until expended: *Provided*, That of such amount, $182,000,000 shall be available until September 30, 2018, for program direction: *Provided further*, That of such amount, $50,000,000 shall be available for the ongoing in-kind contributions provided by facilities located in the United States to the ITER project and related support activities carried out by such facilities for the ITER project and, subject to the notification requirement in section 301(e) of this Act, up to an additional $50,000,000 of such amount may be made available for in-kind contributions and related support activities of ITER.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For Department of Energy expenses necessary in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110–69), $306,000,000, to remain available until expended: *Provided*, That of such amount, $29,250,000 shall be available until September 30, 2018, for program direction.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided*, That for necessary administrative expenses to carry out this Loan Guarantee program, $37,000,000 is appropriated from fees collected in prior years pursuant to section 1702(h) of the Energy Policy Act of 2005 which are not otherwise appropriated, to remain available until September 30, 2018: *Provided further*, That if the amount in the previous proviso is not available from such fees, an amount for such purposes is also appropriated from the general fund so as to result in a total amount appropriated for such purpose of no more than $37,000,000: *Provided further*, That fees collected pursuant to such section 1702(h) for fiscal year 2017 shall be credited as offsetting collections under this heading and shall not be available until appropriated: *Provided further*, That the Department of Energy shall not subordinate any loan obligation to other financing in violation of section 1702 of the Energy Policy Act of 2005 or subordinate any Guaranteed Obligation to any loan or other debt obligations in violation of section 609.10 of title 10, Code of Federal Regulations.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For Department of Energy administrative expenses necessary in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, $5,000,000, to remain available until September 30, 2018.

TRIBAL ENERGY LOAN GUARANTEE PROGRAM

(INCLUDING RESCISSION OF FUNDS)

For the cost of loan guarantees provided under section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)), $8,500,000, to remain available until expended: *Provided*, That the cost of those loan guarantees (including the costs of modifying loans, as applicable) shall be determined in accordance with section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): *Provided further,* That, for necessary administrative expenses to carry out that program, $500,000 is appropriated, to remain available until expended: *Provided further,* That, of the subsidy amounts provided by section 1425 of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10; 125 Stat. 126), for the cost of loan guarantees for renewable energy or efficient end-use energy technologies under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), $9,000,000 is hereby rescinded.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $246,000,000, to remain available until September 30, 2018, including the hire of passenger motor vehicles and official

reception and representation expenses not to exceed $30,000, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $103,000,000 in fiscal year 2017 may be retained and used for operating expenses within this account, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation from the general fund estimated at not more than $143,000,000: *Provided further*, That the amount made available in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) for the Office of Indian Energy Policy and Program shall remain available until September 30, 2022.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, $44,424,000, to remain available until September 30, 2018.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

(INCLUDING RESCISSIONS OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $9,318,093,000, to remain available until expended: *Provided*, That of such amount, $97,118,000 shall be available until September 30, 2018, for program direction: *Provided further*, That of the unobligated balances from prior year appropriations available under this heading, $8,400,000 is hereby rescinded: *Provided further*, That of the unobligated balances from prior year appropriations available under this heading that were apportioned in Category C (defined in section 120 of Office of Management and Budget Circular No. A–11), $64,126,000 is hereby rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

DEFENSE NUCLEAR NONPROLIFERATION

(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,902,000,000, to remain available until expended: *Provided*, That of the unobligated balances from prior year appropriations available under this heading that were apportioned in Category C (defined in section 120 of Office of Management and Budget Circular No. A–11), $19,128,000 is hereby rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

NAVAL REACTORS

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $1,420,120,000, to remain available until expended, of which, $75,100,000 shall be transferred to "Department of Energy—Energy Programs—Nuclear Energy", for the Advanced Test Reactor: *Provided*, That of the amount provided under this heading, $44,100,000 shall be available until September 30, 2018, for program direction: *Provided further*, That of the unobligated balances from prior year appropriations available under this heading that were apportioned in Category C (defined in section 120 of Office of Management and Budget Circular No. A–11), $307,000 is hereby rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL SALARIES AND EXPENSES

For expenses necessary for Federal Salaries and Expenses in the National Nuclear Security Administration, $390,000,000, to remain available until September 30, 2018, including official reception and representation expenses not to exceed $12,000.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental

cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one fire apparatus pumper truck, one aerial lift truck, one refuse truck, and one semi-truck for replacement only, $5,405,000,000, to remain available until expended: *Provided*, That of such amount, $290,050,000 shall be available until September 30, 2018, for program direction: *Provided further*, That of the amount provided under this heading, $26,800,000 shall be available for the purpose of a payment by the Secretary of Energy to the State of New Mexico for road improvements in accordance with section 15(b) of the Waste Isolation Pilot Plant Land Withdrawal Act (Public Law 102–579): *Provided further*, That the amount made available by the previous proviso shall be separate from any appropriations of funds for the Waste Isolation Pilot Plant.

DEFENSE URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for atomic energy defense environmental cleanup activities for Department of Energy contributions for uranium enrichment decontamination and decommissioning activities, $563,000,000, to be deposited into the Defense Environmental Cleanup account which shall be transferred to the "Uranium Enrichment Decontamination and Decommissioning Fund".

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $784,000,000, to remain available until expended: *Provided*, That of such amount, $254,230,000 shall be available until September 30, 2018, for program direction.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $5,000: *Provided*, That during fiscal year 2017, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy,

including transmission wheeling and ancillary services, pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $1,000,000, including official reception and representation expenses in an amount not to exceed $1,500, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to $1,000,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation estimated at not more than $0: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $60,760,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $45,643,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $34,586,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation estimated at not more than $11,057,000: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $73,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, $273,144,000, including official reception and representation expenses in an amount not to exceed $1,500, to remain available until expended, of which $265,742,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to $177,563,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation estimated at not more than $95,581,000, of which $88,179,000 is derived from the Reclamation Fund: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $367,009,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $4,070,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to $3,838,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation estimated at not more than $232,000: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred: *Provided further*, That for fiscal year 2017, the Administrator of the Western Area Power Administration may accept up to $323,000 in funds contributed by United

States power customers of the Falcon and Amistad Dams for deposit into the Falcon and Amistad Operating and Maintenance Fund, and such funds shall be available for the purpose for which contributed in like manner as if said sums had been specifically appropriated for such purpose: *Provided further*, That any such funds shall be available without further appropriation and without fiscal year limitation for use by the Commissioner of the United States Section of the International Boundary and Water Commission for the sole purpose of operating, maintaining, repairing, rehabilitating, replacing, or upgrading the hydroelectric facilities at these Dams in accordance with agreements reached between the Administrator, Commissioner, and the power customers.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, official reception and representation expenses not to exceed $3,000, and the hire of passenger motor vehicles, $346,800,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $346,800,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2017 shall be retained and used for expenses necessary in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2017 so as to result in a final fiscal year 2017 appropriation from the general fund estimated at not more than $0.

42 USC 7171 note.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

(INCLUDING TRANSFER AND RESCISSIONS OF FUNDS)

SEC. 301. (a) No appropriation, funds, or authority made available by this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

(b)(1) Unless the Secretary of Energy notifies the Committees on Appropriations of both Houses of Congress at least 3 full business days in advance, none of the funds made available in this title may be used to—

Notifications. Deadlines. Grants. Contracts. Public information.

(A) make a grant allocation or discretionary grant award totaling $1,000,000 or more;

(B) make a discretionary contract award or Other Transaction Agreement totaling $1,000,000 or more, including a contract covered by the Federal Acquisition Regulation;

(C) issue a letter of intent to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B); or

(D) announce publicly the intention to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B).

Deadlines.
Reports.

(2) The Secretary of Energy shall submit to the Committees on Appropriations of both Houses of Congress within 15 days of the conclusion of each quarter a report detailing each grant allocation or discretionary grant award totaling less than $1,000,000 provided during the previous quarter.

(3) The notification required by paragraph (1) and the report required by paragraph (2) shall include the recipient of the award, the amount of the award, the fiscal year for which the funds for the award were appropriated, the account and program, project, or activity from which the funds are being drawn, the title of the award, and a brief description of the activity for which the award is made.

(c) The Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading "Department of Energy—Energy Programs", enter into a multiyear contract, award a multiyear grant, or enter into a multiyear cooperative agreement unless—

Contracts.

(1) the contract, grant, or cooperative agreement is funded for the full period of performance as anticipated at the time of award; or

(2) the contract, grant, or cooperative agreement includes a clause conditioning the Federal Government's obligation on the availability of future year budget authority and the Secretary notifies the Committees on Appropriations of both Houses of Congress at least 3 days in advance.

(d) Except as provided in subsections (e), (f), and (g), the amounts made available by this title shall be expended as authorized by law for the programs, projects, and activities specified in the "Final Bill" column in the "Department of Energy" table included under the heading "Title III—Department of Energy" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(e) The amounts made available by this title may be reprogrammed for any program, project, or activity, and the Department shall notify the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program, project, or activity funding level to increase or decrease by more than $5,000,000 or 10 percent, whichever is less, during the time period covered by this Act.

(f) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates, initiates, or eliminates a program, project, or activity;

(2) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(3) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

Waiver authority.

(g)(1) The Secretary of Energy may waive any requirement or restriction in this section that applies to the use of funds made available for the Department of Energy if compliance with such

requirement or restriction would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Secretary of Energy shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver.

(h) The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 302. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2017 until the enactment of the Intelligence Authorization Act for fiscal year 2017.

SEC. 303. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Office of Enterprise Assessments to ensure the project is in compliance with nuclear safety requirements.

Cost estimate.

SEC. 304. None of the funds made available in this title may be used to approve critical decision-2 or critical decision-3 under Department of Energy Order 413.3B, or any successive departmental guidance, for construction projects where the total project cost exceeds $100,000,000, until a separate independent cost estimate has been developed for the project for that critical decision.

Contracts.
Russia.

SEC. 305. (a) None of the funds made available in this or any prior Act under the heading "Defense Nuclear Nonproliferation" may be made available to enter into new contracts with, or new agreements for Federal assistance to, the Russian Federation.

Waiver authority.
Determination.

(b) The Secretary of Energy may waive the prohibition in subsection (a) if the Secretary determines that such activity is in the national security interests of the United States. This waiver authority may not be delegated.

Reports.
Effective date.

(c) A waiver under subsection (b) shall not be effective until 15 days after the date on which the Secretary submits to the Committees on Appropriations of both Houses of Congress, in classified form if necessary, a report on the justification for the waiver.

Budget.

SEC. 306. (a) NEW REGIONAL RESERVES.—The Secretary of Energy may not establish any new regional petroleum product reserve unless funding for the proposed regional petroleum product reserve is explicitly requested in advance in an annual budget submission and approved by the Congress in an appropriations Act.

(b) The budget request or notification shall include—

(1) the justification for the new reserve;

Cost estimate.

(2) a cost estimate for the establishment, operation, and maintenance of the reserve, including funding sources;

Plan.

(3) a detailed plan for operation of the reserve, including the conditions upon which the products may be released;

(4) the location of the reserve; and

Estimate.

(5) the estimate of the total inventory of the reserve.

SEC. 307. (a) Of the unobligated balances available from amounts appropriated in the accounts and from the fiscal years specified in the "Final Bill" column in the "Department of Energy—Sec. 307." table included under the heading "Title III—Department of Energy" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), $94,803,000 is hereby rescinded.

(b) No amounts may be rescinded under subsection (a) from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 308. (a) From unobligated balances available from amounts appropriated in prior fiscal years for "Department of Energy—Energy Programs—Fossil Energy Research and Development", $240,000,000 is hereby rescinded.

(b) No amounts may be rescinded by this section from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 309. Not to exceed $2,000,000, in aggregate, of the amounts made available by this title may be made available for project engineering and design of the Consolidated Emergency Operations Center.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, and for expenses necessary for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $152,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For expenses necessary for the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $30,872,000, to remain available until September 30, 2018.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For expenses necessary for the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding sections 382C(b)(2), 382F(d),

382M, and 382N of said Act, $25,000,000, to remain available until expended.

DENALI COMMISSION

For expenses necessary for the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $15,000,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: *Provided*, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105–277), as amended by section 701 of appendix D, title VII, Public Law 106–113 (113 Stat. 1501A–280), and an amount not to exceed 50 percent for non-distressed communities: *Provided further*, That, notwithstanding any other provision of law regarding payment of a non-Federal share in connection with a grant-in-aid program, amounts under this heading shall be available for the payment of such a non-Federal share for programs undertaken to carry out the purposes of the Commission.

NORTHERN BORDER REGIONAL COMMISSION

For expenses necessary for the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $10,000,000, to remain available until expended: *Provided*, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For expenses necessary for the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $250,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, $905,000,000, including official representation expenses not to exceed $25,000, to remain available until expended: *Provided*, That of the amount appropriated herein, not more than $7,500,000 may be made available for salaries, travel, and other support costs for the Office of the Commission, to remain available until September 30, 2018, of which, notwithstanding section 201(a)(2)(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5841(a)(2)(c)), the use and expenditure shall only be approved by a majority vote of the Commission: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $794,580,000 in fiscal year 2017 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain

available until expended: *Provided further*, That of the amounts appropriated under this heading, not less than $5,000,000 shall be for activities related to the development of regulatory infrastructure for advanced nuclear reactor technologies, and $5,000,000 of that amount shall not be available from fee revenues, notwithstanding 42 U.S.C. 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2017 so as to result in a final fiscal year 2017 appropriation estimated at not more than $110,420,000: *Provided further*, That of the amounts appropriated under this heading, $10,000,000 shall be for university research and development in areas relevant to the Commission's mission, and $5,000,000 shall be for a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $12,129,000, to remain available until September 30, 2018: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $10,044,000 in fiscal year 2017 shall be retained and be available until September 30, 2018, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2017 so as to result in a final fiscal year 2017 appropriation estimated at not more than $2,085,000: *Provided further*, That of the amounts appropriated under this heading, $969,000 shall be for Inspector General services for the Defense Nuclear Facilities Safety Board, which shall not be available from fee revenues.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For expenses necessary for the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,600,000, to be derived from the Nuclear Waste Fund, to remain available until September 30, 2018.

GENERAL PROVISIONS—INDEPENDENT AGENCIES

Compliance.

SEC. 401. The Nuclear Regulatory Commission shall comply with the July 5, 2011, version of Chapter VI of its Internal Commission Procedures when responding to Congressional requests for information.

Notifications.
Time periods.
Reports.

SEC. 402. (a) The amounts made available by this title for the Nuclear Regulatory Commission may be reprogrammed for any program, project, or activity, and the Commission shall notify the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program funding level to increase or decrease by more than $500,000 or 10 percent, whichever is less, during the time period covered by this Act.

(b)(1) The Nuclear Regulatory Commission may waive the notification requirement in subsection (a) if compliance with such requirement would pose a substantial risk to human health, the environment, welfare, or national security. Waiver authority.

(2) The Nuclear Regulatory Commission shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver and shall provide a detailed report to the Committees of such waiver and changes to funding levels to programs, projects, or activities.

(c) Except as provided in subsections (a), (b), and (d), the amounts made available by this title for "Nuclear Regulatory Commission—Salaries and Expenses" shall be expended as directed in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(d) None of the funds provided for the Nuclear Regulatory Commission shall be available for obligation or expenditure through a reprogramming of funds that increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act.

(e) The Commission shall provide a monthly report to the Committees on Appropriations of both Houses of Congress, which includes the following for each program, project, or activity, including any prior year appropriations—

(1) total budget authority;

(2) total unobligated balances; and

(3) total unliquidated obligations.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913. Lobbying.

SEC. 502. (a) None of the funds made available in title III of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(b) None of the funds made available for any department, agency, or instrumentality of the United States Government may be transferred to accounts funded in title III of this Act, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the explanatory statement described in section 4 (in the matter preceding division A of this

consolidated Act), or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

Reports. Deadlines.

(c) The head of any relevant department or agency funded in this Act utilizing any transfer authority shall submit to the Committees on Appropriations of both Houses of Congress a semi-annual report detailing the transfer authorities, except for any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality, used in the previous 6 months and in the year-to-date. This report shall include the amounts transferred and the purposes for which they were transferred, and shall not replace or modify existing notification requirements for each authority.

SEC. 503. None of the funds made available by this Act may be used in contravention of Executive Order No. 12898 of February 11, 1994 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations).

Pornography.

SEC. 504. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

This division may be cited as the "Energy and Water Development and Related Agencies Appropriations Act, 2017".

Financial Services and General Government Appropriations Act, 2017.

DIVISION E—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2017

TITLE I

DEPARTMENT OF THE TREASURY

Department of the Treasury Appropriations Act, 2017.

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Freedman's Bank Building; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; executive direction program activities; international affairs and economic policy activities; domestic finance and tax policy activities, including technical assistance to Puerto Rico; and Treasury-wide management policies and programs activities, $224,376,000: *Provided*, That of the amount appropriated under this heading—

(1) not to exceed $350,000 is for official reception and representation expenses;

(2) not to exceed $258,000 is for unforeseen emergencies of a confidential nature to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on the Secretary's certificate; and

(3) not to exceed $24,000,000 shall remain available until September 30, 2018, for—

(A) the Treasury-wide Financial Statement Audit and Internal Control Program;

(B) information technology modernization requirements;

(C) the audit, oversight, and administration of the Gulf Coast Restoration Trust Fund;

(D) the development and implementation of programs within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements; and

(E) international operations.

OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE

SALARIES AND EXPENSES

For the necessary expenses of the Office of Terrorism and Financial Intelligence to safeguard the financial system against illicit use and to combat rogue nations, terrorist facilitators, weapons of mass destruction proliferators, money launderers, drug kingpins, and other national security threats, $123,000,000: *Provided*, That of the amount appropriated under this heading: (1) up to $28,000,000 may be transferred to the Departmental Offices Salaries and Expenses appropriation and shall be available for administrative support to the Office of Terrorism and Financial Intelligence; and (2) $5,000,000, to remain available until September 30, 2018.

CYBERSECURITY ENHANCMENT ACCOUNT

For salaries and expenses for enhanced cybersecurity for systems operated by the Department of the Treasury, $47,743,000, to remain available until September 30, 2019: *Provided*, That such funds shall supplement and not supplant any other amounts made available to the Treasury offices and bureaus for cybersecurity: *Provided further*, That the Chief Information Officer of the individual offices and bureaus shall submit a spend plan for each investment to the Treasury Chief Information Officer for approval: *Provided further*, That the submitted spend plan shall be reviewed and approved by the Treasury Chief Information Officer prior to the obligation of funds under this heading: *Provided further*, That of the total amount made available under this heading $1,000,000 shall be available for administrative expenses for the Treasury Chief Information Officer to provide oversight of the investments made under this heading: *Provided further*, That such funds shall supplement and not supplant any other amounts made available to the Treasury Chief Information Officer.

Spending plan.

Review.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services and for repairs and renovations to buildings owned by the Department of the Treasury, $3,000,000, to remain available until September 30, 2019: *Provided*, That these

funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further,* That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further,* That none of the funds appropriated under this heading shall be used to support or supplement "Internal Revenue Service, Operations Support" or "Internal Revenue Service, Business Systems Modernization".

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $37,044,000, including hire of passenger motor vehicles; of which not to exceed $100,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; of which up to $2,800,000 to remain available until September 30, 2018, shall be for audits and investigations conducted pursuant to section 1608 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (33 U.S.C. 1321 note); and of which not to exceed $1,000 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; $169,634,000, of which $5,000,000 shall remain available until September 30, 2018; of which not to exceed $6,000,000 shall be available for official travel expenses; of which not to exceed $500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed $1,500 shall be available for official reception and representation expenses.

SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM

SALARIES AND EXPENSES

For necessary expenses of the Office of the Special Inspector General in carrying out the provisions of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), $41,160,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; services authorized by 5 U.S.C. 3109; not to exceed $10,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $115,003,000, of which not to exceed $34,335,000 shall remain available until September 30, 2019.

TREASURY FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $1,115,000,000 are hereby rescinded not later than September 30, 2017, of which $314,000,000 are permanently rescinded.

BUREAU OF THE FISCAL SERVICE

SALARIES AND EXPENSES

For necessary expenses of operations of the Bureau of the Fiscal Service, $353,057,000; of which not to exceed $4,210,000, to remain available until September 30, 2019, is for information systems modernization initiatives; and of which $5,000 shall be available for official reception and representation expenses.

In addition, $165,000, to be derived from the Oil Spill Liability Trust Fund to reimburse administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $111,439,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement: *Provided*, That of the amount appropriated under this heading, $5,000,000 shall be for the costs of accelerating the processing of formula and label applications: *Provided further*, That of the amount appropriated under this heading, $5,000,000, to remain available until September 30, 2018, shall be for the costs associated with enforcement of the trade practice provisions of the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.).

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments: *Provided*, That the aggregate amount of new liabilities and obligations incurred during fiscal year 2017 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $30,000,000.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Riegle Community Development and Regulatory Improvement Act of 1994 (subtitle A of title I of Public Law 103–325), including services authorized by section 3109 of title 5, United States Code, but at rates for individuals not to exceed the per diem rate equivalent to the rate for EX–3, $248,000,000. Of the amount appropriated under this heading—

(1) not less than $161,500,000, notwithstanding section 108(e) of Public Law 103–325 (12 U.S.C. 4707(e)) with regard to Small and/or Emerging Community Development Financial Institutions Assistance awards, is available until September 30, 2018, for financial assistance and technical assistance under subparagraphs (A) and (B) of section 108(a)(1), respectively, of Public Law 103–325 (12 U.S.C. 4707(a)(1)(A) and (B)), of which up to $2,882,500 may be used for the cost of direct loans, and of which up to $3,000,000, notwithstanding subsection (d) of section 108 of Public Law 103–325 (12 U.S.C. 4707(d)), may be available to provide financial assistance, technical assistance, training, and outreach to community development financial institutions to expand investments that benefit individuals with disabilities: *Provided,* That the cost of direct and guaranteed loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000;

(2) not less than $15,500,000, notwithstanding section 108(e) of Public Law 103–325 (12 U.S.C. 4707(e)), is available until September 30, 2018, for financial assistance, technical assistance, training and outreach programs designed to benefit Native American, Native Hawaiian, and Alaska Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations, and other suitable providers;

(3) not less than $23,000,000 is available until September 30, 2018, for the Bank Enterprise Award program;

(4) not less than $22,000,000, notwithstanding subsections (d) and (e) of section 108 of Public Law 103–325 (12 U.S.C. 4707(d) and (e)), is available until September 30, 2018, for

a Healthy Food Financing Initiative to provide financial assistance, technical assistance, training, and outreach to community development financial institutions for the purpose of offering affordable financing and technical assistance to expand the availability of healthy food options in distressed communities;

(5) up to $26,000,000 is available until September 30, 2017, for administrative expenses, including administration of CDFI fund programs and the New Markets Tax Credit Program, of which not less than $1,000,000 is for development of tools to better assess and inform CDFI investment performance, and up to $300,000 is for administrative expenses to carry out the direct loan program; and

(6) during fiscal year 2017, none of the funds available under this heading are available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of commitments to guarantee bonds and notes under section 114A of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4713a): *Provided*, That commitments to guarantee bonds and notes under such section 114A shall not exceed $500,000,000: *Provided further*, That such section 114A shall remain in effect until September 30, 2017: *Provided further*, That of the funds awarded under this heading, not less than 10 percent shall be used for awards that support investments that serve populations living in persistent poverty counties: *Provided further*, That for purposes of this section, the term "persistent poverty counties" means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the most recent series of 5-year data available from the American Community Survey from the Census Bureau.

Poverty.

Definition.

INTERNAL REVENUE SERVICE

TAXPAYER SERVICES

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $2,156,554,000, of which not less than $8,890,000 shall be for the Tax Counseling for the Elderly Program, of which not less than $12,000,000 shall be available for low-income taxpayer clinic grants, and of which not less than $15,000,000, to remain available until September 30, 2018, shall be available for a Community Volunteer Income Tax Assistance matching grants program for tax return preparation assistance, of which not less than $206,000,000 shall be available for operating expenses of the Taxpayer Advocate Service: *Provided*, That of the amounts made available for the Taxpayer Advocate Service, not less than $5,000,000 shall be for identity theft casework.

ENFORCEMENT

For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal

revenue laws and other financial crimes, to purchase and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,860,000,000, of which not to exceed $50,000,000 shall remain available until September 30, 2018, and of which not less than $60,257,000 shall be for the Interagency Crime and Drug Enforcement program.

OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); the operations of the Internal Revenue Service Oversight Board; and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $3,638,446,000, of which not to exceed $50,000,000 shall remain available until September 30, 2018; of which not to exceed $10,000,000 shall remain available until expended for acquisition of equipment and construction, repair and renovation of facilities; of which not to exceed $1,000,000 shall remain available until September 30, 2019, for research; of which not to exceed $20,000 shall be for official reception and representation expenses: *Provided*, That not later than 30 days after the end of each quarter, the Internal Revenue Service shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate and the Comptroller General of the United States detailing the cost and schedule performance for its major information technology investments, including the purpose and life-cycle stages of the investments; the reasons for any cost and schedule variances; the risks of such investments and strategies the Internal Revenue Service is using to mitigate such risks; and the expected developmental milestones to be achieved and costs to be incurred in the next quarter: *Provided further*, That the Internal Revenue Service shall include, in its budget justification for fiscal year 2018, a summary of cost and schedule performance information for its major information technology systems.

Deadlines.
Reports.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, $290,000,000, to remain available until September 30, 2019, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That not later than 30 days after the end of each quarter, the Internal Revenue Service shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate and the Comptroller General of the United States detailing the cost and schedule performance for CADE 2 and Modernized e-File information technology investments, including the purposes and life-cycle stages of the investments; the reasons for any cost and

Deadline.
Reports.

schedule variances; the risks of such investments and the strategies the Internal Revenue Service is using to mitigate such risks; and the expected developmental milestones to be achieved and costs to be incurred in the next quarter.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFERS OF FUNDS)

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain an employee training program, which shall include the following topics: taxpayers' rights, dealing courteously with taxpayers, cross-cultural relations, ethics, and the impartial application of tax law.

Procedures. Identity theft.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information and protect taxpayers against identity theft.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased staffing to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make improvements to the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to enhance the response time to taxpayer communications, particularly with regard to victims of tax-related crimes.

Video. Determination.

SEC. 105. None of the funds made available to the Internal Revenue Service by this Act may be used to make a video unless the Service-Wide Video Editorial Board determines in advance that making the video is appropriate, taking into account the cost, topic, tone, and purpose of the video.

Notice.

SEC. 106. The Internal Revenue Service shall issue a notice of confirmation of any address change relating to an employer making employment tax payments, and such notice shall be sent to both the employer's former and new address and an officer or employee of the Internal Revenue Service shall give special consideration to an offer-in-compromise from a taxpayer who has been the victim of fraud by a third party payroll tax preparer.

SEC. 107. None of the funds made available under this Act may be used by the Internal Revenue Service to target citizens of the United States for exercising any right guaranteed under the First Amendment to the Constitution of the United States.

Ideological beliefs.

SEC. 108. None of the funds made available in this Act may be used by the Internal Revenue Service to target groups for regulatory scrutiny based on their ideological beliefs.

SEC. 109. None of funds made available by this Act to the Internal Revenue Service shall be obligated or expended on conferences that do not adhere to the procedures, verification processes, documentation requirements, and policies issued by the Chief Financial Officer, Human Capital Office, and Agency-Wide Shared Services as a result of the recommendations in the report published on May 31, 2013, by the Treasury Inspector General for Tax Administration entitled "Review of the August 2010 Small Business/

Self-Employed Division's Conference in Anaheim, California" (Reference Number 2013–10–037).

SEC. 110. None of the funds made available in this Act to the Internal Revenue Service may be obligated or expended—

(1) to make a payment to any employee under a bonus, award, or recognition program; or

(2) under any hiring or personnel selection process with respect to re-hiring a former employee, unless such program or process takes into account the conduct and Federal tax compliance of such employee or former employee.

SEC. 111. None of the funds made available by this Act may be used in contravention of section 6103 of the Internal Revenue Code of 1986 (relating to confidentiality and disclosure of returns and return information).

SEC. 112. Except to the extent provided in section 6014, 6020, or 6201(d) of the Internal Revenue Code of 1986, no funds in this or any other Act shall be available to the Secretary of the Treasury to provide to any person a proposed final return or statement for use by such person to satisfy a filing or reporting requirement under such Code.

SEC. 113. In addition to the amounts otherwise made available in this Act for the Internal Revenue Service, $290,000,000, to be available until September 30, 2018, shall be transferred by the Commissioner to the "Taxpayer Services", "Enforcement", or "Operations Support" accounts of the Internal Revenue Service for an additional amount to be used solely for measurable improvements in the customer service representative level of service rate, to improve the identification and prevention of refund fraud and identity theft, and to enhance cybersecurity to safeguard taxpayer data: *Provided*, That such funds shall supplement, not supplant any other amounts made available by the Internal Revenue Service for such purpose: *Provided further*, That such funds shall not be available until the Commissioner submits to the Committees on Appropriations of the House of Representatives and the Senate a spending plan for such funds: *Provided further*, That such funds shall not be used to support any provision of Public Law 111–148, Public Law 111–152, or any amendment made by either such Public Law.

Spending plan.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 114. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 115. Not to exceed 2 percent of any appropriations in this title made available under the headings "Departmental

Offices—Salaries and Expenses", "Office of Inspector General", "Special Inspector General for the Troubled Asset Relief Program", "Financial Crimes Enforcement Network", "Bureau of the Fiscal Service", and "Alcohol and Tobacco Tax and Trade Bureau" may be transferred between such appropriations upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That no transfer under this section may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 117. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 118. The Secretary of the Treasury may transfer funds from the "Bureau of the Fiscal Service-Salaries and Expenses" to the Debt Collection Fund as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund. Reimbursement.

SEC. 119. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Financial Services, and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 120. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; and the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 121. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2017 until the enactment of the Intelligence Authorization Act for Fiscal Year 2017.

SEC. 122. Not to exceed $5,000 shall be made available from the Bureau of Engraving and Printing's Industrial Revolving Fund for necessary official reception and representation expenses.

SEC. 123. The Secretary of the Treasury shall submit a Capital Investment Plan to the Committees on Appropriations of the Senate and the House of Representatives not later than 30 days following the submission of the annual budget submitted by the President: Investment plan. Deadline.

Provided, That such Capital Investment Plan shall include capital investment spending from all accounts within the Department of the Treasury, including but not limited to the Department-wide Systems and Capital Investment Programs account, Treasury Franchise Fund account, and the Treasury Forfeiture Fund account: *Provided further*, That such Capital Investment Plan shall include expenditures occurring in previous fiscal years for each capital investment project that has not been fully completed.

Deadline.
Reports.

SEC. 124. Within 45 days after the date of enactment of this Act, the Secretary of the Treasury shall submit an itemized report to the Committees on Appropriations of the House of Representatives and the Senate on the amount of total funds charged to each office by the Franchise Fund including the amount charged for each service provided by the Franchise Fund to each office, a detailed description of the services, a detailed explanation of how each charge for each service is calculated, and a description of the role customers have in governing in the Franchise Fund.

Consultation.
Reports.
Deadline.

SEC. 125. The Secretary of the Treasury, in consultation with the appropriate agencies, departments, bureaus, and commissions that have expertise in terrorism and complex financial instruments, shall provide a report to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than 90 days after the date of enactment of this Act on economic warfare and financial terrorism.

Time period.

SEC. 126. During fiscal year 2017—

(1) none of the funds made available in this or any other Act may be used by the Department of the Treasury, including the Internal Revenue Service, to issue, revise, or finalize any regulation, revenue ruling, or other guidance not limited to a particular taxpayer relating to the standard which is used to determine whether an organization is operated exclusively for the promotion of social welfare for purposes of section 501(c)(4) of the Internal Revenue Code of 1986 (including the proposed regulations published at 78 Fed. Reg. 71535 (November 29, 2013)); and

Applicability.

(2) the standard and definitions as in effect on January 1, 2010, which are used to make such determinations shall apply after the date of the enactment of this Act for purposes of determining status under section 501(c)(4) of such Code of organizations created on, before, or after such date.

Deadline.
Time period.
Reports.

SEC. 127. (a) Not later than 60 days after the end of each quarter, the Office of Financial Stability and the Office of Financial Research shall submit reports on their activities to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Financial Services of the House of Representatives and the Senate Committee on Banking, Housing, and Urban Affairs.

(b) The reports required under subsection (a) shall include—

(1) the obligations made during the previous quarter by object class, office, and activity;

Estimate.

(2) the estimated obligations for the remainder of the fiscal year by object class, office, and activity;

(3) the number of full-time equivalents within each office during the previous quarter;

(4) the estimated number of full-time equivalents within each office for the remainder of the fiscal year; and Estimate.

(5) actions taken to achieve the goals, objectives, and performance measures of each office.

(c) At the request of any such Committees specified in subsection (a), the Office of Financial Stability and the Office of Financial Research shall make officials available to testify on the contents of the reports required under subsection (a). Testimony.

This title may be cited as the "Department of the Treasury Appropriations Act, 2017".

TITLE II

Executive Office of the President Appropriations Act, 2017.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

THE WHITE HOUSE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official reception and representation expenses, to be available for allocation within the Executive Office of the President; and for necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $55,214,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For necessary expenses of the Executive Residence at the White House, $12,723,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for

Notification. Deadlines.

and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under 31 U.S.C. 3717: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

Reports. Deadline.

Records.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House pursuant to 3 U.S.C. 105(d), $750,000, to remain available until expended, for required maintenance, resolution of safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), $4,201,000.

NATIONAL SECURITY COUNCIL AND HOMELAND SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council and the Homeland Security Council, including services as authorized by 5 U.S.C. 3109, $12,000,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $96,116,000, of which not to exceed $12,760,000 shall remain available until expended for continued modernization of information resources within the Executive Office of the President: *Provided*, That in addition, $4,925,000, shall remain available until September 30, 2018, for additional security improvements.

PRESIDENTIAL TRANSITION ADMINISTRATIVE SUPPORT

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Administration to carry out the Presidential Transition Act of 1963, as amended, and similar expenses, in addition to amounts otherwise appropriated by law, $7,582,000: *Provided*, That such funds may be transferred to other accounts that provide funding for offices within the Executive Office of the President and the Office of the Vice President in this Act or any other Act, to carry out such purposes.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, to carry out the provisions of chapter 35 of title 44, United States Code, and to prepare and submit the budget of the United States Government, in accordance with section 1105(a) of title 31, United States Code, $95,000,000, of which not to exceed $3,000 shall be available for official representation expenses: *Provided*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: *Provided further*, That of the funds made available for the Office of Management and Budget by this Act, no less than three full-time equivalent senior staff position shall be dedicated solely to the Office of the Intellectual Property Enforcement Coordinator: *Provided further*, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: *Provided further*, That the Office of Management and Budget shall

Time period.
Reviews.

Notification.

Reports.
Deadline.

have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: *Provided further*, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: *Provided further*, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $19,274,000: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

21 USC 1702 note.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

Deadline.

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $254,000,000, to remain available until September 30, 2018, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas ("HIDTAs"), of which not less than 51 percent shall be transferred to State and local entities for drug control activities and shall be obligated not later than 120 days after enactment of this Act: *Provided*, That up to 49 percent may be transferred to Federal agencies and departments in amounts determined by the Director of the Office of National Drug Control Policy, of which up to $2,700,000 may be used for auditing services and associated activities: *Provided further,* That, notwithstanding the requirements of Public Law 106–58, any unexpended funds obligated prior to fiscal year 2015 may be used for any other approved activities of that HIDTA, subject to reprogramming requirements: *Provided further*, That each HIDTA designated as of September 30, 2016, shall be funded at not less than the fiscal year 2016 base level, unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate justification for changes to those levels based on clearly articulated priorities and published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That the Director shall notify the Committees on Appropriations of the initial allocation of fiscal

Submission.

Notification.
Deadlines.
Determination.
Consultation.

year 2017 funding among HIDTAs not later than 45 days after enactment of this Act, and shall notify the Committees of planned uses of discretionary HIDTA funding, as determined in consultation with the HIDTA Directors, not later than 90 days after enactment of this Act: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein and upon notification to the Committees on Appropriations of the House of Representatives and the Senate, such amounts may be transferred back to this appropriation.

Determination. Notification.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For other drug control activities authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469), $111,871,000, to remain available until expended, which shall be available as follows: $97,000,000 for the Drug-Free Communities Program, of which $2,000,000 shall be made available as directed by section 4 of Public Law 107–82, as amended by Public Law 109–469 (21 U.S.C. 1521 note); $2,000,000 for drug court training and technical assistance; $9,500,000 for anti-doping activities; $2,121,000 for the United States membership dues to the World Anti-Doping Agency; and $1,250,000 shall be made available as directed by section 1105 of Public Law 109–469; and an additional $3,000,000, to remain available until expended, shall be for activities authorized by section 103 of Public Law 114–198: *Provided,* That amounts made available under this heading may be transferred to other Federal departments and agencies to carry out such activities.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $800,000, to remain available until September 30, 2018.

INFORMATION TECHNOLOGY OVERSIGHT AND REFORM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the furtherance of integrated, efficient, secure, and effective uses of information technology in the Federal Government, $27,000,000, to remain available until expended: *Provided*, That the Director of the Office of Management and Budget may transfer these funds to one or more other agencies to carry out projects to meet these purposes.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C.

106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,228,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 pursuant to 3 U.S.C. 106(b)(2), $299,000: *Provided*, That advances, repayments, or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. From funds made available in this Act under the headings "The White House", "Executive Residence at the White House", "White House Repair and Restoration", "Council of Economic Advisers", "National Security Council and Homeland Security Council", "Office of Administration", "Special Assistance to the President", and "Official Residence of the Vice President", the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, with advance approval of the Committees on Appropriations of the House of Representatives and the Senate, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: *Provided*, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: *Provided further*, That no amount shall be transferred from "Special Assistance to the President" or "Official Residence of the Vice President" without the approval of the Vice President.

Deadline.
Reports.

SEC. 202. Within 90 days after the date of enactment of this section, the Director of the Office of Management and Budget shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate on the costs of implementing the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203). Such report shall include—

Estimates.

(1) the estimated mandatory and discretionary obligations of funds through fiscal year 2019, by Federal agency and by fiscal year, including—

(A) the estimated obligations by cost inputs such as rent, information technology, contracts, and personnel;

(B) the methodology and data sources used to calculate such estimated obligations; and

(C) the specific section of such Act that requires the obligation of funds; and

(2) the estimated receipts through fiscal year 2019 from assessments, user fees, and other fees by the Federal agency making the collections, by fiscal year, including—

(A) the methodology and data sources used to calculate such estimated collections; and

(B) the specific section of such Act that authorizes the collection of funds.

Time periods. Budget impact statement.

SEC. 203. (a) During fiscal year 2017, any Executive order or Presidential memorandum issued or revoked by the President shall be accompanied by a written statement from the Director of the Office of Management and Budget on the budgetary impact, including costs, benefits, and revenues, of such order or memorandum.

(b) Any such statement shall include—

(1) a narrative summary of the budgetary impact of such order or memorandum on the Federal Government;

(2) the impact on mandatory and discretionary obligations and outlays as the result of such order or memorandum, listed by Federal agency, for each year in the 5-fiscal-year period beginning in fiscal year 2017; and

(3) the impact on revenues of the Federal Government as the result of such order or memorandum over the 5-fiscal-year period beginning in fiscal year 2017.

Deadline.

(c) If an Executive order or Presidential memorandum is issued during fiscal year 2017 due to a national emergency, the Director of the Office of Management and Budget may issue the statement required by subsection (a) not later than 15 days after the date that such order or memorandum is issued.

Applicability.

(d) The requirement for cost estimates for Presidential memoranda shall only apply for Presidential memoranda estimated to have a regulatory cost in excess of $100,000,000.

This title may be cited as the "Executive Office of the President Appropriations Act, 2017".

Judiciary Appropriations Act, 2017.

TITLE III

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $76,668,000, of which $1,500,000 shall remain available until expended.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief justice and associate justices of the court.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon

the Architect by 40 U.S.C. 6111 and 6112, $14,868,000, to remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of officers and employees, and for necessary expenses of the court, as authorized by law, $30,108,000.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief judge and judges of the court.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $18,462,000.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief judge and judges of the court.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of judges of the United States Court of Federal Claims, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, necessary expenses of the courts, and the purchase, rental, repair, and cleaning of uniforms for Probation and Pretrial Services Office staff, as authorized by law, $4,996,445,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of circuit and district judges (including judges of the territorial courts of the United States), bankruptcy judges, and justices and judges retired from office or from regular active service.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660), not to exceed $6,510,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under 18 U.S.C. 3006A and 3599, and for the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services for such representations as authorized by law; the compensation (in accordance with

the maximums under 18 U.S.C. 3006A) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d)(1); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; the compensation and reimbursement of travel expenses of guardians ad litem appointed under 18 U.S.C. 4100(b); and for necessary training and general administrative expenses, $1,044,647,000 to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), $39,929,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under 5 U.S.C. 5332.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $565,388,000, of which not to exceed $20,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $87,500,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $28,335,000; of which $1,800,000 shall remain available through September 30, 2018, to provide education and training to Federal court personnel; and of which not to exceed $1,500 is authorized for official reception and representation expenses.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $18,100,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for "Courts of Appeals, District Courts, and Other Judicial Services" shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

Applicability.

SEC. 304. Section 3314(a) of title 40, United States Code, shall be applied by substituting "Federal" for "executive" each place it appears.

SEC. 305. In accordance with 28 U.S.C. 561–569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services

Reimbursement.

at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

SEC. 306. (a) Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note), is amended in the second sentence (relating to the District of Kansas) following paragraph (12), by striking "25 years and 6 months" and inserting "26 years and 6 months".

(b) Section 406 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2470; 28 U.S.C. 133 note) is amended in the second sentence (relating to the eastern District of Missouri) by striking "23 years and 6 months" and inserting "24 years and 6 months".

(c) Section 312(c)(2) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273; 28 U.S.C. 133 note), is amended—

(1) in the first sentence by striking "14 years" and inserting "15 years";

(2) in the second sentence (relating to the central District of California), by striking "13 years and 6 months" and inserting "14 years and 6 months"; and

(3) in the third sentence (relating to the western district of North Carolina), by striking "12 years" and inserting "13 years".

Time periods.

SEC. 307. (a) Section 2(a)(2)(A) of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note; Public Law 112–121) is amended by striking "subparagraphs (B), (C), (D), and (E)" and inserting "subparagraphs (B), (C), (D), (E), (F), (G), and (H)".

(b) Section 2(a)(2) of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note; Public Law 112–121) is amended by adding at the end the following:

"(F) EASTERN DISTRICT OF MICHIGAN.—The 1st vacancy in the office of a bankruptcy judge for the eastern district of Michigan—

"(i) occurring 6 years or more after the date of the enactment of this Act, and

"(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge, shall not be filled.

"(G) DISTRICT OF PUERTO RICO.—The 1st vacancy in the office of a bankruptcy judge for the district of Puerto Rico—

"(i) occurring 6 years or more after the date of the enactment of this Act, and

"(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge, shall not be filled.

"(H) EASTERN DISTRICT OF VIRGINIA.—The 1st vacancy in the office of a bankruptcy judge for the eastern district of Virginia—

"(i) occurring 6 years or more after the date of the enactment of this Act, and

"(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge, shall not be filled.".

(c) Section 2(a)(2)(C) of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note; Public Law 112–121) is amended—

(1) by redesignating clauses (i) and (ii) as clauses (ii) and (iii), respectively;

(2) by inserting before clause (ii), as so redesignated, the following:

"(i) in the case of the 1st and 2d vacancies, occurring more than 6 years after the date of the enactment of this Act,"; and

(3) in clause (ii), as so redesignated, by inserting "in the case of the 3d and 4th vacancies," before "occurring more than 5 years".

(d) Section 2(a)(2)(D)(i) of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note; Public Law 112–121) is amended (with regard to the 1st and 2d vacancies in the southern district of Florida) by striking "5 years" and inserting "6 years".

This title may be cited as the "Judiciary Appropriations Act, 2017".

District of Columbia Appropriations Act, 2017.

TITLE IV

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $40,000,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

Reports.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $34,895,000, to remain available until expended, for the costs of providing public safety at events related to the presence of the National Capital in the District of Columbia, including support requested by the Director of the United States Secret Service in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: *Provided*, That, of the amount provided under this heading, $19,995,000 shall be used for costs associated with the Presidential Inauguration.

Determination.
Consultation.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $274,611,000 to be allocated as follows: for the District of Columbia Court of Appeals, $14,359,000, of which not to exceed $2,500 is for official reception and representation expenses; for the Superior Court of the District of Columbia, $125,380,000, of which not to exceed $2,500 is for official reception and representation expenses; for the District of Columbia Court System, $75,184,000, of which not to exceed $2,500 is for official reception and representation expenses; and $59,688,000, to remain available until September 30, 2018, for capital improvements for District of Columbia courthouse facilities: *Provided*, That funds made available for capital improvements shall be expended consistent with the District of Columbia Courts master plan study and facilities condition assessment: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than $6,000,000 of the funds provided under this heading among the items and entities funded under this heading: *Provided further*, That the Joint Committee on Judicial Administration in the District of Columbia may, by regulation, establish a program substantially similar to the program set forth in subchapter II of chapter 35 of title 5, United States Code, for employees of the District of Columbia Courts.

Time period.

Deadline.
Notification.

Regulations.

FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical

assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments authorized under section 21–2060, D.C. Official Code (relating to services provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $49,890,000, to remain available until expended: *Provided*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That, notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies.

Time period.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $248,008,000, of which not to exceed $2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs, of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which $182,721,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; and of which $65,287,000 shall be available to the Pretrial Services Agency, of which up to $1,800,000 shall remain available until September 30, 2018, for information technology requirements associated with the establishment of a comprehensive in-house synthetics testing program: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That amounts under this heading may be used for programmatic incentives for defendants to successfully complete their terms of supervision.

Time period.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $41,829,000: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies.

Time period.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $14,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, $2,000,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment, to remain available until September 30, 2018, to the Commission on Judicial Disabilities and Tenure, $310,000, and for the Judicial Nomination Commission, $275,000.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, $45,000,000, to remain available until expended, for payments authorized under the Scholarship for Opportunity and Results Act (division C of Public Law 112–10): *Provided,* That, to the extent that funds are available for opportunity scholarships and following the priorities included in section 3006 of such Act, the Secretary of Education shall make scholarships available to students eligible under section 3013(3) of such Act (Public Law 112–10; 125 Stat. 211) including students who were not offered a scholarship during any previous school year: *Provided further,* That within funds provided for opportunity scholarships $3,200,000 shall be for the activities specified in sections 3007(b) through 3007(d) and 3009 of the Act.

FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia National Guard, $450,000, to remain available until expended for the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program.

FEDERAL PAYMENT FOR TESTING AND TREATMENT OF HIV/AIDS

For a Federal payment to the District of Columbia for the testing of individuals for, and the treatment of individuals with, human immunodeficiency virus and acquired immunodeficiency syndrome in the District of Columbia, $5,000,000.

DISTRICT OF COLUMBIA FUNDS

Local funds are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia ("General Fund") for programs and activities set forth under the heading "Part A—Summary of Expenses" and at the

rate set forth under such heading, as included in D.C. Bill 21–668, as amended as of the date of the enactment of this Act: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (section 1–204.50a, D.C. Official Code), sections 816 and 817 of the Financial Services and General Government Appropriations Act, 2009 (secs. 47–369.01 and 47–369.02, D.C. Official Code), and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2017 under this heading shall not exceed the estimates included in D.C. Bill 21–668, as amended as of the date of the enactment of this Act, or the sum of the total revenues of the District of Columbia for such fiscal year: *Provided further*, That the amount appropriated may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2017, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

Compliance.

This title may be cited as the "District of Columbia Appropriations Act, 2017".

TITLE V

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., $3,100,000, to remain available until September 30, 2018, of which not to exceed $1,000 is for official reception and representation expenses.

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases), in the District of Columbia and elsewhere, $250,000,000, including not to exceed $3,000 for official reception and representation expenses, and not to exceed $25,000 for the expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, of which not less than $50,000,000, to remain available until September 30, 2018, shall be for the purchase of information technology and of which not less than $2,700,000 shall be for expenses of the Office of the Inspector General: *Provided,* That notwithstanding the limitations in 31 U.S.C. 1553, amounts provided under

this heading are available for the liquidation of obligations equal to current year payments on leases entered into prior to the date of enactment of this Act: *Provided further*, That for the purpose of recording and liquidating any lease obligations that should have been recorded and liquidated against accounts closed pursuant to 31 U.S.C. 1552, and consistent with the preceding proviso, such amounts shall be transferred to and recorded in a new no-year account in the Treasury, which may be established for the sole purpose of recording adjustments for and liquidating such unpaid obligations.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $4,000 for official reception and representation expenses, $126,000,000, of which $1,300,000 shall remain available until expended to carry out the program, including administrative costs, required by section 1405 of the Virginia Graeme Baker Pool and Spa Safety Act (Public Law 110–140; 15 U.S.C. 8004).

ADMINISTRATIVE PROVISION—CONSUMER PRODUCT SAFETY COMMISSION

SEC. 501. During fiscal year 2017, none of the amounts made available by this Act may be used to finalize or implement the Safety Standard for Recreational Off-Highway Vehicles published by the Consumer Product Safety Commission in the Federal Register on November 19, 2014 (79 Fed. Reg. 68964) until after— Time period.

(1) the National Academy of Sciences, in consultation with the National Highway Traffic Safety Administration and the Department of Defense, completes a study to determine— Consultation. Study. Determination.

(A) the technical validity of the lateral stability and vehicle handling requirements proposed by such standard for purposes of reducing the risk of Recreational Off-Highway Vehicle (referred to in this section as "ROV") rollovers in the off-road environment, including the repeatability and reproducibility of testing for compliance with such requirements;

(B) the number of ROV rollovers that would be prevented if the proposed requirements were adopted;

(C) whether there is a technical basis for the proposal to provide information on a point-of-sale hangtag about a ROV's rollover resistance on a progressive scale; and

(D) the effect on the utility of ROVs used by the United States military if the proposed requirements were adopted; and

(2) a report containing the results of the study completed under paragraph (1) is delivered to— Reports.

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Energy and Commerce of the House of Representatives;

(C) the Committee on Appropriations of the Senate; and

(D) the Committee on Appropriations of the House of Representatives.

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002 (Public Law 107–252), $9,600,000, of which $1,400,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $339,844,000, to remain available until expended: *Provided*, That in addition, $16,866,992 shall be made available until expended for necessary expenses associated with moving to a new facility or reconfiguring the existing space to significantly reduce space consumption: *Provided further*, That $356,710,992 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2017 so as to result in a final fiscal year 2017 appropriation estimated at $0: *Provided further*, That any offsetting collections received in excess of $356,710,992 in fiscal year 2017 shall not be available for obligation: *Provided further*, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2016, shall not be available for obligation: *Provided further*, That, notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed $117,000,000 for fiscal year 2017: *Provided further*, That, of the amount appropriated under this heading, not less than $11,751,000 shall be for the salaries and expenses of the Office of Inspector General.

ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS COMMISSION

SEC. 510. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking "December 31, 2017", each place it appears and inserting "December 31, 2018". 118 Stat. 3998.

SEC. 511. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $35,958,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, $79,119,000, of which $8,000,000 shall remain available until September 30, 2018, for lease expiration and replacement lease expenses; and of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and including official reception and representation expenses (not to exceed $1,500) and rental of conference rooms in the District of Columbia and elsewhere, $26,200,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That, notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $313,000,000, to remain available until expended: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed $125,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That, notwithstanding any other provision of law, not to exceed $15,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2017, so as to result in a final fiscal year 2017 appropriation from the general fund estimated at not more than $173,000,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFERS OF FUNDS)

Amounts in the Fund, including revenues and collections deposited into the Fund, shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation, and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings, including grounds, approaches, and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and

extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $8,845,147,000, of which—

(1) $205,749,000 shall remain available until expended for construction and acquisition (including funds for sites and expenses, and associated design and construction services) as follows:

(A) National Capital Region, FBI Headquarters Consolidation, $200,000,000;

(B) Pembina, North Dakota, United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS), $5,749,000:

Provided, That each of the foregoing limits of costs on new construction and acquisition projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in a transmitted prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount;

(2) $676,035,000 shall remain available until expended for repairs and alterations, including associated design and construction services, of which—

(A) $289,245,000 is for Major Repairs and Alterations;

(B) $312,090,000 is for Basic Repairs and Alterations; and

(C) $74,700,000 is for Special Emphasis Programs, of which—

(i) $26,700,000 is for Judiciary Capital Security; and

(ii) $48,000,000 is for Consolidation Activities: *Provided*, That consolidation projects result in reduced annual rent paid by the tenant agency: *Provided further*, That no consolidation project exceed $10,000,000 in costs: *Provided further*, That consolidation projects are approved by each of the committees specified in section 3307(a) of title 40, United States Code: *Provided further*, That preference is given to consolidation projects that achieve a utilization rate of 130 usable square feet or less per person for office space: *Provided further*, That the obligation of funds under this paragraph for consolidation activities may not be made until 10 days after a proposed spending plan and explanation for each project to be undertaken, including estimated savings, has been submitted to the Committees on Appropriations of the House of Representatives and the Senate:

Deadline. Spending plan. Estimate.

Provided, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully

Advance approval.

Advanced approval.

approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects;

(3) $5,628,363,000 for rental of space to remain available until expended; and

(4) $2,335,000,000 for building operations to remain available until expended, of which $1,184,240,000 is for building services, and $1,150,760,000 is for salaries and expenses: *Provided*, That not to exceed 5 percent of any appropriation made available under this paragraph for building operations may be transferred between and merged with such appropriations upon notification to the Committees on Appropriations of the House of Representatives and the Senate, but no such appropriation shall be increased by more than 5 percent by any such transfers: *Provided further*, That section 521 of this title shall not apply with respect to funds made available under this heading for building operations: *Provided further*, That the total amount of funds made available from this Fund to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by 40 U.S.C. 3307(a), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under 40 U.S.C. 592(b)(2) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2017, excluding reimbursements under 40 U.S.C. 592(b)(2), in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

Notification.

Advance approval.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, travel, motor vehicles, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109; $60,000,000, of which $1,000,000 shall remain available until September 30, 2018.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, management, and communications; the Civilian Board of Contract Appeals; and services as authorized by 5 U.S.C. 3109; $58,541,000, of which $25,869,000 is for Real and Personal Property Management and Disposal; $23,397,000 is for the Office of the Administrator, of which not to exceed $7,500 is for official reception and representation expenses; and $9,275,000 is for the Civilian Board of Contract Appeals: *Provided*, That not to exceed 5 percent of the appropriation made available under this heading for Office of the Administrator may be transferred to the appropriation for the Real and Personal Property Management and Disposal upon notification to the Committees on Appropriations of the House of Representatives and the Senate, but the appropriation for the Real and Personal Property Management and Disposal may not be increased by more than 5 percent by any such transfer.

Notification.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, $65,000,000: *Provided*, That not to exceed $50,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95–138, $3,865,000.

EXPENSES, PRESIDENTIAL TRANSITION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Presidential Transition Act of 1963, as amended, $9,500,000, of which not to exceed $1,000,000 is for activities authorized by subsections 3(a)(8) and 3(a)(9) of the Act: *Provided*, That such amounts may be transferred and credited to the "Acquisition Services Fund" or "Federal Buildings Fund" to reimburse obligations incurred prior to enactment of this Act for the purposes provided herein related to the Presidential election in 2016: *Provided further*, That amounts available under this heading shall be in addition to any other amounts available for such purposes.

FEDERAL CITIZEN SERVICES FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of Citizen Services and Innovative Technologies, including services authorized by 40 U.S.C. 323 and 44 U.S.C. 3604; and for necessary expenses in support of interagency projects that enable the Federal Government to enhance its ability to conduct activities electronically, through the development and implementation of innovative uses of information technology; $55,894,000, to be deposited into the Federal Citizen Services Fund: *Provided*, That the previous amount may be transferred to Federal agencies to carry out the purpose of the Federal Citizen Services Fund: *Provided further*, That the appropriations, revenues, reimbursements, and collections deposited into the Fund shall be available until expended for necessary expenses of Federal Citizen Services and other activities that enable the Federal Government to enhance its ability to conduct activities electronically in the aggregate amount not to exceed $100,000,000: *Provided further*, That appropriations, revenues, reimbursements, and collections accruing to this Fund during fiscal year 2017 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts: *Provided further*, That any appropriations provided to the Electronic Government Fund that remain unobligated may be transferred to the Federal Citizen Services Fund: *Provided further*, That the transfer authorities provided herein shall be in addition to any other transfer authority provided in this Act.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

SEC. 520. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 521. Funds in the Federal Buildings Fund made available for fiscal year 2017 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 522. Except as otherwise provided in this title, funds made available by this Act shall be used to transmit a fiscal year

2018 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved Courthouse Project Priorities plan; and (3) includes a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 523. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in consideration of the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 524. From funds made available under the heading Federal Buildings Fund, Limitations on Availability of Revenue, claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations of the House of Representatives and the Senate.

Determination.

SEC. 525. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of the General Services Administration under 40 U.S.C. 3307, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the Committees on Appropriations of the House of Representatives and the Senate prior to exercising any lease authority provided in the resolution.

Deadline.

SEC. 526. With respect to each project funded under the heading "Major Repairs and Alterations" or "Judiciary Capital Security Program", and with respect to E-Government projects funded under the heading "Federal Citizen Services Fund", the Administrator of General Services shall submit a spending plan and explanation for each project to be undertaken to the Committees on Appropriations of the House of Representatives and the Senate not later than 60 days after the date of enactment of this Act.

SEC. 527. The unobligated balance of the amount provided for the National Capital Region, Civilian Cyber Campus in subparagraph (D) of paragraph (1) under the heading "General Services Administration—Federal Buildings Fund" in Public Law 113–235 is hereby rescinded, and the unobligated balance of the aggregate amounts provided in such paragraph and in the matter preceding such paragraph are reduced accordingly.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Harry S Truman Scholarship Foundation Trust Fund, established by section 10 of Public Law 93–642, $1,000,000, to remain available until expended.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed $2,000 for official reception and representation expenses, $44,786,000, to remain available until September 30, 2018, and in addition not to exceed $2,345,000, to remain available until September 30, 2018, for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall and Stewart L. Udall Trust Fund, pursuant to the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601 et seq.), $1,895,000, to remain available until expended, of which, notwithstanding sections 8 and 9 of such Act: (1) up to $50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289); and (2) up to $1,000,000 shall be available to carry out the activities authorized by section 6(7) of Public Law 102–259 and section 817(a) of Public Law 106–568 (20 U.S.C. 5604(7)): *Provided*, That of the total amount made available under this heading $200,000 shall be transferred to the Office of Inspector General of the Department of the Interior, to remain available until expended, for audits and investigations of the Morris K. Udall and Stewart L. Udall Foundation, consistent with the Inspector General Act of 1978 (5 U.S.C. App.).

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $3,249,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, the activities of the Public Interest Declassification Board, the operations and maintenance of the electronic records archives, the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning, $380,634,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Reform Act of 2008, Public Law 110–409, 122 Stat. 4302–16 (2008), and the Inspector General Act of 1978 (5 U.S.C. App.), and for the hire of passenger motor vehicles, $4,801,000.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $7,500,000, to remain available until expended.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, $6,000,000, to remain available until expended.

NATIONAL CREDIT UNION ADMINISTRATION

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $2,000,000 shall be available until September 30, 2018, for technical assistance to low-income designated credit unions.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, the Ethics Reform Act of 1989, and the Stop Trading on Congressional Knowledge Act of 2012, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $16,090,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management (OPM) pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of OPM and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $119,000,000: *Provided*, That of the total amount made available under this heading, not to exceed $11,000,000 shall remain available until September 30, 2018, for the operation and strengthening of the security of OPM legacy and Shell environment IT systems and the modernization, migration, and testing of such systems: *Provided further*, That the amount made available by the previous proviso may not be obligated until the Director of the Office of Personnel Management submits to the Committees on Appropriations of the Senate and the House of Representatives a plan for expenditure of such amount, prepared in consultation with the Director of the Office of Management and Budget, the Administrator of the United States Digital Service, and the Secretary of Homeland Security, that—

Expenditure plan.
Consultation.

(1) identifies the full scope and cost of the IT systems remediation and stabilization project;

(2) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(3) includes a Major IT Business Case under the requirements established by the Office of Management and Budget Exhibit 300;

Compliance.

(4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Government;

Compliance.

(5) complies with all Office of Management and Budget, Department of Homeland Security and National Institute of Standards and Technology requirements related to securing the agency's information system as described in 44 U.S.C. 3554; and

Review.
Deadline.

(6) is reviewed and commented upon within 90 days of plan development by the Inspector General of the Office of Personnel Management, and such comments are submitted to the Director of the Office of Personnel Management before the date of such submission:

Deadline.
Reports.

Provided further, That, not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report that—

(A) evaluates—

(i) the steps taken by the Office of Personnel Management to prevent, mitigate, and respond to data breaches involving sensitive personnel records and information;

(ii) the Office's cybersecurity policies and procedures in place on the date of enactment of this Act, including policies and procedures relating to IT best practices such as data encryption, multifactor authentication, and continuous monitoring;

(iii) the Office's oversight of contractors providing IT services; and

(iv) the Office's compliance with government-wide initiatives to improve cybersecurity; and

(B) sets forth improvements that could be made to assist the Office of Personnel Management in addressing cybersecurity challenges:

Provided further, That of the total amount made available under this heading, $391,000 may be made available for strengthening the capacity and capabilities of the acquisition workforce (as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 4001 et seq.)), including the recruitment, hiring, training, and retention of such workforce and information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management; and in addition $140,000,000 for administrative expenses, to be transferred from the appropriate trust funds of OPM without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: *Provided further*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), 8958(f)(2)(A), 8988(f)(2)(A), and 9004(f)(2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of OPM established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2017, accept donations of money, property, and personal services: *Provided further*, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $5,072,000, and in addition, not to exceed $25,112,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's

retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12) as amended by Public Law 107–304, the Whistleblower Protection Enhancement Act of 2012 (Public Law 112–199), and the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $24,750,000.

POSTAL REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Postal Regulatory Commission in carrying out the provisions of the Postal Accountability and Enhancement Act (Public Law 109–435), $16,200,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(a) of such Act.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee), $10,100,000, to remain available until September 30, 2018.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,500 for official reception and representation expenses, $1,605,000,000, to remain available until expended; of which not less than $14,700,000 shall be for the Office of Inspector General; of which not to exceed $75,000 shall be available for a permanent secretariat for the International Organization of Securities Commissions; of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental

and other regulatory officials, members of their delegations and staffs to exchange views concerning securities matters, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance including: (1) incidental expenses such as meals; (2) travel and transportation; and (3) related lodging or subsistence; and of which not less than $72,049,000 shall be for the Division of Economic and Risk Analysis: *Provided*, That fees and charges authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) shall be credited to this account as offsetting collections: *Provided further*, That not to exceed $1,605,000,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2017 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2017 appropriation from the general fund estimated at not more than $0.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $22,900,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles as authorized by sections 1343 and 1344 of title 31, United States Code, and not to exceed $3,500 for official reception and representation expenses, $269,500,000, of which not less than $12,000,000 shall be available for examinations, reviews, and other lender oversight activities: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: *Provided further,* That the Small Business Administration may accept gifts in an amount not to exceed $4,000,000 and may co-sponsor activities, each in accordance with section 132(a) of division K of Public Law 108–447, during fiscal year 2017: *Provided further,* That $6,100,000

Fees.

shall be available for the Loan Modernization and Accounting System, to be available until September 30, 2018: *Provided further*, That $3,000,000 shall be for the Federal and State Technology Partnership Program under section 34 of the Small Business Act (15 U.S.C. 657d).

ENTREPRENEURIAL DEVELOPMENT PROGRAMS

For necessary expenses of programs supporting entrepreneurial and small business development, $245,100,000, to remain available until September 30, 2018: *Provided*, That $125,000,000 shall be available to fund grants for performance in fiscal year 2017 or fiscal year 2018 as authorized by section 21 of the Small Business Act: *Provided further*, That $31,000,000 shall be for marketing, management, and technical assistance under section 7(m) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the microloan program: *Provided further*, That $18,000,000 shall be available for grants to States to carry out export programs that assist small business concerns authorized under section 22(l) of the Small Business Act (15 U.S.C. 649(l)).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $19,900,000.

OFFICE OF ADVOCACY

For necessary expenses of the Office of Advocacy in carrying out the provisions of title II of Public Law 94–305 (15 U.S.C. 634a et seq.) and the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), $9,220,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $4,338,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2017 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed $7,500,000,000: *Provided further*, That during fiscal year 2017 commitments for general business loans authorized under section 7(a) of the Small Business Act shall not exceed $27,500,000,000 for a combination of amortizing term loans and the aggregated maximum line of credit provided by revolving loans: *Provided further*, That during fiscal year 2017 commitments for loans authorized under subparagraph (C) of section 502(7) of The Small Business Investment Act of 1958 (15 U.S.C. 696(7)) shall not exceed $7,500,000,000: *Provided further*, That during fiscal year 2017 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 shall not exceed $4,000,000,000: *Provided further*, That during fiscal year 2017, guarantees of trust certificates authorized by section 5(g) of the

Small Business Act shall not exceed a principal amount of $12,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $152,726,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act, $185,977,000, to be available until expended, of which $1,000,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan programs and shall be transferred to and merged with the appropriations for the Office of Inspector General; of which $175,977,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; and of which $9,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

SEC. 530. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 531. Of the unobligated balances available for the Certified Development Company Program under section 503 of the Small Business Investment Act of 1958, as amended, $55,000,000 are hereby permanently rescinded: *Provided*, That no amounts may be so rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $34,658,000: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any

Continuances.

rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $253,600,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109–435).

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $51,226,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

(INCLUDING RESCISSION)

SEC. 601. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 602. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

Contracts.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 605. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to

a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

Compliance.

SEC. 606. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with chapter 83 of title 41, United States Code.

SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating chapter 83 of title 41, United States Code.

Advance approval.

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2017, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by the Committee on Appropriations of either the House of Representatives or the Senate for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That prior to any significant reorganization or restructuring of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That at a minimum the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

Consultation.

Deadline. Reports.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2017 from appropriations made available for salaries and expenses for fiscal year 2017 in this Act, shall remain available through September 30, 2018, for each such account for the purposes authorized: *Provided*, That a request shall be

Approval requests.

submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 610. (a) None of the funds made available in this Act may be used by the Executive Office of the President to request—

(1) any official background investigation report on any individual from the Federal Bureau of Investigation; or

(2) a determination with respect to the treatment of an organization as described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code from the Department of the Treasury or the Internal Revenue Service.

(b) Subsection (a) shall not apply—

Time period.

(1) in the case of an official background investigation report, if such individual has given express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) if such request is required due to extraordinary circumstances involving national security.

SEC. 611. The cost accounting standards promulgated under chapter 15 of title 41, United States Code shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 612. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office of Personnel Management pursuant to court approval.

Abortion.

SEC. 613. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 614. The provision of section 613 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 615. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in chapter 83 of title 41, United States Code (popularly known as the Buy American Act), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 103 of title 41, United States Code).

SEC. 616. Notwithstanding section 1353 of title 31, United States Code, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person

or entity subject to regulation by such agency or commission, unless the person or entity is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

SEC. 617. Notwithstanding section 708 of this Act, funds made available to the Commodity Futures Trading Commission and the Securities and Exchange Commission by this or any other Act may be used for the interagency funding and sponsorship of a joint advisory committee to advise on emerging regulatory issues.

Consultation. Contracts.

SEC. 618. (a)(1) Notwithstanding any other provision of law, an Executive agency covered by this Act otherwise authorized to enter into contracts for either leases or the construction or alteration of real property for office, meeting, storage, or other space must consult with the General Services Administration before issuing a solicitation for offers of new leases or construction contracts, and in the case of succeeding leases, before entering into negotiations with the current lessor.

(2) Any such agency with authority to enter into an emergency lease may do so during any period declared by the President to require emergency leasing authority with respect to such agency.

Definition.

(b) For purposes of this section, the term "Executive agency covered by this Act" means any Executive agency provided funds by this Act, but does not include the General Services Administration or the United States Postal Service.

SEC. 619. (a) There are appropriated for the following activities the amounts required under current law:

(1) Compensation of the President (3 U.S.C. 102).

(2) Payments to—

(A) the Judicial Officers' Retirement Fund (28 U.S.C. 377(o));

(B) the Judicial Survivors' Annuities Fund (28 U.S.C. 376(c)); and

(C) the United States Court of Federal Claims Judges' Retirement Fund (28 U.S.C. 178(l)).

(3) Payment of Government contributions—

(A) with respect to the health benefits of retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849); and

(B) with respect to the life insurance benefits for employees retiring after December 31, 1989 (5 U.S.C. ch. 87).

(4) Payment to finance the unfunded liability of new and increased annuity benefits under the Civil Service Retirement and Disability Fund (5 U.S.C. 8348).

(5) Payment of annuities authorized to be paid from the Civil Service Retirement and Disability Fund by statutory provisions other than subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

(b) Nothing in this section may be construed to exempt any amount appropriated by this section from any otherwise applicable limitation on the use of funds contained in this Act.

SEC. 620. The Public Company Accounting Oversight Board (Board) shall have authority to obligate funds for the scholarship program established by section 109(c)(2) of the Sarbanes-Oxley Act of 2002 (Public Law 107–204) in an aggregate amount not exceeding the amount of funds collected by the Board as of December 31,

2016, including accrued interest, as a result of the assessment of monetary penalties. Funds available for obligation in fiscal year 2017 shall remain available until expended.

Reports.
Compliance.

SEC. 621. None of the funds made available in this Act may be used by the Federal Trade Commission to complete the draft report entitled "Interagency Working Group on Food Marketed to Children: Preliminary Proposed Nutrition Principles to Guide Industry Self-Regulatory Efforts" unless the Interagency Working Group on Food Marketed to Children complies with Executive Order No. 13563.

SEC. 622. None of the funds made available by this Act may be used to pay the salaries and expenses for the following positions:

(1) Director, White House Office of Health Reform.

(2) Assistant to the President for Energy and Climate Change.

(3) Senior Advisor to the Secretary of the Treasury assigned to the Presidential Task Force on the Auto Industry and Senior Counselor for Manufacturing Policy.

(4) White House Director of Urban Affairs.

Contracts.

SEC. 623. None of the funds in this Act may be used for the Director of the Office of Personnel Management to award a contract, enter an extension of, or exercise an option on a contract to a contractor conducting the final quality review processes for background investigation fieldwork services or background investigation support services that, as of the date of the award of the contract, are being conducted by that contractor.

SEC. 624. (a) The head of each executive branch agency funded by this Act shall ensure that the Chief Information Officer of the agency has the authority to participate in decisions regarding the budget planning process related to information technology.

Consultation.

(b) Amounts appropriated for any executive branch agency funded by this Act that are available for information technology shall be allocated within the agency, consistent with the provisions of appropriations Acts and budget guidelines and recommendations from the Director of the Office of Management and Budget, in such manner as specified by, or approved by, the Chief Information Officer of the agency in consultation with the Chief Financial Officer of the agency and budget officials.

SEC. 625. None of the funds made available in this Act may be used in contravention of chapter 29, 31, or 33 of title 44, United States Code.

Privacy.

SEC. 626. None of the funds made available in this Act may be used by a governmental entity to require the disclosure by a provider of electronic communication service to the public or remote computing service of the contents of a wire or electronic communication that is in electronic storage with the provider (as such terms are defined in sections 2510 and 2711 of title 18, United States Code) in a manner that violates the Fourth Amendment to the Constitution of the United States.

SEC. 627. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change the rules or regulations of the Commission for universal service high-cost support for competitive eligible telecommunications carriers in a way that is inconsistent with paragraph (e)(5) or (e)(6) of section 54.307 of title 47, Code of Federal Regulations, as in effect on July 15, 2015: *Provided*, That this

section shall not prohibit the Commission from considering, developing, or adopting other support mechanisms as an alternative to Mobility Fund Phase II.

Records.

SEC. 628. No funds provided in this Act shall be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978, or to prevent or impede that Inspector General's access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General's right of access. A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner. Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978. Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

Compliance.

Reports.
Deadline.

Contracts.
Communication and telecommunications.

SEC. 629. (a) In the case of a television joint sales agreement, the Federal Communications Commission—

(1) may not require the termination or modification of such agreement as a condition of the transfer or assignment of a station license or the transfer of station ownership or control; and

(2) upon request of the transferee or assignee of the station license, shall eliminate any such condition that was imposed after March 31, 2014, and permit the licensees of the stations whose advertising was jointly sold pursuant to such agreement to enter into a new joint sales agreement on substantially similar terms and conditions as the prior agreement.

Definition.

(b) In this section, the term "joint sales agreement" has the meaning given such term in Note 2(k) to section 73.3555 of title 47, Code of Federal Regulations, and where a joint sales agreement is part of a broader contract, this section shall be limited to the joint sales agreement portion of such contract.

SEC. 630. (a) Section 1105(a)(35) of title 31, United States Code, is amended—

(1) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B);

(2) by striking "homeland security" in each instance it appears and inserting "cybersecurity"; and

(3) by amending subparagraph (B) (as redesignated by paragraph (1)) to read as follows:

Determination.
Consultation.

"(B) Prior to implementing this paragraph, including determining what Federal activities or accounts constitute cybersecurity for purposes of budgetary classification, the Office of Management and Budget shall consult with the Committees on Appropriations and the Committees on the Budget of the House of Representatives and the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Government Affairs of the Senate.".

Applicability.

(b) The amendments made by subsection (a) shall apply to budget submissions under section 1105(a) of title 31, United States Code, for fiscal year 2018 and each subsequent fiscal year.

Effective date.
Repeal.
20 USC 5701 note.

SEC. 631. (a) Effective one year after the date of the enactment of this Act, subtitle B of title IV of Public Law 102–281 is repealed.

20 USC 5701 and note, 5702–5709.

(b) On the day before the date of the repeal under subsection (a), the Secretary of the Treasury shall transfer the amounts in the fund described in section 408(a) of subtitle A of title IV of such Public Law into the general fund of the Treasury.

Pornography.

SEC. 632. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, adjudication activities, or other law enforcement- or victim assistance-related activity.

Time periods.
Identity theft.

SEC. 633. (a) For fiscal years 2016 through 2026, the Office of Personnel Management shall provide to each affected individual as defined in subsection (b) complimentary identity protection coverage that—

(1) is not less comprehensive than the complimentary identity protection coverage that the Office provided to affected individuals before the date of enactment of this Act;

(2) is effective for a period of not less than 10 years; and

(3) includes not less than $5,000,000 in identity theft insurance.

(b) DEFINITION.—In this section, the term "affected individual" means any individual whose Social Security Number was compromised during—

(1) the data breach of personnel records of current and former Federal employees, at a network maintained by the Department of the Interior, that was announced by the Office of Personnel Management on June 4, 2015; or

(2) the data breach of systems of the Office of Personnel Management containing information related to the background investigations of current, former, and prospective Federal employees, and of other individuals.

SEC. 634. From the unobligated balances available in the Securities and Exchange Commission Reserve Fund established by section 991 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203), $25,000,000 are rescinded.

SEC. 635. None of the funds made available by this Act shall be used by the Securities and Exchange Commission to finalize, issue, or implement any rule, regulation, or order regarding the disclosure of political contributions, contributions to tax exempt organizations, or dues paid to trade associations.

TITLE VII

GENERAL PROVISIONS—GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

(INCLUDING TRANSFER OF FUNDS)

Drug free workplaces.

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2017 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

31 USC 343 note.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with subsection 1343(c) of title 31, United States Code, for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement vehicles, protective vehicles, and undercover surveillance vehicles), is hereby fixed at $19,947 except station wagons for which the maximum shall be $19,997: *Provided*, That these limits may be exceeded by not to exceed $7,250 for police-type vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles: *Provided further*, That the limits set forth in this section shall not apply to any vehicle that is a commercial item and which operates on alternative fuel, including but not limited to electric, plug-in hybrid electric, and hydrogen fuel cell vehicles.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

5 USC 3101 note.

SEC. 704. Unless otherwise specified in law during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person who is lawfully admitted for permanent residence and is seeking citizenship as outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted as a refugee under 8 U.S.C. 1157 or is granted asylum under 8 U.S.C. 1158 and has filed a declaration of intention to become a lawful permanent resident and then a citizen when eligible; or (4) is a person

Affidavits.

who owes allegiance to the United States: *Provided*, That for purposes of this section, affidavits signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status are being complied with:

Affidavits.

Provided further, That for purposes of subsections (2) and (3) such affidavits shall be submitted prior to employment and updated thereafter as necessary:

Fines.
Penalty.
Time period.

Provided further, That any person making a false affidavit shall be guilty of a felony, and upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both:

Time period.

Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law:

Time period.

Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government:

Provided further, That this section shall not apply to any person who is an officer or employee of the Government of the United States on the date of enactment of this Act, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies:

Time period.

Provided further, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13693 (March 19, 2015), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

Applicability.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable

to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 709. None of the funds made available pursuant to the provisions of this or any other Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

Notification.

SEC. 710. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

Definition.

SEC. 711. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 13618 (July 6, 2012).

SEC. 712. (a) None of the funds made available by this or any other Act may be obligated or expended by any department, agency, or other instrumentality of the Federal Government to pay the salaries or expenses of any individual appointed to a position of a confidential or policy-determining character that is excepted from the competitive service under section 3302 of title 5, United States Code, (pursuant to schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations) unless the head of the applicable department, agency, or other instrumentality employing such schedule C individual certifies to the Director of the Office of Personnel Management that the schedule C position occupied by the individual was not created solely or primarily in order to detail the individual to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the Armed Forces detailed to or from an element of the intelligence community (as that term is defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))).

SEC. 713. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 714. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 715. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 716. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 717. None of the funds made available in this or any other Act may be used to provide any non-public information such

as mailing, telephone or electronic mailing lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 718. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by Congress.

SEC. 719. (a) In this section, the term "agency"— Definition.

(1) means an Executive agency, as defined under 5 U.S.C. 105; and

(2) includes a military department, as defined under section 102 of such title, the Postal Service, and the Postal Regulatory Commission.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under 5 U.S.C. 6301(2), has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 720. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

SEC. 721. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse "General Services Administration, Government-wide Policy" with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: *Provided*, That these funds shall be administered by the Administrator of General Services to support Government-wide and other multi-agency financial, information technology, procurement, and other management innovations, initiatives, and activities, including improving coordination and reducing duplication, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency and multi-agency groups designated by the Director (including the President's Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, the Chief Acquisition Officers Council for procurement initiatives, and the Performance Improvement Council for performance improvement initiatives): *Provided further*, That the total funds transferred or reimbursed shall not exceed $15,000,000 to improve coordination, reduce duplication, and for other activities related to Federal Government Priority Goals established by 31 U.S.C. 1120, and not to exceed $17,000,000 for Government-Wide innovations, initiatives, and activities: *Provided further*, That the funds transferred to or for reimbursement of "General Services Administration, Government-wide Policy" during fiscal year 2017 shall remain available for obligation through September 30, 2018: Reimbursement. Consultation.

Time period.
Notification.

Provided further, That such transfers or reimbursements may only be made after 15 days following notification of the Committees on Appropriations of the House of Representatives and the Senate by the Director of the Office of Management and Budget.

Breastfeeding.

SEC. 722. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 723. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

Reports.
Deadline.

Compliance.

SEC. 724. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall comply with any relevant requirements in part 200 of title 2, Code of Federal Regulations: *Provided*, That this section shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

Applicability.

SEC. 725. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

Contracts. Drugs and drug abuse. Contraceptives.

SEC. 726. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

Abortion.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 727. The United States is committed to ensuring the health of its Olympic, Pan American, and Paralympic athletes, and supports the strict adherence to anti-doping in sport through testing, adjudication, education, and research as performed by nationally recognized oversight authorities.

SEC. 728. Notwithstanding any other provision of law, funds appropriated for official travel to Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 729. Notwithstanding any other provision of law, none of the funds appropriated or made available under this or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

Advance approval. Contracts.

SEC. 730. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the House of Representatives and the Senate, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

News story. Notification.

SEC. 731. Unless otherwise authorized by existing law, none of the funds provided in this or any other Act may be used by an executive branch agency to produce any prepackaged news story

intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 732. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act), and regulations implementing that section.

Contracts.

SEC. 733. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

Determination.

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

Time period.

SEC. 734. During fiscal year 2017, for each employee who—

(1) retires under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code; or

(2) retires under any other provision of subchapter III of chapter 83 or chapter 84 of such title 5 and receives a payment as an incentive to separate, the separating agency shall remit to the Civil Service Retirement and Disability Fund an amount equal to the Office of Personnel Management's average unit cost of processing a retirement claim for the preceding fiscal year. Such amounts shall be available until expended to the Office of Personnel Management and shall be deemed to be an administrative expense under section 8348(a)(1)(B) of title 5, United States Code.

Contracts.

SEC. 735. (a) None of the funds made available in this or any other Act may be used to recommend or require any entity submitting an offer for a Federal contract to disclose any of the following information as a condition of submitting the offer:

(1) Any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the entity, its officers or directors, or any of its affiliates or subsidiaries to a candidate for election for Federal office or to a political committee, or that is otherwise made with respect to any election for Federal office.

(2) Any disbursement of funds (other than a payment described in paragraph (1)) made by the entity, its officers or directors, or any of its affiliates or subsidiaries to any person with the intent or the reasonable expectation that the person will use the funds to make a payment described in paragraph (1).

Definitions.

(b) In this section, each of the terms "contribution", "expenditure", "independent expenditure", "electioneering communication", "candidate", "election", and "Federal office" has the meaning given

such term in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

SEC. 736. None of the funds made available in this or any other Act may be used to pay for the painting of a portrait of an officer or employee of the Federal government, including the President, the Vice President, a member of Congress (including a Delegate or a Resident Commissioner to Congress), the head of an executive branch agency (as defined in section 133 of title 41, United States Code), or the head of an office of the legislative branch.

SEC. 737. (a)(1) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2017, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code— Time period. Pay rates.

(A) during the period from the date of expiration of the limitation imposed by the comparable section for the previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2017, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(B) during the period consisting of the remainder of fiscal year 2017, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under subparagraph (A) by more than the sum of—

(i) the percentage adjustment taking effect in fiscal year 2017 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(ii) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2017 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(2) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which paragraph (1) is in effect at a rate that exceeds the rates that would be payable under paragraph (1) were paragraph (1) applicable to such employee.

(3) For the purposes of this subsection, the rates payable to an employee who is covered by this subsection and who is paid from a schedule not in existence on September 30, 2016, shall be determined under regulations prescribed by the Office of Personnel Management. Determination. Regulations.

(4) Notwithstanding any other provision of law, rates of premium pay for employees subject to this subsection may not be changed from the rates in effect on September 30, 2016, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this subsection.

(5) This subsection shall apply with respect to pay for service performed after September 30, 2016. Application.

(6) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this subsection shall be treated as the rate of salary or basic pay.

(7) Nothing in this subsection shall be considered to permit or require the payment to any employee covered by this subsection at a rate in excess of the rate that would be payable were this subsection not in effect.

Determination.

(8) The Office of Personnel Management may provide for exceptions to the limitations imposed by this subsection if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

(b) Notwithstanding subsection (a), the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2017 under sections 5344 and 5348 of title 5, United States Code, shall be—

(1) not less than the percentage received by employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under sections 5303 and 5304 of title 5, United States Code: *Provided*, That prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5, United States Code, and prevailing rate employees described in section 5343(a)(5) of title 5, United States Code, shall be considered to be located in the pay locality designated as "Rest of United States" pursuant to section 5304 of title 5, United States Code, for purposes of this subsection; and

Effective date.

(2) effective as of the first day of the first applicable pay period beginning after September 30, 2016.

SEC. 738. (a) The Vice President may not receive a pay raise in calendar year 2017, notwithstanding the rate adjustment made under section 104 of title 3, United States Code, or any other provision of law.

(b) An employee serving in an Executive Schedule position, or in a position for which the rate of pay is fixed by statute at an Executive Schedule rate, may not receive a pay rate increase in calendar year 2017, notwithstanding schedule adjustments made under section 5318 of title 5, United States Code, or any other provision of law, except as provided in subsection (g), (h), or (i).

Applicability.

This subsection applies only to employees who are holding a position under a political appointment.

(c) A chief of mission or ambassador at large may not receive a pay rate increase in calendar year 2017, notwithstanding section 401 of the Foreign Service Act of 1980 (Public Law 96–465) or any other provision of law, except as provided in subsection (g), (h), or (i).

(d) Notwithstanding sections 5382 and 5383 of title 5, United States Code, a pay rate increase may not be received in calendar year 2017 (except as provided in subsection (g), (h), or (i)) by—

(1) a noncareer appointee in the Senior Executive Service paid a rate of basic pay at or above level IV of the Executive Schedule; or

(2) a limited term appointee or limited emergency appointee in the Senior Executive Service serving under a political appointment and paid a rate of basic pay at or above level IV of the Executive Schedule.

(e) Any employee paid a rate of basic pay (including any locality-based payments under section 5304 of title 5, United States Code, or similar authority) at or above level IV of the Executive Schedule who serves under a political appointment may not receive a pay rate increase in calendar year 2017, notwithstanding any other provision of law, except as provided in subsection (g), (h), or (i). This subsection does not apply to employees in the General Schedule pay system or the Foreign Service pay system, or to employees appointed under section 3161 of title 5, United States Code, or to employees in another pay system whose position would be classified at GS–15 or below if chapter 51 of title 5, United States Code, applied to them.

(f) Nothing in subsections (b) through (e) shall prevent employees who do not serve under a political appointment from receiving pay increases as otherwise provided under applicable law.

(g) A career appointee in the Senior Executive Service who receives a Presidential appointment and who makes an election to retain Senior Executive Service basic pay entitlements under section 3392 of title 5, United States Code, is not subject to this section.

(h) A member of the Senior Foreign Service who receives a Presidential appointment to any position in the executive branch and who makes an election to retain Senior Foreign Service pay entitlements under section 302(b) of the Foreign Service Act of 1980 (Public Law 96–465) is not subject to this section.

(i) Notwithstanding subsections (b) through (e), an employee in a covered position may receive a pay rate increase upon an authorized movement to a different covered position with higher-level duties and a pre-established higher level or range of pay, except that any such increase must be based on the rates of pay and applicable pay limitations in effect on December 31, 2013.

(j) Notwithstanding any other provision of law, for an individual who is newly appointed to a covered position during the period of time subject to this section, the initial pay rate shall be based on the rates of pay and applicable pay limitations in effect on December 31, 2013.

Time period.

(k) If an employee affected by subsections (b) through (e) is subject to a biweekly pay period that begins in calendar year 2017 but ends in calendar year 2018, the bar on the employee's receipt of pay rate increases shall apply through the end of that pay period.

Reports.
Deadline.
Contracts.

SEC. 739. (a) The head of any Executive branch department, agency, board, commission, or office funded by this or any other appropriations Act shall submit annual reports to the Inspector General or senior ethics official for any entity without an Inspector General, regarding the costs and contracting procedures related to each conference held by any such department, agency, board, commission, or office during fiscal year 2017 for which the cost to the United States Government was more than $100,000.

(b) Each report submitted shall include, for each conference described in subsection (a) held during the applicable period—

(1) a description of its purpose;

(2) the number of participants attending;

(3) a detailed statement of the costs to the United States Government, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services;

(C) the cost of employee or contractor travel to and from the conference; and

(D) a discussion of the methodology used to determine which costs relate to the conference; and

(4) a description of the contracting procedures used including—

(A) whether contracts were awarded on a competitive basis; and

(B) a discussion of any cost comparison conducted by the departmental component or office in evaluating potential contractors for the conference.

Deadline. Notification.

(c) Within 15 days after the end of a quarter, the head of any such department, agency, board, commission, or office shall notify the Inspector General or senior ethics official for any entity without an Inspector General, of the date, location, and number of employees attending a conference held by any Executive branch department, agency, board, commission, or office funded by this or any other appropriations Act during fiscal year 2017 for which the cost to the United States Government was more than $20,000.

Grants. Contracts.

(d) A grant or contract funded by amounts appropriated by this or any other appropriations Act may not be used for the purpose of defraying the costs of a conference described in subsection (c) that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(e) None of the funds made available in this or any other appropriations Act may be used for travel and conference activities that are not in compliance with Office of Management and Budget Memorandum M–12–12 dated May 11, 2012 or any subsequent revisions to that memorandum.

SEC. 740. None of the funds made available in this or any other appropriations Act may be used to increase, eliminate, or reduce funding for a program, project, or activity as proposed in the President's budget request for a fiscal year until such proposed change is subsequently enacted in an appropriation Act, or unless such change is made pursuant to the reprogramming or transfer provisions of this or any other appropriations Act.

SEC. 741. None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled "Competitive Area" published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 742. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

Contracts. Grants. Confidentiality agreements.

SEC. 743. (a) None of the funds appropriated or otherwise made available by this or any other Act may be available for a contract, grant, or cooperative agreement with an entity that

requires employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

(b) The limitation in subsection (a) shall not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.

Nondisclosure agreements.

SEC. 744. (a) No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to: (1) classified information; (2) communications to Congress; (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.": *Provided*, That notwithstanding the preceding provision of this section, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

(b) A nondisclosure agreement may continue to be implemented and enforced notwithstanding subsection (a) if it complies with the requirements for such agreement that were in effect when the agreement was entered into.

(c) No funds appropriated in this or any other Act may be used to implement or enforce any agreement entered into during fiscal year 2014 which does not contain substantially similar language to that required in subsection (a).

Corporations. Taxes.

SEC. 745. None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of

the unpaid tax liability, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

Corporations.
Law enforcement and crime.
Time period.

SEC. 746. None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

Notification.

SEC. 747. (a) During fiscal year 2017, on the date on which a request is made for a transfer of funds in accordance with section 1017 of Public Law 111–203, the Bureau of Consumer Financial Protection shall notify the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate of such request.

Public information.
Web posting.

(b) Any notification required by this section shall be made available on the Bureau's public Web site.

SEC. 748. (a) None of the funds made available under this or any other Act may be used to—

(1) implement, administer, carry out, modify, revise, or enforce Executive Order 13690, entitled "Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input" (issued January 30, 2015), other than for—

(A) acquiring, managing, or disposing of Federal lands and facilities;

(B) providing Federally undertaken, financed, or assisted construction or improvements; or

(C) conducting Federal activities or programs affecting land use, including water and related land resources planning, regulating, and licensing activities;

(2) implement Executive Order 13690 in a manner that modifies the non-grant components of the National Flood Insurance Program; or

(3) apply Executive Order 13690 or the Federal Flood Risk Management Standard by any component of the Department of Defense, including the Army Corps of Engineers in a way that changes the "floodplain" considered when determining whether or not to issue a Department of the Army permit under section 404 of the Clean Water Act or section 10 of the Rivers and Harbors Act.

Time period.

(b) Subsection (a) of this section shall not be in effect during the period beginning on October 1, 2017 and ending on September 30, 2018.

SEC. 749. Except as expressly provided otherwise, any reference to "this Act" contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

TITLE VIII

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

(INCLUDING TRANSFERS OF FUNDS)

SEC. 801. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

Lobbying.

SEC. 802. None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 803. (a) None of the Federal funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2017, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) re-establishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through November 7, 2017.

SEC. 804. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 805. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

Definition.

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day;

(4) at the discretion of the Chief Medical Examiner, an officer or employee of the Office of the Chief Medical Examiner who resides in the District of Columbia and is on call 24 hours a day;

(5) at the discretion of the Director of the Homeland Security and Emergency Management Agency, an officer or employee of the Homeland Security and Emergency Management Agency who resides in the District of Columbia and is on call 24 hours a day;

(6) the Mayor of the District of Columbia; and

(7) the Chairman of the Council of the District of Columbia.

Voting representation.

SEC. 806. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

Needle distribution.

SEC. 807. None of the Federal funds contained in this Act may be used to distribute any needle or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution.

Contraception. Conscience clause.

SEC. 808. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

Drugs and drug abuse.

SEC. 809. (a) None of the Federal funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

(b) No funds available for obligation or expenditure by the District of Columbia government under any authority may be used to enact any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative for recreational purposes.

SEC. 810. No funds available for obligation or expenditure by the District of Columbia government under any authority shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest. Abortion.

SEC. 811. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia, a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for fiscal year 2017 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures. Deadline.

(b) This section shall apply only to an agency for which the Chief Financial Officer for the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements. Application. Certification.

SEC. 812. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council for the District of Columbia, a revised appropriated funds operating budget for the District of Columbia Public Schools that aligns schools budgets to actual enrollment. The revised appropriated funds budget shall be in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42). Deadline.

SEC. 813. (a) Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

(b) The District of Columbia government is authorized to reprogram or transfer for operating expenses any local funds transferred or reprogrammed in this or the four prior fiscal years from operating funds to capital funds, and such amounts, once transferred or reprogrammed, shall retain appropriation authority consistent with the provisions of this Act.

(c) The District of Columbia government may not transfer or reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

SEC. 814. None of the Federal funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 815. Except as otherwise specifically provided by law or under this Act, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2017 from appropriations of Federal funds made available for salaries and expenses for fiscal year 2017 in this Act, shall remain available through September 30, 2018, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further*, Approval request.

That these requests shall be made in compliance with reprogramming guidelines outlined in section 803 of this Act.

SEC. 816. (a)(1) During fiscal year 2018, during a period in which neither a District of Columbia continuing resolution or a regular District of Columbia appropriation bill is in effect, local funds are appropriated in the amount provided for any project or activity for which local funds are provided in the Act referred to in paragraph (2) (subject to any modifications enacted by the District of Columbia as of the beginning of the period during which this subsection is in effect) at the rate set forth by such Act.

(2) The Act referred to in this paragraph is the Act of the Council of the District of Columbia pursuant to which a proposed budget is approved for fiscal year 2018 which (subject to the requirements of the District of Columbia Home Rule Act) will constitute the local portion of the annual budget for the District of Columbia government for fiscal year 2018 for purposes of section 446 of the District of Columbia Home Rule Act (sec. 1–204.46, D.C. Official Code).

(b) Appropriations made by subsection (a) shall cease to be available—

(1) during any period in which a District of Columbia continuing resolution for fiscal year 2018 is in effect; or

(2) upon the enactment into law of the regular District of Columbia appropriation bill for fiscal year 2018.

(c) An appropriation made by subsection (a) is provided under the authority and conditions as provided under this Act and shall be available to the extent and in the manner that would be provided by this Act.

(d) An appropriation made by subsection (a) shall cover all obligations or expenditures incurred for such project or activity during the portion of fiscal year 2018 for which this section applies to such project or activity.

(e) This section shall not apply to a project or activity during any period of fiscal year 2018 if any other provision of law (other than an authorization of appropriations)—

(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period; or

(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

(f) Nothing in this section shall be construed to affect obligations of the government of the District of Columbia mandated by other law.

SEC. 817. Except as expressly provided otherwise, any reference to "this Act" contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

TITLE IX—SOAR REAUTHORIZATION

SHORT TITLE; REFERENCES IN TITLE

Scholarships for Opportunity and Results Reauthorization Act.

SEC. 901. (a) SHORT TITLE.—This title may be cited as the "Scholarships for Opportunity and Results Reauthorization Act" or the "SOAR Reauthorization Act".

(b) REFERENCES IN ACT.—Except as otherwise expressly provided, whenever in this title an amendment is expressed in terms

of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Scholarships for Opportunity and Results Act (division C of Public Law 112–10; sec. 38–1853.01 et seq., D.C. Official Code).

REPEAL

SEC. 902. Section 817 of the Consolidated Appropriations Act, 2016 (Public Law 114–113) is repealed, and any provision of law amended or repealed by such section is restored or revived as if such section had not been enacted into law. 129 Stat. 2491.

PURPOSES

SEC. 903. Section 3003 (sec. 38–1853.03, D.C. Official Code) is amended by striking "particularly parents" and all that follows through ", with" and inserting "particularly parents of students who attend an elementary school or secondary school identified as one of the lowest-performing schools under the District of Columbia's accountability system, with".

PROHIBITING IMPOSITION OF LIMITS ON TYPES OF ELIGIBLE STUDENTS PARTICIPATING IN THE PROGRAM

SEC. 904. Section 3004(a) (sec. 38–1853.04(a), D.C. Official Code) is amended by adding at the end the following:

"(3) PROHIBITING IMPOSITION OF LIMITS ON ELIGIBLE STUDENTS PARTICIPATING IN THE PROGRAM.—

"(A) IN GENERAL.—In carrying out the program under this division, the Secretary may not limit the number of eligible students receiving scholarships under section 3007(a), and may not prevent otherwise eligible students from participating in the program under this division, based on any of the following:

"(i) The type of school the student previously attended.

"(ii) Whether or not the student previously received a scholarship or participated in the program, including whether an eligible student was awarded a scholarship in any previous year but has not used the scholarship, regardless of the number of years of nonuse.

"(iii) Whether or not the student was a member of the control group used by the Institute of Education Sciences to carry out previous evaluations of the program under section 3009.

"(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) may be construed to waive the requirement under section 3005(b)(1)(B) that the eligible entity carrying out the program under this Act must carry out a random selection process, which gives weight to the priorities described in section 3006, if more eligible students seek admission in the program than the program can accommodate.".

REQUIRING ELIGIBLE ENTITIES TO UTILIZE INTERNAL FISCAL AND QUALITY CONTROLS

SEC. 905. Section 3005(b)(1) (sec. 38–1853.05(b)(1), D.C. Official Code) is amended—

(1) in subparagraph (I), by striking ", except that a participating school may not be required to submit to more than 1 site visit per school year";

(2) by redesignating subparagraphs (K) and (L) as subparagraphs (L) and (M), respectively;

(3) by inserting after subparagraph (J) the following:

"(K) how the entity will ensure the financial viability of participating schools in which 85 percent or more of the total number of students enrolled at the school are participating eligible students that receive and use an opportunity scholarship;";

(4) in subparagraph (L), as redesignated by paragraph (2), by striking "and" at the end; and

(5) by adding at the end the following:

"(N) how the eligible entity will ensure that it—

"(i) utilizes internal fiscal and quality controls; and

"(ii) complies with applicable financial reporting requirements and the requirements of this division; and".

CLARIFICATION OF PRIORITIES FOR AWARDING SCHOLARSHIPS TO ELIGIBLE STUDENTS

SEC. 906. Section 3006(1) (sec. 38–1853.06(1), D.C. Official Code) is amended—

(1) in subparagraph (A), by striking "attended" and all that follows through the semicolon and inserting "attended an elementary school or secondary school identified as one of the lowest-performing schools under the District of Columbia's accountability system; and";

(2) by striking subparagraph (B);

(3) by redesignating subparagraph (C) as subparagraph (B); and

(4) in subparagraph (B), as redesignated by paragraph (3), by striking the semicolon at the end and inserting "or whether such students have, in the past, attended a private school;".

MODIFICATION OF REQUIREMENTS FOR PARTICIPATING SCHOOLS AND ELIGIBLE ENTITIES

SEC. 907. (a) CRIMINAL BACKGROUND CHECKS; COMPLIANCE WITH REPORTING REQUIREMENTS.—Section 3007(a)(4) (sec. 38–1853.07(a)(4), D.C. Official Code) is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) by striking subparagraph (F) and inserting the following:

"(F) ensures that, with respect to core subject matter, participating students are taught by a teacher who has a baccalaureate degree or equivalent degree, whether such degree was awarded in or outside of the United States;"; and

(3) by adding at the end the following:

"(G) conducts criminal background checks on school employees who have direct and unsupervised interaction with students; and

"(H) complies with all requests for data and information regarding the reporting requirements described in section 3010.".

(b) ACCREDITATION.—Section 3007(a) (sec. 38–1853.07(a), D.C. Official Code), as amended by subsection (a), is further amended—

(1) in paragraph (1), by striking "paragraphs (2) and (3)" and inserting "paragraphs (2), (3), and (5)"; and

(2) by adding at the end the following:

"(5) ACCREDITATION REQUIREMENTS.—

"(A) IN GENERAL.—None of the funds provided under this division for opportunity scholarships may be used by a participating eligible student to enroll in a participating private school unless the school—

"(i) in the case of a school that is a participating school as of the date of enactment of the SOAR Reauthorization Act—

"(I) is fully accredited by an accrediting body described in any of subparagraphs (A) through (G) of section 2202(16) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; sec. 38–1802.02(16)(A)–(G), D.C. Official Code); or

"(II) if such participating school does not meet the requirements of subclause (I)—

"(aa) not later than 1 year after the date of enactment of the Consolidated Appropriations Act, 2016 (Public Law 114–113), the school is pursuing full accreditation by an accrediting body described in subclause (I); and

"(bb) is fully accredited by such an accrediting body not later than 5 years after the date on which that school began the process of pursuing full accreditation in accordance with item (aa); and

"(ii) in the case of a school that is not a participating school as of the date of enactment of the SOAR Reauthorization Act, is fully accredited by an accrediting body described in clause (i)(I) before becoming a participating school under this division.

"(B) REPORTS TO ELIGIBLE ENTITY.—Not later than 5 years after the date of enactment of the SOAR Reauthorization Act, each participating school shall submit to the eligible entity a certification that the school has been fully accredited in accordance with subparagraph (A). Certification.

"(C) ASSISTING STUDENTS IN ENROLLING IN OTHER SCHOOLS.—If a participating school fails to meet the requirements of this paragraph, the eligible entity shall assist the parents of the participating eligible students who attend the school in identifying, applying to, and enrolling in another participating school under this division.

"(6) TREATMENT OF STUDENTS AWARDED A SCHOLARSHIP IN A PREVIOUS YEAR.—An eligible entity shall treat a participating

eligible student who was awarded an opportunity scholarship in any previous year and who has not used the scholarship as a renewal student and not as a new applicant, without regard as to—

"(A) whether the eligible student has used the scholarship; and

"(B) the year in which the scholarship was previously awarded.".

(c) USE OF FUNDS FOR ADMINISTRATIVE EXPENSES AND PARENTAL ASSISTANCE.—

(1) IN GENERAL.—Section 3007 (sec. 38–1853.07, D.C. Official Code) is amended—

(A) by striking subsections (b) and (c) and inserting the following:

"(b) ADMINISTRATIVE EXPENSES AND PARENTAL ASSISTANCE.—The Secretary shall make $2,000,000 of the amount made available under section 3014(a)(1) for each fiscal year available to eligible entities receiving a grant under section 3004(a) to cover the following expenses:

"(1) The administrative expenses of carrying out its program under this division during the year, including—

"(A) determining the eligibility of students to participate;

"(B) selecting the eligible students to receive scholarships;

"(C) determining the amount of the scholarships and issuing the scholarships to eligible students;

"(D) compiling and maintaining financial and programmatic records;

"(E) conducting site visits as described in section 3005(b)(1)(I); and

Study.

"(F)(i) conducting a study, including a survey of participating parents, on any barriers for participating eligible students in gaining admission to, or attending, the participating school that is their first choice; and

Deadline.

"(ii) not later than the end of the first full fiscal year after the date of enactment of the SOAR Reauthorization Act, submitting a report to Congress that contains the results of such study.

"(2) The expenses of educating parents about the eligible entity's program under this division, and assisting parents through the application process under this division, including—

"(A) providing information about the program and the participating schools to parents of eligible students, including information on supplemental financial aid that may be available at participating schools;

"(B) providing funds to assist parents of students in meeting expenses that might otherwise preclude the participation of eligible students in the program; and

"(C) streamlining the application process for parents.";

(B) by redesignating subsection (d) as subsection (c); and

(C) by redesignating subsection (e), as added by section 162(b) of the Continuing Appropriations Act, 2017 (division C of Public Law 114–223, as amended by section 101(3)

of the Further Continuing and Security Assistance Appropriations Act, 2017 (Public Law 114–254)), as subsection (d).

(2) CONFORMING AMENDMENT.—Section 3007(d) (sec. 38–1853.07(d), D.C. Official Code), as redesignated by paragraph (1)(C), is amended by striking "subsections (b), (c), and (d)" each place it appears in paragraphs (2)(B) and (3) and inserting "subsections (b) and (c)".

(d) CLARIFICATION OF USE OF FUNDS FOR STUDENT ACADEMIC ASSISTANCE.—Section 3007(c) (sec. 38–1853.07(c), D.C. Official Code), as redesignated by subsection (c)(1)(B), is amended by striking "previously attended" and all that follows through the period at the end and inserting "previously attended an elementary school or secondary school identified as one of the lowest-performing schools under the District of Columbia's accountability system.".

PROGRAM EVALUATION

SEC. 908. (a) REVISION OF EVALUATION PROCEDURES AND REQUIREMENTS.—

(1) IN GENERAL.—Section 3009(a) (sec. 38–1853.09(a), D.C. Official Code) is amended to read as follows:

"(a) IN GENERAL.—

"(1) DUTIES OF THE SECRETARY AND THE MAYOR.—The Secretary and the Mayor of the District of Columbia shall—

"(A) jointly enter into an agreement with the Institute of Education Sciences of the Department of Education to evaluate annually the opportunity scholarship program under this division;

"(B) jointly enter into an agreement to monitor and evaluate the use of funds authorized and appropriated for the District of Columbia public schools and the District of Columbia public charter schools under this division; and

"(C) make the evaluations described in subparagraphs (A) and (B) public in accordance with subsection (c).

"(2) DUTIES OF THE SECRETARY.—The Secretary, through a grant, contract, or cooperative agreement, shall—

"(A) ensure that the evaluation under paragraph (1)(A)—

"(i) is conducted using an acceptable quasi-experimental research design for determining the effectiveness of the opportunity scholarship program under this division that does not use a control study group consisting of students who applied for but did not receive opportunity scholarships; and

"(ii) addresses the issues described in paragraph (4); and

"(B) disseminate information on the impact of the program—

"(i) on academic achievement and educational attainment of participating eligible students who use an opportunity scholarship; and

"(ii) on students and schools in the District of Columbia.

"(3) DUTIES OF THE INSTITUTE ON EDUCATION SCIENCES.—The Institute of Education Sciences of the Department of Education shall—

"(A) assess participating eligible students who use an opportunity scholarship in each of grades 3 through 8, as well as one of the grades at the high school level, by supervising the administration of the same reading and mathematics assessment used by the District of Columbia public schools to comply with section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b));

"(B) measure the academic achievement of all participating eligible students who use an opportunity scholarship in the grades described in subparagraph (A); and

"(C) work with eligible entities receiving a grant under this division to ensure that the parents of each student who is a participating eligible student that uses an opportunity scholarship agrees to permit their child to participate in the evaluations and assessments carried out by the Institute of Education Sciences under this subsection.

"(4) ISSUES TO BE EVALUATED.—The issues to be evaluated under paragraph (1)(A) shall include the following:

"(A) A comparison of the academic achievement of participating eligible students who use an opportunity scholarship on the measurements described in paragraph (3)(B) to the academic achievement of a comparison group of students with similar backgrounds in the District of Columbia public schools and the District of Columbia public charter schools.

"(B) The success of the program under this division in expanding choice options for parents of participating eligible students and increasing the satisfaction of such parents and students with their choice.

"(C) The reasons parents of participating eligible students choose for their children to participate in the program, including important characteristics for selecting schools.

"(D) A comparison of the retention rates, high school graduation rates, college enrollment rates, college persistence rates, and college graduation rates of participating eligible students who use an opportunity scholarship with the rates of students in the comparison group described in subparagraph (A).

"(E) A comparison of the college enrollment rates, college persistence rates, and college graduation rates of students who participated in the program in 2004, 2005, 2011, 2012, 2013, 2014, and 2015 as the result of winning the Opportunity Scholarship Program lottery with such enrollment, persistence, and graduation rates for students who entered but did not win such lottery in those years and who, as a result, served as the control group for previous evaluations of the program under this division. Nothing in this subparagraph may be construed to waive section 3004(a)(3)(A)(iii) with respect to any such student.

"(F) A comparison of the safety of the schools attended by participating eligible students who use an opportunity scholarship and the schools in the District of Columbia attended by students in the comparison group described in subparagraph (A), based on the perceptions of the students and parents.

"(G) An assessment of student academic achievement at participating schools in which 85 percent of the total number of students enrolled at the school are participating eligible students who receive and use an opportunity scholarship.

"(H) Such other issues with respect to participating eligible students who use an opportunity scholarship as the Secretary considers appropriate for inclusion in the evaluation, such as the impact of the program on public elementary schools and secondary schools in the District of Columbia.

"(5) PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.—

"(A) IN GENERAL.—Any disclosure of personally identifiable information obtained under this division shall be in compliance with section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974') (20 U.S.C. 1232g).

"(B) STUDENTS NOT ATTENDING PUBLIC SCHOOL.—With respect to any student who is not attending a public elementary school or secondary school, personally identifiable information obtained under this division shall only be disclosed to—

"(i) individuals carrying out the evaluation described in paragraph (1)(A) for such student;

"(ii) the group of individuals providing information for carrying out the evaluation of such student; and

"(iii) the parents of such student.".

(2) TRANSITION OF EVALUATION.—

(A) TERMINATION OF PREVIOUS EVALUATIONS.—The Secretary of Education shall—

(i) terminate the evaluations conducted under section 3009(a) of the Scholarships for Opportunity and Results Act (sec. 38–1853.09(a), D.C. Official Code), as in effect on the day before the date of enactment of this title, after obtaining data for the 2017–2018 school year; and

(ii) submit any reports required for the 2017–2018 school year or preceding years with respect to the evaluations in accordance with section 3009(b) of such Act.

(B) NEW EVALUATIONS.—

(i) IN GENERAL.—Effective beginning with respect to the 2018–2019 school year, the Secretary shall conduct new evaluations in accordance with the provisions of section 3009(a) of the Scholarships for Opportunity and Results Act (sec. 38–1853.09(a), D.C. Official Code), as amended by this title.

Effective date.
Time period.

(ii) MOST RECENT EVALUATION.—As a component of the new evaluations described in clause (i), the Secretary shall continue to monitor and evaluate the students who were evaluated in the most recent evaluation under such section prior to the date of enactment of this title, including by monitoring and evaluating the test scores and other information of such students.

(b) DUTY OF MAYOR TO ENSURE INSTITUTE HAS ALL INFORMATION NECESSARY TO CARRY OUT EVALUATIONS.—Section 3011(a)(1)

(sec. 38–1853.11(a)(1), D.C. Official Code) is amended to read as follows:

"(1) INFORMATION NECESSARY TO CARRY OUT EVALUATIONS.—Ensure that all District of Columbia public schools and District of Columbia public charter schools make available to the Institute of Education Sciences of the Department of Education all of the information the Institute requires to carry out the assessments and perform the evaluations required under section 3009(a).".

FUNDING FOR DISTRICT OF COLUMBIA PUBLIC SCHOOLS AND PUBLIC CHARTER SCHOOLS

SEC. 909. (a) MANDATORY WITHHOLDING OF FUNDS FOR FAILURE TO COMPLY WITH CONDITIONS.—Section 3011(b) (sec. 38–1853.11(b), D.C. Official Code) is amended to read as follows:

Determination.

"(b) ENFORCEMENT.—If, after reasonable notice and an opportunity for a hearing, the Secretary determines that the Mayor has failed to comply with any of the requirements of subsection (a), the Secretary may withhold from the Mayor, in whole or in part—

"(1) the funds otherwise authorized to be appropriated under section 3014(a)(2), if the failure to comply relates to the District of Columbia public schools;

"(2) the funds otherwise authorized to be appropriated under section 3014(a)(3), if the failure to comply relates to the District of Columbia public charter schools; or

"(3) the funds otherwise authorized to be appropriated under both paragraphs (2) and (3) of section 3014(a), if the failure relates to both the District of Columbia public schools and the District of Columbia public charter schools.".

(b) RULES FOR USE OF FUNDS PROVIDED FOR SUPPORT OF PUBLIC CHARTER SCHOOLS.—Section 3011 (sec. 38–1853.11, D.C. Official Code) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b) SPECIFIC RULES REGARDING FUNDS PROVIDED FOR SUPPORT OF PUBLIC CHARTER SCHOOLS.—The following rules shall apply with respect to the funds provided under this division for the support of District of Columbia public charter schools:

Applicability.

"(1) The Secretary may direct the funds provided for any fiscal year, or any portion thereof, to the Office of the State Superintendent of Education of the District of Columbia.

"(2) The Office of the State Superintendent of Education of the District of Columbia may transfer the funds to subgrantees that are—

"(A) specific District of Columbia public charter schools or networks of such schools; or

"(B) District of Columbia-based nonprofit organizations with experience in successfully providing support or assistance to District of Columbia public charter schools or networks of such schools.

"(3) The funds provided under this division for the support of District of Columbia public charter schools shall be available to any District of Columbia public charter school in good standing with the District of Columbia Charter School Board,

and the Office of the State Superintendent of Education of the District of Columbia and the District of Columbia Charter School Board may not restrict the availability of such funds to certain types of schools on the basis of the school's location, governing body, or the school's facilities.".

REVISION OF CURRENT MEMORANDUM OF UNDERSTANDING

SEC. 910. Not later than the beginning of the 2018–2019 school year, the Secretary of Education and the Mayor of the District of Columbia shall revise the memorandum of understanding which is in effect under section 3012(d) of the Scholarships for Opportunity and Results Act as of the day before the date of the enactment of this title to address the following:

Deadline.
Time period.

(1) The amendments made by this title.

(2) The need to ensure that participating schools under the Scholarships for Opportunity and Results Act meet fire code standards and maintain certificates of occupancy.

(3) The need to ensure that District of Columbia public schools and District of Columbia public charter schools meet the requirements under such Act to comply with all reasonable requests for information necessary to carry out the evaluations required under section 3009(a) of such Act.

DEFINITIONS

SEC. 911. Section 3013 (sec. 38–1853.13, D.C. Official Code) is amended—

(1) by redesignating paragraphs (1) through (10) as paragraphs (2) through (11), respectively;

(2) by inserting before paragraph (2), as redesignated by paragraph (1), the following:

"(1) CORE SUBJECT MATTER.—The term 'core subject matter' means—

"(A) mathematics;

"(B) science; and

"(C) English, reading, or language arts."; and

(3) in paragraph (4)(B), as redesignated by paragraph (1), by inserting "household with a" before "student".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 912. (a) IN GENERAL.—Section 3014(a) (sec. 38–1853.14, D.C. Official Code) is amended by striking "and for each of the 4 succeeding fiscal years" and inserting "and for each fiscal year through fiscal year 2019".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on September 30, 2016.

EFFECTIVE DATE

SEC. 913. Except as otherwise provided, the amendments made by this title shall apply with respect to school year 2018–2019 and each succeeding school year.

Applicability.

This division may be cited as the "Financial Services and General Government Appropriations Act, 2017".

Department of Homeland Security Appropriations Act, 2017.

DIVISION F—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2017

TITLE I

DEPARTMENTAL MANAGEMENT, OPERATIONS, INTELLIGENCE, AND OVERSIGHT

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

OPERATIONS AND SUPPORT

For necessary expenses of the Office of the Secretary and for executive management for operations and support, $137,034,000: *Provided*, That not to exceed $40,000 shall be for official reception and representation expenses: *Provided further*, That of the funds provided under this heading, $2,000,000 shall be withheld from obligation until the Secretary complies with section 107 of this Act.

Compliance.

MANAGEMENT DIRECTORATE

OPERATIONS AND SUPPORT

For necessary expenses of the Management Directorate for operations and support, $597,817,000, of which $194,092,000 shall remain available until September 30, 2018: *Provided*, That not to exceed $2,000 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Management Directorate for procurement, construction, and improvements, $18,839,000, to remain available until September 30, 2018.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Management Directorate for research and development, $2,500,000, to remain available until September 30, 2018.

INTELLIGENCE, ANALYSIS, AND OPERATIONS COORDINATION

OPERATIONS AND SUPPORT

For necessary expenses of the Office of Intelligence and Analysis and the Office of Operations Coordination for operations and support, $263,551,000, of which $106,115,000 shall remain available until September 30, 2018: *Provided*, That not to exceed $3,825 shall be for official reception and representation expenses and not to exceed $2,000,000 is available for facility needs associated with secure space at fusion centers, including improvements to buildings.

OFFICE OF INSPECTOR GENERAL

OPERATIONS AND SUPPORT

For necessary expenses of the Office of Inspector General for operations and support, $175,000,000: *Provided*, That not to exceed $300,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

ADMINISTRATIVE PROVISIONS

SEC. 101. The Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time the President's budget proposal for fiscal year 2018 is submitted pursuant to section 1105(a) of title 31, United States Code, the Future Years Homeland Security Program, as authorized by section 874 of Public Law 107–296 (6 U.S.C. 454).

SEC. 102. Not later than 30 days after the last day of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report that includes total obligations of the Department for that month and for the fiscal year at the appropriation and program, project, and activity levels, by the source year of the appropriation. Deadline. Reports.

SEC. 103. (a) Notwithstanding section 518 of Public Law 114–113, the Secretary of Homeland Security shall submit a report not later than October 15, 2017, to the Inspector General of the Department of Homeland Security listing all grants and contracts awarded by any means other than full and open competition during fiscal years 2016 and 2017. Reports. Deadlines.

(b) The Inspector General shall review the report required by subsection (a) to assess departmental compliance with applicable laws and regulations and report the results of that review to the Committees on Appropriations of the Senate and the House of Representatives not later than February 15, 2018. Review. Assessment.

SEC. 104. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes, which shall be specified in terms of cost, schedule, and performance. Contracts. Fees.

SEC. 105. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under section 9703(g)(4)(B) of title 31, United States Code (as added by Public Law 102–393) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: *Provided*, That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives are notified of the proposed transfers. Consultation. Notification.

SEC. 106. All official costs associated with the use of Government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Office of the Secretary.

Deadline. Reports. Visa data.

SEC. 107. (a) Not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives, a report for fiscal year 2016 on visa overstay data by country as required by section 1376 of title 8, United States Code: *Provided*, That the report on visa overstay data shall also include—

(1) overstays from all nonimmigrant visa categories under the immigration laws, delineated by each of the classes and sub-classes of such categories; and

(2) numbers as well as rates of overstays for each class and sub-class of such nonimmigrant categories on a per-country basis.

Web posting.

(b) The Secretary of Homeland Security shall publish on the Department's Web site the metrics developed to measure the effectiveness of security between the ports of entry, including the methodology and data supporting the resulting measures.

Deadlines. Certification.

SEC. 108. Within 30 days of the date of enactment of this Act, and monthly thereafter, the Secretary or Chief Financial Officer shall certify to the Committees on Appropriations of the Senate and the House of Representatives whether U.S. Immigration and Customs Enforcement is administering and executing its Enforcement and Removal Operations activities consistent with available budgetary authority provided by law: *Provided*, That such certification shall include both actual and projected financial obligation data, with the projections informed by seasonality, planned immigration enforcement operations, all relevant enforcement data systems, and other information sources as necessary.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

OPERATIONS AND SUPPORT

For necessary expenses of U.S. Customs and Border Protection for operations and support, including the transportation of unaccompanied minor aliens; the provision of air and marine support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; at the discretion of the Secretary of Homeland Security, the provision of such support to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; the purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; the purchase, maintenance, or operation of marine vessels, aircraft, and unmanned aerial systems; and contracting with individuals for personal services abroad; $10,900,636,000; of which $3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which $681,441,500 shall be available until

September 30, 2018; and of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account: *Provided*, That not to exceed $34,425 shall be for official reception and representation expenses: *Provided further*, That not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations: *Provided further*, That not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses for U.S. Customs and Border Protection for procurement, construction, and improvements, including procurements to buy marine vessels, aircraft, and unmanned aerial systems, $273,617,000, of which $252,842,000 shall remain available until September 30, 2019, and of which $20,775,000 shall remain available until September 30, 2021.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

OPERATIONS AND SUPPORT

For necessary expenses of U.S. Immigration and Customs Enforcement for operations and support, including the purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; overseas vetted units; and maintenance, minor construction, and minor leasehold improvements at owned and leased facilities, $6,168,532,000; of which $6,000,000 shall remain available until expended for efforts to enforce laws against forced child labor; of which not less than $15,000,000 shall be available for investigation of intellectual property rights violations, including operation of the National Intellectual Property Rights Coordination Center; of which $18,700,000 shall remain available until September 30, 2018, for the Visa Security Program and investigations abroad; of which not less than $3,471,806,000 shall be for enforcement, detention, and removal operations, including transportation of unaccompanied minor aliens: *Provided*, That not to exceed $11,475 shall be for official reception and representation expenses: *Provided further*, That not to exceed $10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081): *Provided further*, That not to exceed $2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided further*, That not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided further*, That of the funds provided under this heading, $25,000,000 shall be withheld from obligation until the comprehensive plan for immigration data improvement is submitted as required in section 212 of this Act. Plan.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of U.S. Immigration and Customs Enforcement for procurement, construction, and improvements, $29,800,000, to remain available until September 30, 2019.

TRANSPORTATION SECURITY ADMINISTRATION

OPERATIONS AND SUPPORT

For necessary expenses of the Transportation Security Administration for operations and support, $7,105,047,000, to remain available until September 30, 2018: *Provided*, That not to exceed $7,650 shall be for official reception and representation expenses: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further*, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2017 so as to result in a final fiscal year appropriation from the general fund estimated at not more than $4,975,047,000.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Transportation Security Administration for procurement, construction, and improvements, $206,093,000, to remain available until September 30, 2019.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Transportation Security Administration for research and development, $5,000,000, to remain available until September 30, 2018.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operations and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of not more than $700,000) and repairs and service-life replacements, not to exceed a total of $31,000,000; purchase or lease of boats necessary for overseas deployments and activities; purchase, lease, or improvement of other equipment (at a unit cost of not more than $250,000); minor shore construction projects not exceeding $1,000,000 in total cost on any location; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $7,079,628,000; of which $502,692,000 shall be for defense-related activities, of which $162,692,000 is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil

Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which $11,000,000 shall remain available until September 30, 2019, of which $6,000,000 is solely for grants authorized by the Coast Guard Authorization Act of 2010 (46 U.S.C. 4502(i) and (j)) and $5,000,000 is to meet the obligations specified in 14 U.S.C. 98(b): *Provided*, That not to exceed $23,000 shall be for official reception and representation expenses.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, $13,315,000, to remain available until September 30, 2021.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve; operations and maintenance of the Coast Guard Reserve Program; personnel and training costs; and equipment and services; $112,302,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Coast Guard for acquisition, construction, renovation, and improvement of aids to navigation, shore facilities (including facilities at Department of Defense installations used by the Coast Guard), vessels, and aircraft, including equipment related thereto, $1,370,007,000; of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which $1,256,655,000 shall be available until September 30, 2021, of which $95,000,000 shall be immediately available and allotted to contract for long lead time materials for the tenth National Security Cutter notwithstanding the availability of funds for production or post-production costs.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses of the Coast Guard for research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; $36,319,000, to remain available until September 30, 2019, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts, and combat-related special compensation, and payments

for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,666,940,000, to remain available until expended.

UNITED STATES SECRET SERVICE

OPERATIONS AND SUPPORT

For necessary expenses of the United States Secret Service for operations and support, including purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; rental of buildings in the District of Columbia, fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; conduct of and participation in firearms matches; presentation of awards; conduct of behavioral research in support of protective intelligence and operations; payment in advance for commercial accommodations as may be necessary to perform protective functions; and payment, without regard to section 5702 of title 5, United States Code, of subsistence expenses of employees who are on protective missions, whether at or away from their duty stations; $1,821,451,000; of which $42,966,000 shall remain available until September 30, 2018, of which $6,000,000 shall be for a grant for activities related to investigations of missing and exploited children; and of which not less than $13,869,000 shall be for activities related to training in electronic crimes investigations and forensics: *Provided*, That not to exceed $19,125 shall be for official reception and representation expenses: *Provided further*, That not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the United States Secret Service for procurement, construction, and improvements, $90,627,000, to remain available until September 30, 2019.

RESEARCH AND DEVELOPMENT

For necessary expenses of the United States Secret Service for research and development, $2,500,000, to remain available until September 30, 2018.

ADMINISTRATIVE PROVISIONS

Overtime.

SEC. 201. (a) For fiscal year 2017, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $45,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies.

(b) None of the funds made available by this Act for the following accounts shall be available to compensate any employee for overtime in an annual amount in excess of $45,000: Waiver authority.

(1) "U.S. Immigration and Customs Enforcement—Operations and Support", except that the Secretary of Homeland Security, or the designee of the Secretary, may waive such amount as necessary for national security purposes and in cases of immigration emergencies.

(2) "United States Secret Service—Operations and Support", except that the Secretary of Homeland Security, or the designee of the Secretary, may waive such amount as necessary for national security purposes.

SEC. 202. Funding made available under the heading "U.S. Customs and Border Protection—Operations and Support" and "U.S. Customs and Border Protection—Procurement, Construction, and Improvements" shall be available for customs expenses when necessary to maintain operations and prevent adverse personnel actions in Puerto Rico in addition to funding provided by 48 U.S.C. 740. Puerto Rico.

SEC. 203. No U.S. Customs and Border Protection aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2017 without prior notice to the Committees on Appropriations of the Senate and the House of Representatives. Notification.

SEC. 204. As authorized by section 601(b) of the United States-Colombia Trade Promotion Agreement Implementation Act (Public Law 112–42), fees collected from passengers arriving from Canada, Mexico, or an adjacent island pursuant to section 13031(a)(5) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(5)) shall be available until expended. Fees. Canada. Mexico.

SEC. 205. For an additional amount for "U.S. Customs and Border Protection—Operations and Support", $31,000,000, to remain available until expended, to be reduced by amounts collected and credited to this appropriation from amounts authorized to be collected by section 286(i) of the Immigration and Nationality Act (8 U.S.C. 1356(i)), section 10412 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8311), and section 817 of the Trade Facilitation and Trade Enforcement Act of 2015, or other such authorizing language: *Provided*, That to the extent that amounts realized from such collections exceed $31,000,000, those amounts in excess of $31,000,000 shall be credited to this appropriation, to remain available until expended.

SEC. 206. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be— Exports and imports. Canada. Drugs and drug abuse. Applicability.

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

Waiver.
Maritime vessels.
Consultation.

SEC. 207. Notwithstanding any other provision of law, none of the funds provided in this or any other Act shall be used to approve a waiver of the navigation and vessel-inspection laws pursuant to 46 U.S.C. 501(b) for the transportation of crude oil distributed from and to the Strategic Petroleum Reserve until the Secretary of Homeland Security, after consultation with the Secretaries of the Departments of Energy and Transportation and representatives from the United States flag maritime industry, takes adequate measures to ensure the use of United States flag vessels: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives within 2 business days of any request for waivers of navigation and vessel-inspection laws pursuant to 46 U.S.C. 501(b) and the disposition of such requests.

Notification.
Deadline.

Effective date.
Border fees.

SEC. 208. (a) Beginning on the date of enactment of this Act, the Secretary of Homeland Security shall not—

(1) establish, collect, or otherwise impose any new border crossing fee on individuals crossing the Southern border or the Northern border at a land port of entry; or

(2) conduct any study relating to the imposition of a border crossing fee.

Definition.

(b) In this section, the term "border crossing fee" means a fee that every pedestrian, cyclist, and driver and passenger of a private motor vehicle is required to pay for the privilege of crossing the Southern border or the Northern border at a land port of entry.

SEC. 209. Without regard to the limitation as to time and condition of section 503(d) of this Act, the Secretary may reprogram and transfer funds within and into "U.S. Immigration and Customs Enforcement—Operations and Support" as necessary to ensure the detention of aliens prioritized for removal.

Determination.

SEC. 210. None of the funds provided under the heading "U.S. Immigration and Customs Enforcement—Operations and Support" may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been materially violated.

Contracts.

SEC. 211. None of the funds provided under the heading "U.S. Immigration and Customs Enforcement—Operations and Support" may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than "adequate" or the equivalent median score in any subsequent performance evaluation system.

Deadline.
Plan.

SEC. 212. (a) Not later than 90 days after the date of enactment of this Act, the Director of U.S. Immigration and Customs Enforcement shall submit to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive plan for immigration data improvement.

(b) The plan required in subsection (a) shall include—

(1) an action plan detailing necessary engagement with Federal partners, major milestones, and an estimated timeline

for each of the major milestones leading to completion of the plan;

(2) a staffing plan, detailing the positions and titles for both Federal and contract staff necessary to execute the plan; and

(3) an estimate of the funding necessary to implement the plan.

Funding estimate.

SEC. 213. Members of the United States House of Representatives and the United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General, Deputy Attorney General, Assistant Attorneys General, and the United States Attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget, shall not be exempt from Federal passenger and baggage screening.

Explosives detection systems.

SEC. 214. Any award by the Transportation Security Administration to deploy explosives detection systems shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness.

SEC. 215. Notwithstanding section 44923 of title 49, United States Code, for fiscal year 2017, any funds in the Aviation Security Capital Fund established by section 44923(h) of title 49, United States Code, may be used for the procurement and installation of explosives detection systems or for the issuance of other transaction agreements for the purpose of funding projects described in section 44923(a) of such title.

Reports. Applicability.

SEC. 216. The reporting requirement in the ninth proviso under the heading "Transportation Security Administration—Aviation Security" in the Department of Homeland Security Appropriations Act, 2016 (Public Law 114–113), shall apply in fiscal year 2017, except that the reference to "this Act" shall be treated as referring to this Act.

SEC. 217. None of the funds made available by this or any other Act may be used by the Administrator of the Transportation Security Administration to implement, administer, or enforce, in abrogation of the responsibility described in section 44903(n)(1) of title 49, United States Code, any requirement that airport operators provide airport-financed staffing to monitor exit points from the sterile area of any airport at which the Transportation Security Administration provided such monitoring as of December 1, 2013.

SEC. 218. None of the funds made available by this Act under the heading "Coast Guard—Operating Expenses" shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from owners of yachts and credited to the appropriation made available by this Act under the heading "Coast Guard—Operating Expenses": *Provided*, That to the extent such fees are insufficient to pay expenses of recreational vessel documentation under such section 12114, and there is a backlog of recreational vessel applications, then personnel performing non-recreational vessel documentation functions under subchapter II of chapter 121 of title 46, United States Code, may perform documentation under section 12114.

SEC. 219. Without regard to the limitation as to time and condition of section 503(d) of this Act, after June 30, up to

$10,000,000 may be reprogrammed to or from the Military Pay and Allowances funding category within "Coast Guard—Operating Expenses" in accordance with subsection (a) of section 503.

SEC. 220. None of the funds in this Act shall be used to reduce the Coast Guard's Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 221. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 222. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any civil engineering unit unless specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 223. Funds made available under this heading for Overseas Contingency Operations/Global War on Terrorism may be allocated by program, project, and activity, notwithstanding section 503 of this Act.

SEC. 224. The United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, for personnel receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under the heading "United States Secret Service—Operations and Support" at the end of the fiscal year.

SEC. 225. None of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided*, That the Director of the Secret Service may enter into agreements to provide such protection on a fully reimbursable basis.

Contracts.
Reimbursement.

SEC. 226. None of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be obligated for the purpose of opening a new permanent domestic or overseas office or location unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation.

Notification.
Deadline.

SEC. 227. For purposes of section 503(a)(3) of this Act, up to $15,000,000 may be reprogrammed within "United States Secret Service—Operations and Support".

SEC. 228. Funding made available in this Act for "United States Secret Service—Operations and Support" is available for travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if the Director of the United States Secret Service or a designee notifies the Committees on Appropriations of the Senate and the House of Representatives 10 or more days in advance, or as early as practicable, prior to such expenditures.

Notification.
Deadline.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

OPERATIONS AND SUPPORT

For necessary expenses of the National Protection and Programs Directorate for operations and support, $1,372,268,000, of which $117,148,000 shall remain available until September 30, 2018: *Provided*, That not to exceed $3,825 shall be for official reception and representation expenses: *Provided further*, That of the funds provided under this heading, $20,000,000 shall be withheld from obligation until the Secretary of Homeland Security complies with section 301 of this Act. Compliance.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the National Protection and Programs Directorate for procurement, construction, and improvements, $440,035,000, to remain available until September 30, 2018.

RESEARCH AND DEVELOPMENT

For necessary expenses of the National Protection and Programs Directorate for research and development, $6,469,000, to remain available until September 30, 2018.

OFFICE OF HEALTH AFFAIRS

OPERATIONS AND SUPPORT

For necessary expenses of the Office of Health Affairs for operations and support, $123,548,000, of which $16,161,000 shall remain available until September 30, 2018: *Provided*, That of the funds provided under this heading, $2,000,000 shall be withheld from obligation for Mission Support until the Chief Medical Officer complies with section 302 of this Act: *Provided further*, That the Secretary of Homeland Security may transfer up to $2,000,000 from the funds provided under this heading to "Science and Technology Directorate—Research and Development" for the purpose of advancing early detection capabilities related to a bioterrorism event. Compliance.

FEDERAL EMERGENCY MANAGEMENT AGENCY

OPERATIONS AND SUPPORT

For necessary expenses of the Federal Emergency Management Agency for operations and support, $1,048,551,000: *Provided*, That

not to exceed $2,250 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Federal Emergency Management Agency for procurement, construction, and improvements, $35,273,000, to remain available until September 30, 2018.

FEDERAL ASSISTANCE

For activities of the Federal Emergency Management Agency for Federal assistance through grants, contracts, cooperative agreements, and other activities, $2,983,458,000, which shall be allocated as follows:

(1) $467,000,000 for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605), of which $55,000,000 shall be for Operation Stonegarden: *Provided*, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2017, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

Puerto Rico.

(2) $605,000,000 for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which $25,000,000 shall be for organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) $100,000,000 for Public Transportation Security Assistance, Railroad Security Assistance, and Over-the-Road Bus Security Assistance under sections 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135, 1163, and 1182), of which $10,000,000 shall be for Amtrak security and $2,000,000 shall be for Over-the-Road Bus Security: *Provided*, That such public transportation security assistance shall be provided directly to public transportation agencies.

(4) $100,000,000 for Port Security Grants in accordance with 46 U.S.C. 70107.

(5) $690,000,000, to remain available until September 30, 2018, of which $345,000,000 shall be for Assistance to Firefighter Grants and $345,000,000 shall be for Staffing for Adequate Fire and Emergency Response Grants under sections 33 and 34 respectively of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

(6) $350,000,000 for emergency management performance grants under the National Flood Insurance Act of 1968 (42 U.S.C. 4001), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701), 6 U.S.C. 762, and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.).

(7) $100,000,000 for the National Predisaster Mitigation Fund under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), to remain available until expended.

(8) $177,531,000 for necessary expenses for Flood Hazard Mapping and Risk Analysis, in addition to and to supplement any other sums appropriated under the National Flood Insurance Fund, and such additional sums as may be provided by States or other political subdivisions for cost-shared mapping activities under 42 U.S.C. 4101(f)(2), to remain available until expended.

(9) $120,000,000 for the emergency food and shelter program under title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331), to remain available until expended: *Provided*, That not to exceed 3.5 percent shall be for total administrative costs.

(10) $273,927,000 to sustain current operations for training, exercises, technical assistance, and other programs.

DISASTER RELIEF FUND

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $7,328,515,000, to remain available until expended, of which $6,713,000,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141, 126 Stat. 916), and the Homeowner Flood Insurance Affordability Act of 2014 (Public Law 113–89; 128 Stat. 1020), $181,799,000, to remain available until September 30, 2018, which shall be derived from offsetting amounts collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)); of which $13,436,000 shall be available for mission support associated with flood management; and of which $168,363,000 shall be available for flood plain management and flood mapping: *Provided*, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as offsetting collections to this account, to be available for flood plain management and flood mapping: *Provided further*, That in fiscal year 2017, no funds shall be available from the National Flood Insurance Fund under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017) in excess of—

(1) $147,042,000 for operating expenses and salaries and expenses associated with flood insurance operations;

(2) $1,123,000,000 for commissions and taxes of agents;

(3) such sums as are necessary for interest on Treasury borrowings; and

(4) $175,061,000, which shall remain available until expended, for flood mitigation actions and for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), notwithstanding sections 1366(e) and 1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017):

Provided further, That the amounts collected under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) and section 1366(e) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding section 102(f)(8), section 1366(e), and paragraphs (1) through (3) of section 1367(b) of such Act (42 U.S.C. 4012a(f)(8), 4104c(e), 4104d(b)(1)–(3)): *Provided further*, That total administrative costs shall not exceed 4 percent of the total appropriation: *Provided further*, That up to $5,000,000 is available to carry out section 24 of the Homeowner Flood Insurance Affordability Act of 2014 (42 U.S.C. 4033).

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Briefing.

SEC. 301. The Secretary of Homeland Security, or the designee of the Secretary, shall brief the Committees on Appropriations of the Senate and the House of Representatives on plans to—

(1) implement a facial recognition matching capability for Automated Biometric Identification System holdings, including the ability to search, store, and match, that is independent of other biometric modalities but scalable for future needs;

(2) accelerate the development of multi-modal biometric capability (Homeland Advanced Recognition Technology Increment 2) to ensure that full multi-modal capability is available for stakeholders by the end of fiscal year 2018;

(3) establish a new, equitable governance structure in fiscal year 2017 that ensures stakeholder mission requirements are prioritized for implementation, to include—

(A) a project plan and capability execution schedule for each stakeholder mission;

(B) stakeholder management of all requests for services;

(C) a weighted on-boarding process for new requirements and priorities; and

(D) an executive stakeholder review process; and

(4) demonstrate new agile projects focused on the ability to fuse biographic intelligence information with biometric data.

Reports.
Plans.

SEC. 302. The Chief Medical Officer shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives that includes—

(1) a comprehensive strategy and project plan to advance the Nation's early detection capabilities related to a bioterrorism event;

(2) a description of the responsibilities of the Office of Health Affairs, Science and Technology Directorate, and other departmental components as appropriate for implementing such strategy;

(3) a description of technical and operational programmatic efficiencies to be gained by replacing or enhancing the current BioWatch system;

(4) specific timelines and benchmarks for implementation of a new or enhanced system, including, but not limited to—

(A) a mission needs statement;

(B) operational requirements documents;

(C) key performance parameters;
(D) a test and evaluation master plan; and
(E) an acquisition plan and strategy;

(5) an expenditure plan for fiscal year 2017 activities that advance the Nation's early detection capabilities related to a bioterrorism event; and

(6) detailed cost estimates for not less than 5 years for the development of a new or enhanced BioWatch system. Cost estimate.

SEC. 303. Notwithstanding section 2008(a)(11) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)) or any other provision of law, not more than 5 percent of the amount of a grant made available in paragraphs (1) through (4) under "Federal Emergency Management Agency—Federal Assistance", may be used by the grantee for expenses directly related to administration of the grant.

SEC. 304. Applications for grants under the heading "Federal Emergency Management Agency—Federal Assistance", for paragraphs (1) through (4), shall be made available to eligible applicants not later than 60 days after the date of enactment of this Act, eligible applicants shall submit applications not later than 80 days after the grant announcement, and the Administrator of the Federal Emergency Management Agency shall act within 65 days after the receipt of an application.

SEC. 305. Under the heading "Federal Emergency Management Agency—Federal Assistance", for grants under paragraphs (1) through (4), the Administrator of the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award.

SEC. 306. Under the heading "Federal Emergency Management Agency—Federal Assistance", for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility.

SEC. 307. Notwithstanding section 509 of this Act, the Administrator of the Federal Emergency Management Agency may use the funds provided under the heading "Federal Emergency Management Agency—Federal Assistance" in paragraph (10) to acquire real property for the purpose of establishing or appropriately extending the security buffer zones around Federal Emergency Management Agency training facilities.

SEC. 308. Notwithstanding any other provision of law—

(1) grants awarded to States along the Southwest Border of the United States under sections 2003 or 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605) using funds provided under the heading "Federal Emergency Management Agency—Federal Assistance" for grants under paragraph (1) in this Act, or under the heading "Federal Emergency Management Agency—State and Local Programs" in Public Law 114–4, division F of Public Law 113–76, or division D of Public Law 113–6 may be used by recipients or sub-recipients for costs, or reimbursement of costs, related to providing humanitarian relief to unaccompanied alien children and alien adults accompanied by an alien minor where they are encountered after entering the United States, provided that such costs were incurred between January 1, 2014, and December 31, 2014, or during the award period of performance; and

(2) grants awarded to States under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605) using funds

provided under the heading "Federal Emergency Management Agency—Federal Assistance" for grants under paragraph (1) in this Act may be used by recipients or sub-recipients for costs, or reimbursement of costs, related to public safety in support of a State declaration of emergency.

SEC. 309. The reporting requirements in paragraphs (1) and (2) under the heading "Federal Emergency Management Agency—Disaster Relief Fund" in the Department of Homeland Security Appropriations Act, 2015 (Public Law 114–4) shall be applied in fiscal year 2017 with respect to budget year 2018 and current fiscal year 2017, respectively, by substituting "fiscal year 2018" for "fiscal year 2016" in paragraph (1).

SEC. 310. The Administrator of the Federal Emergency Management Agency shall transfer $56,872,752 in unobligated balances made available for the appropriations account for "Federal Emergency Management Agency—Disaster Assistance Direct Loan Program Account" by section 4502 of Public Law 110–28 to the appropriations account for "Federal Emergency Management Agency—Disaster Relief Fund": *Provided*, That amounts transferred to such account under this section shall be available for any authorized purpose of such account: *Provided further*, That amounts transferred pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be transferred only if the President subsequently so designates the entire transfer and transmits such designation to the Congress.

SEC. 311. Notwithstanding 42 U.S.C. 5170c(b)(2)(B)(ii), the Administrator of the Federal Emergency Management Agency may allow the construction of an earthen levee by a State, local, or tribal government on covered hazard mitigation land: *Provided*, That such construction constitutes part of a flood control project, is constructed of naturally-occurring materials, and conforms to other criteria as established by the Administrator of the Federal Emergency Management Agency through policy.

SEC. 312. The aggregate charges assessed during fiscal year 2017, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security to be necessary for its Radiological Emergency Preparedness Program for the next fiscal year: *Provided*, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That such fees shall be deposited in a Radiological Emergency Preparedness Program account as offsetting collections and will become available for authorized purposes on October 1, 2017, and remain available until expended.

Fees.

TITLE IV

RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

OPERATIONS AND SUPPORT

For necessary expenses of U.S. Citizenship and Immigration Services for operations and support of the E-Verify Program, $103,912,000.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of U.S. Citizenship and Immigration Services for procurement, construction, and improvements of the E-Verify Program, $15,227,000.

FEDERAL LAW ENFORCEMENT TRAINING CENTERS

OPERATIONS AND SUPPORT

For necessary expenses of the Federal Law Enforcement Training Centers for operations and support, including the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, $242,518,000, of which up to $50,748,000 shall remain available until September 30, 2018, and of which $27,553,000 shall remain available until September 30, 2019: *Provided*, That not to exceed $7,180 shall be for official reception and representation expenses.

SCIENCE AND TECHNOLOGY DIRECTORATE

OPERATIONS AND SUPPORT

For necessary expenses of the Science and Technology Directorate for operations and support, including the purchase or lease of not to exceed 5 vehicles, $311,122,000, of which $182,334,000 shall remain available until September 30, 2018: *Provided*, That not to exceed $7,650 shall be for official reception and representation expenses.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Science and Technology Directorate for research and development, $470,624,000, to remain available until September 30, 2019.

DOMESTIC NUCLEAR DETECTION OFFICE

OPERATIONS AND SUPPORT

For necessary expenses of the Domestic Nuclear Detection Office for operations and support, $50,042,000: *Provided*, That not to exceed $2,250 shall be for official reception and representation expenses.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of the Domestic Nuclear Detection Office for procurement, construction, and improvements, $101,053,000, to remain available until September 30, 2019.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Domestic Nuclear Detection Office for research and development, $155,061,000, to remain available until September 30, 2019.

FEDERAL ASSISTANCE

For necessary expenses of the Domestic Nuclear Detection Office for Federal assistance through grants, contracts, cooperative agreements, and other activities, $46,328,000, to remain available until September 30, 2019.

ADMINISTRATIVE PROVISIONS

SEC. 401. Notwithstanding any other provision of law, funds otherwise made available to U.S. Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to 5 vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: *Provided*, That the Director of U.S. Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment.

SEC. 402. None of the funds made available in this Act may be used by U.S. Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by U.S. Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 403. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided by employees (including employees serving on a temporary or term basis) of U.S. Citizenship and Immigration Services of the Department of Homeland Security who are known as Immigration Information Officers, Immigration Service Analysts, Contact Representatives, Investigative Assistants, or Immigration Services Officers.

SEC. 404. (a) Notwithstanding section 1356(n) of title 8, United States Code, of the funds deposited into the Immigration Examinations Fee Account, up to $10,000,000 may be allocated by U.S. Citizenship and Immigration Services in fiscal year 2017 for the purpose of providing an immigrant integration grants program.

(b) None of the funds made available to U.S. Citizenship and Immigration Services for grants for immigrant integration under subsection (a) or (c) may be used to provide services to aliens who have not been lawfully admitted for permanent residence.

8 USC 1382.

(c) The Director of U.S. Citizenship and Immigration Services is authorized in fiscal year 2017, and in each fiscal year thereafter, to solicit, accept, administer, and utilize gifts, including donations of property, for the purpose of providing an immigrant integration grants program and related activities to promote citizenship and

immigrant integration: *Provided*, That all sums received under this subsection shall be deposited in a separate account in the general fund of the Treasury to be known as the "Citizenship Gift and Bequest Account": *Provided further*, That all funds deposited into the Citizenship Gift and Bequest Account shall remain available until expended, and shall be available in addition to any funds appropriated or otherwise made available for an immigrant integration grants program or other activities to promote citizenship and immigrant integration.

(d) Nothing in this section shall be construed to limit the authority of the Secretary of Homeland Security under section 507 of the Department of Homeland Security Appropriations Act, 2004 (Public Law 108–90) or any other law with respect to the solicitation and acceptance of gifts.

SEC. 405. The Director of the Federal Law Enforcement Training Centers is authorized to distribute funds to Federal law enforcement agencies for expenses incurred participating in training accreditation.

SEC. 406. The Director of the Federal Law Enforcement Training Centers shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Centers to ensure that such training facilities are operated at the highest capacity throughout the fiscal year.

SEC. 407. The Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 408. (a) There is to be established a "Federal Law Enforcement Training Centers—Procurement, Construction, and Improvements" appropriations account for planning, operational development, engineering, and purchases prior to sustainment and for information technology-related procurement, construction, and improvements, including non-tangible assets of the Federal Law Enforcement Training Centers.

(b) The Director of the Federal Law Enforcement Training Centers may accept transfers to the account established by subsection (a) from Government agencies requesting the construction of special use facilities, as authorized by the Economy Act (31 U.S.C. 1535(b)): *Provided*, That the Federal Law Enforcement Training Centers maintain administrative control and ownership upon completion of the facility.

SEC. 409. The functions of the Federal Law Enforcement Training Centers instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

TITLE V

GENERAL PROVISIONS

(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the components in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2017, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the components funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates or eliminates a program, project, or activity, or increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress;

(2) contracts out any function or activity presently performed by Federal employees or any new function or activity proposed to be performed by Federal employees in the President's budget proposal for fiscal year 2017 for the Department of Homeland Security;

(3) augments funding for existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less;

(4) reduces funding for any program, project, or activity, or numbers of personnel, by 10 percent or more;

(5) reorganizes components; or

(6) results from any general savings from a reduction in personnel that would result in a change in funding levels for programs, projects, or activities as approved by the Congress,

unless the Committees on Appropriations of the Senate and the House of Representatives are notified at least 15 days in advance of such reprogramming.

(b) Up to 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations if the Committees on Appropriations of the Senate and the House of Representatives are notified at least 30 days in advance of such transfer, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfer.

(c) Notwithstanding subsections (a) and (b), no funds shall be reprogrammed within or transferred between appropriations based upon an initial notification provided after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

(d) The notification thresholds and procedures set forth in subsections (a), (b), and (c) shall apply to any use of deobligated balances of funds provided in previous Department of Homeland Security Appropriations Acts.

(e) Notwithstanding subsection (b), the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to $20,000,000 from appropriations available to the Department of Homeland Security: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives 5 days in advance of such transfer.

Notification.
Deadline.

SEC. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103–356 (31 U.S.C. 501 note), shall continue operations as a permanent working capital fund for fiscal year 2017: *Provided*, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the Working Capital Fund, except for the activities and amounts allowed in the President's fiscal year 2017 budget: *Provided further*, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: *Provided further*, That all departmental components shall be charged only for direct usage of each Working Capital Fund service: *Provided further*, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: *Provided further*, That the Working Capital Fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: *Provided further*, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified of any activity added to or removed from the fund: *Provided further*, That for any activity added to the fund, the notification shall identify sources of funds by program, project, and activity: *Provided further*, That the Chief Financial Officer of the Department of Homeland Security shall submit a quarterly execution report with activity-level detail, not later than 30 days after the end of each quarter.

31 USC 501 note.

Notification.

Deadlines.
Reports.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2017, as recorded in the financial records at the time of a reprogramming notification, but not later than June 30, 2018, from appropriations for "Operations and Support" and for "Coast Guard—Operating Expenses", and salaries and expenses for "Coast Guard—Acquisition, Construction, and Improvements" and "Coast Guard—Reserve Training" for fiscal year 2017 in this Act shall remain available through September 30, 2018, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a notification shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives in accordance with section 503 of this Act.

Deadline.

Notification.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2017 until the enactment of an Act authorizing intelligence activities for fiscal year 2017.

SEC. 507. (a) The Secretary of Homeland Security, or the designee of the Secretary, shall notify the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of—

(1) making or awarding a grant allocation, grant, contract, other transaction agreement, or task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of $1,000,000;

(2) awarding a task or delivery order requiring an obligation of funds in an amount greater than $10,000,000 from multi-year Department of Homeland Security funds;

(3) making a sole-source grant award; or

(4) announcing publicly the intention to make or award items under paragraph (1), (2), or (3), including a contract covered by the Federal Acquisition Regulation.

(b) If the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification, and the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than 5 full business days after such an award is made or letter issued.

(c) A notification under this section—

(1) may not involve funds that are not available for obligation; and

(2) shall include the amount of the award; the fiscal year for which the funds for the award were appropriated; the type of contract; and the account from which the funds are being drawn.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without advance notification to the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Centers is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training that cannot be accommodated in existing Center facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. Sections 520, 522, and 530 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110–161; 121 Stat. 2073 and 2074) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 511. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act: *Provided*, That for purposes of the preceding sentence, the term "Buy American Act" means chapter 83 of title 41, United States Code.

SEC. 512. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 513. Section 519 of division F of Public Law 114–113, regarding a prohibition on funding for any position designated as a Principal Federal Official, shall apply with respect to funds made available in this Act in the same manner as such section applied to funds made available in that Act.

SEC. 514. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking "Until September 30, 2016," and inserting "Until September 30, 2017,"; and

(2) in subsection (c)(1), by striking "September 30, 2016," and inserting "September 30, 2017,".

SEC. 515. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 516. Any official that is required by this Act to report or to certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 517. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

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

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 518. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 519. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 520. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SEC. 521. In developing any process to screen aviation passengers and crews for transportation or national security purposes, the Secretary of Homeland Security shall ensure that all such processes take into consideration such passengers' and crews' privacy and civil liberties consistent with applicable laws, regulations, and guidance.

SEC. 522. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any Federal contract unless such contract is entered into in accordance with the requirements of subtitle I of title 41, United States Code, or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such

contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

SEC. 523. For an additional amount for "Management Directorate—Procurement, Construction, and Improvements", $13,253,000, to remain available until expended, for necessary expenses to plan, acquire, design, construct, renovate, remediate, equip, furnish, improve infrastructure, and occupy buildings and facilities for the Department headquarters consolidation project.

SEC. 524. (a) For an additional amount for financial systems modernization, $41,215,000, to remain available until September 30, 2018.

(b) Funds made available in subsection (a) for financial systems modernization may be transferred by the Secretary of Homeland Security between appropriations for the same purpose, notwithstanding section 503 of this Act.

(c) No transfer described in subsection (b) shall occur until 15 days after the Committees on Appropriations of the Senate and the House of Representatives are notified of such transfer.

SEC. 525. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 526. None of the funds made available in this Act may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

Conferences.
Determination.
Notification.
Deadline.

SEC. 527. None of the funds made available in this Act may be used to pay for the travel to or attendance of more than 50 employees of a single component of the Department of Homeland Security, who are stationed in the United States, at a single international conference unless the Secretary of Homeland Security, or a designee, determines that such attendance is in the national interest and notifies the Committees on Appropriations of the Senate and the House of Representatives within at least 10 days of that determination and the basis for that determination: *Provided*, That for purposes of this section the term "international conference" shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations: *Provided further*, That the total cost to the Department of Homeland Security of any such conference shall not exceed $500,000.

Definition.

SEC. 528. None of the funds made available in this Act may be used to reimburse any Federal department or agency for its participation in a National Special Security Event.

Pay reform.
Time period.

SEC. 529. None of the funds made available to the Department of Homeland Security by this or any other Act may be obligated for any structural pay reform that affects more than 100 full-time positions or costs more than $5,000,000 in a single year before the end of the 30-day period beginning on the date on which

the Secretary of Homeland Security submits to Congress a notification that includes—

(1) the number of full-time positions affected by such change;

(2) funding required for such change for the current year and through the Future Years Homeland Security Program;

(3) justification for such change; and

(4) an analysis of compensation alternatives to such change that were considered by the Department.

SEC. 530. (a) Any agency receiving funds made available in this Act shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Committees on Appropriations of the Senate and the House of Representatives in this Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises homeland or national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the Committees on Appropriations of the Senate and the House of Representatives for not less than 45 days except as otherwise specified in law.

SEC. 531. None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

SEC. 532. Within 60 days of any budget submission for the Department of Homeland Security for fiscal year 2018 that assumes revenues or proposes a reduction from the previous year based on user fees proposals that have not been enacted into law prior to the submission of the budget, the Secretary of Homeland Security shall provide the Committees on Appropriations of the Senate and the House of Representatives specific reductions in proposed discretionary budget authority commensurate with the revenues assumed in such proposals in the event that they are not enacted prior to October 1, 2017.

SEC. 533. (a) Funding provided in this Act for "Operations and Support" may be used for minor procurement, construction, and improvements.

(b) For purposes of subsection (a), "minor" refers to end items with a unit cost of $250,000 or less for personal property, and $2,000,000 or less for real property.

(RESCISSIONS)

SEC. 534. Of the funds appropriated to the Department of Homeland Security, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177):

(1) $95,000,000 from Public Law 109–88;

(2) $3,000,000 from unobligated prior year balances from "Office of the Chief Information Officer";

(3) $31,293,000 from unobligated prior year balances from "U.S. Customs and Border Protection, Automation Modernization";

(4) $21,150,000 from unobligated prior year balances from "U.S. Customs and Border Protection—Border Security, Fencing, Infrastructure, and Technology";

(5) $21,450,000 from unobligated prior year balances from "U.S. Customs and Border Protection, Air and Marine Operations";

(6) $20,690,000 from unobligated prior year balances from "U.S. Customs and Border Protection, Construction and Facilities Management";

(7) $13,500,000 from Public Law 114–4 under the heading "U.S. Immigration and Customs Enforcement, Salaries and Expenses";

(8) $45,000,000 from Public Law 114–113 under the heading "U.S. Immigration and Customs Enforcement, Salaries and Expenses";

(9) $2,900,000 from unobligated prior year balances from "U.S. Immigration and Customs Enforcement, Construction";

(10) $104,650,000 from Public Law 114–113 under the heading "Transportation Security Administration—Aviation Security";

(11) $2,582,000 from Public Law 114–113 under the heading "Transportation Security Administration—Surface Transportation Security";

(12) $9,930,000 from Public Law 114–113 under the heading "Transportation Security Administration—Intelligence and Vetting";

(13) $2,518,000 from Public Law 114–113 under the heading "Transportation Security Administration, Transportation Security Support";

(14) $4,200,000 from Public Law 113–6 under the heading "Coast Guard—Acquisition, Construction, and Improvements";

(15) $19,300,000 from Public Law 113–76 under the heading "Coast Guard—Acquisition, Construction, and Improvements";

(16) $16,500,000 from Public Law 114–4 under the heading "Coast Guard, Acquisition, Construction, and Improvements";

(17) $31,000,000 from Public Law 114–113 under the heading "Coast Guard—Acquisition, Construction, and Improvements";

(18) $11,071,000 from unobligated prior year balances from "Federal Emergency Management Agency, State and Local Programs" account 70 × 0560;

(19) $977,289 from Public Law 113–76 under the heading "Science and Technology—Research, Development, Acquisition, and Operations";

(20) $5,000,000 from Public Law 114–4 under the heading "Science and Technology—Research, Development, Acquisition, and Operations"; and

(21) $1,522,711 from Public Law 114–113 under the heading "Science and Technology—Research, Development, Acquisition, and Operations".

(RESCISSIONS)

SEC. 535. Of the funds transferred to the Department of Homeland Security when it was created in 2003, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

(1) $277,827 from "Customs and Border Protection—Salaries and Expenses";

(2) $621,375 from "Immigrations and Customs Enforcement";

(3) $84,268 from "Immigrations and Customs Enforcement—Violent Crime Fund";

(4) $499,074 from "Transportation Security Administration—Salaries and Expenses";

(5) $244,764 from "United States Coast Guard—Acquisition, Construction and Improvements—IDS Aircraft";

(6) $98,532 from "United States Coast Guard—Acquisition, Construction and Improvements—IDS Vessels"; and

(7) $15,562 from "Federal Emergency Management Association—Office of Domestic Preparedness".

(RESCISSION)

SEC. 536. The following unobligated balances made available to the Department of Homeland Security pursuant to section 505 of the Department of Homeland Security Appropriations Act, 2016 (Public Law 114–113) are rescinded:

(1) $45,676 from "Office of the Chief Financial Officer";

(2) $28,726 from "Office of the Chief Information Officer";

(3) $73,013 from "Office of the Secretary and Executive Management";

(4) $475,792 from "Analysis and Operations";

(5) $111,886 from "Office of the Inspector General";

(6) $11,536,855 from "U.S. Customs and Border Protection—Salaries and Expenses";

(7) $587,034 from "U.S. Customs and Border Protection—Automation Modernization";

(8) $241,044 from "U.S. Customs and Border Protection—Air and Marine Interdiction, Operations, Maintenance, and Procurement";

(9) $15,807,298 from "Coast Guard—Operation Expenses";

(10) $746,434 from "Coast Guard—Reserve Training";

(11) $310,872 from "Coast Guard—Acquisition, Construction and Improvements";

(12) $8,340,572 from "United States Secret Service—Salaries and Expenses";

(13) $332,309 from "Federal Emergency Management Agency—State and Local Programs";

(14) $48,524 from "Federal Emergency Management Agency—United States Fire Administration";

(15) $1,275,569 from "Federal Emergency Management Agency—Management and Administration";

(16) $59,453 from "Office of Health Affairs";

(17) $625,696 from "United States Citizenship and Immigration Services—Salaries and Expenses";

(18) $372,881 from "Federal Law Enforcement Training Center—Salaries and Expenses";

(19) $1,094,894 from "Transportation Security Agency—Aviation Security"; and

(20) $228,240 from "Transportation Security Agency—Transportation Security Support".

(RESCISSION)

SEC. 537. From the unobligated balances available in the Department of the Treasury Forfeiture Fund established by section 9703 of title 31, United States Code (added by section 638 of Public Law 102–393), $187,000,000 shall be rescinded.

(RESCISSION)

SEC. 538. Of the unobligated balances made available to "Federal Emergency Management Agency—Disaster Relief Fund", $789,248,000 shall be rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That no amounts may be rescinded from the amounts that were designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 539. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) shall be applied by substituting "September 30, 2017" for "September 30, 2015".

Applicability.
8 USC 1101 note.

SEC. 540. Subclauses 101(a)(27)(C)(ii)(II) and (III) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)(II) and (III)) shall be applied by substituting "September 30, 2017" for "September 30, 2015".

SEC. 541. Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) shall be applied by substituting "September 30, 2017" for "September 30, 2015".

SEC. 542. Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) shall be applied by substituting "September 30, 2017" for "September 30, 2015".

SEC. 543. Notwithstanding the numerical limitation set forth in section 214(g)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(B)), the Secretary of Homeland Security, after consultation with the Secretary of Labor, and upon the determination that the needs of American businesses cannot be satisfied in fiscal year 2017 with United States workers who are willing, qualified, and able to perform temporary nonagricultural labor, may increase the total number of aliens who may receive a visa under section 101(a)(15)(H)(ii)(b) of such Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) in such fiscal year above such limitation by not more than the highest number of H–2B nonimmigrants who participated in the H–2B returning worker program in any fiscal year in which returning workers were exempt from such numerical limitation.

SEC. 544. (a) For an additional amount for "Federal Emergency Management Agency—Federal Assistance", $41,000,000, to remain available until September 30, 2018, exclusively for providing reimbursement of extraordinary law enforcement personnel costs

for protection activities directly and demonstrably associated with any residence of the President that is designated or identified to be secured by the United States Secret Service.

(b) Funds under subsection (a) shall be available only for costs that a State or local agency—

(1) incurs after January 20, 2017, and before October 1, 2017;

(2) can demonstrate to the Administrator as being—

(A) in excess of the costs of normal and typical law enforcement operations;

(B) directly attributable to the provision of protection described herein; and

(C) associated with a non-governmental property designated or identified to be secured by the United States Secret Service pursuant to section 3 or section 4 of the Presidential Protection Assistance Act of 1976 (Public Law 94–524); and

(3) certifies to the Administrator as being for protection activities requested by the Director of the United States Secret Service.

(c) For purposes of subsection (a), a designation or identification of a property to be secured under subsection (b)(2)(C) made after incurring otherwise eligible costs shall apply retroactively to January 20, 2017.

(d) The Administrator may establish written criteria consistent with subsections (a) and (b).

(e) None of the funds provided shall be for hiring new or additional personnel.

(f) The Inspector General of the Department of Homeland Security shall audit reimbursements made under this section.

TITLE VI

DEPARTMENT OF HOMELAND SECURITY—ADDITIONAL APPROPRIATIONS

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

OPERATIONS AND SUPPORT

For an additional amount for "Operations and Support", $274,813,000, to remain available until September 30, 2018, which shall be available as follows:

(1) $91,315,000 for border security technology deployment;

(2) $47,500,000 to address facilities maintenance backlogs;

(3) $65,400,000 for improving hiring processes for Border Patrol Agents, Customs Officers, and Air and Marine personnel, and for relocation enhancements;

(4) $22,400,000 for border road maintenance; and

(5) $48,198,000 for surge operations.

PROCUREMENT, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for "Procurement, Construction, and Improvements", $497,400,000, to remain available until September

30, 2021, which shall be available based on the highest priority border security requirements as follows:

(1) $341,200,000 to replace approximately 40 miles of existing primary pedestrian and vehicle border fencing along the southwest border using previously deployed and operationally effective designs, such as currently deployed steel bollard designs, that prioritize agent safety; and to add gates to existing barriers;

(2) $78,800,000 for acquisition and deployment of border security technology; and

(3) $77,400,000 for new border road construction:

Deadline.
Security plan.

Provided, That the Secretary of Homeland Security shall, not later than 90 days after the date of enactment of this Act, submit to the Committees on Appropriations of the Senate and the House of Representatives a risk-based plan for improving security along the borders of the United States, including the use of personnel, fencing, other forms of tactical infrastructure, and technology, that—

(1) defines goals, objectives, activities, and milestones;

(2) includes a detailed implementation schedule with estimates for the planned obligation of funds for fiscal year 2017 through fiscal year 2021 that are linked to the milestone-based delivery of specific—

(A) capabilities and services;

(B) mission benefits and outcomes;

(C) program management capabilities; and

(D) lifecycle cost estimates;

(3) describes how specific projects under the plan will enhance border security goals and objectives and address the highest priority border security needs;

(4) identifies the planned locations, quantities, and types of resources, such as fencing, other physical barriers, or other tactical infrastructure and technology;

(5) includes a description of the methodology and analyses used to select specific resources for deployment to particular locations that includes—

Analysis.

(A) analyses of alternatives, including comparative costs and benefits;

(B) effects on communities and property owners near areas of infrastructure deployment; and

(C) other factors critical to the decision-making process;

(6) identifies staffing requirements, including full-time equivalents, contractors, and detailed personnel, by activity;

(7) identifies performance metrics for assessing and reporting on the contributions of border security capabilities realized from current and future investments;

Reports.

(8) reports on the status of the Department of Homeland Security's actions to address open recommendations by the Office of Inspector General and the Government Accountability Office related to border security, including plans, schedules, and associated milestones for fully addressing such recommendations; and

Certification.

(9) includes certifications by the Under Secretary for Management, including all documents, memoranda, and a description of the investment review and information technology management oversight and processes supporting such certifications, that—

(A) the program has been reviewed and approved in accordance with an acquisition review management process that complies with capital planning and investment control and review requirements established by the Office of Management and Budget, including as provided in Circular A–11, part 7; and

(B) all planned activities comply with Federal acquisition rules, requirements, guidelines, and practices.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

OPERATIONS AND SUPPORT

For an additional amount for "Operations and Support", $236,908,000, to remain available until September 30, 2018, of which $147,870,000 shall be available for custody operations; of which $57,392,000 shall be available for alternatives to detention; and of which $31,646,000 shall be available for transportation and removal operations.

UNITED STATES SECRET SERVICE

OPERATIONS AND SUPPORT

For an additional amount for "Operations and Support", $58,012,000, to remain available until September 30, 2017.

PROCUREMENT, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for "Procurement, Construction, and Improvements" for necessary expenses for Presidential security, $72,988,000, of which $22,988,000 shall remain available until September 30, 2019, and of which $50,000,000 shall remain available until September 30, 2021.

ADMINISTRATIVE PROVISIONS—THIS TITLE

SEC. 601. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Homeland Security for fiscal year 2017.

This division may be cited as the "Department of Homeland Security Appropriations Act, 2017".

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2017.

DIVISION G—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

TITLE I

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to section 1010(a) of Public Law 96–487 (16 U.S.C. 3150(a)), $1,095,375,000, to remain available until expended, including all such amounts as are collected from permit processing fees, as authorized but made subject to future appropriation by section 35(d)(3)(A)(i) of the Mineral Leasing Act (30 U.S.C. 191), except that amounts from permit processing fees may be used for any bureau-related expenses associated with the processing of oil and gas applications for permits to drill and related use of authorizations; of which $3,000,000 shall be available in fiscal year 2017 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump-sum grant without regard to when expenses are incurred.

In addition, $39,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from mining claim maintenance fees and location fees that are hereby authorized for fiscal year 2017, so as to result in a final appropriation estimated at not more than $1,095,375,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $31,416,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $106,985,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (43 U.S.C. 1181f).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315b, 315m) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579 (43 U.S.C. 1701 et seq.), and under section 28 of the Mineral Leasing Act (30 U.S.C. 185), to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed

47 USC 1735 note.

to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of Public Law 94–579 (43 U.S.C. 1737), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act (43 U.S.C. 1721(b)), to remain available until expended.

ADMINISTRATIVE PROVISIONS

The Bureau of Land Management may carry out the operations funded under this Act by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, including with States. Appropriations for the Bureau shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $10,000: *Provided*, That notwithstanding Public Law 90–620 (44 U.S.C. 501), the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis. Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products: *Provided further*, That section 35 of the Mineral Leasing Act (30 U.S.C. 191) shall be applied for fiscal year 2017 as if the following were inserted after the period in subsection (d)(4):

Contracts.
Determination.

Horses.
Burros.

Applicability.

"(5) There is appropriated to the Fee Account established in subsection (c)(3)(B)(ii) of this section, out of any money in the Treasury not otherwise appropriated, $26,000,000 for fiscal year 2017, to remain available until expended, for the processing of applications for permit to drill and related use authorizations, to be reduced by amounts collected by the Bureau and transferred to such Fee Account pursuant to subsection (d)(3)(A)(ii) of this section, so as to result in a final fiscal year 2017 appropriation from the general fund estimated at not more than $0. Any offsetting receipts received in excess of $26,000,000 in fiscal year 2017 that would have otherwise been transferred to the Fee Account established in subsection (c)(3)(B)(ii) of this section pursuant to subsection (d)(3)(A)(ii)

of this section shall instead be deposited in the general fund of the Treasury.".

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources, $1,258,761,000, to remain available until September 30, 2018: *Provided*, That not to exceed $20,515,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $4,605,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2015; of which not to exceed $1,501,000 shall be used for any activity regarding petitions to list species that are indigenous to the United States pursuant to subsections (b)(3)(A) and (b)(3)(B); and, of which not to exceed $1,504,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) for species that are not indigenous to the United States.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fish and wildlife resources, and the acquisition of lands and interests therein; $18,615,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out chapter 2003 of title 54, United States Code, including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $59,995,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding section 200306 of title 54, United States Code, not more than $10,000,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004, including not to exceed $320,000 for administrative expenses: *Provided*, That none of the funds appropriated for specific land acquisition projects may be used to pay for any administrative overhead, planning or other management costs.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535), $53,495,000, to remain available until expended, of which $22,695,000 is to be derived from

the Cooperative Endangered Species Conservation Fund; and of which $30,800,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $13,228,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.), $38,145,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.), $3,910,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201 et seq.), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261 et seq.), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301 et seq.), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601 et seq.), $11,061,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $62,571,000, to remain available until expended: *Provided*, That of the amount provided herein, $4,209,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That $6,362,000 is for a competitive grant program to implement approved plans for States, territories, and other jurisdictions and at the discretion of affected States, the regional Associations of fish and wildlife agencies, not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting $10,571,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the

Apportionment.
District of Columbia.
Puerto Rico.
Territories.

ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 65 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That any amount apportioned in 2017 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2018, shall be reapportioned, together with funds appropriated in 2019, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

The United States Fish and Wildlife Service may carry out the operations of Service programs by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding 31 U.S.C. 3302, all fees collected for non-toxic shot review and approval shall be deposited under the heading "United States Fish and Wildlife Service—Resource Management" and shall be available to the Secretary, without further appropriation, to be used for expenses of processing of such non-toxic shot type or coating applications and revising regulations as necessary, and shall remain available until expended.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service and for the general administration of the National

Park Service, $2,425,018,000, of which $10,032,000 for planning and interagency coordination in support of Everglades restoration and $124,461,000 for maintenance, repair, or rehabilitation projects for constructed assets shall remain available until September 30, 2018: *Provided*, That funds appropriated under this heading in this Act are available for the purposes of section 5 of Public Law 95–348.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, and grant administration, not otherwise provided for, $62,638,000.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the National Historic Preservation Act (division A of subtitle III of title 54, United States Code), $80,910,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2018, of which $5,000,000 shall be for Save America's Treasures grants for preservation of national significant sites, structures, and artifacts as authorized by section 7303 of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 3089): *Provided*, That an individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant: *Provided further*, That all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations: *Provided further*, That of the funds provided for the Historic Preservation Fund, $500,000 is for competitive grants for the survey and nomination of properties to the National Register of Historic Places and as National Historic Landmarks associated with communities currently underrepresented, as determined by the Secretary, $13,000,000 is for competitive grants to preserve the sites and stories of the Civil Rights movement, and $4,000,000 is for grants to Historically Black Colleges and Universities: *Provided further*, That such competitive grants shall be made without imposing the matching requirements in section 302902(b)(3) of title 54, United States Code to States and Indian tribes as defined in chapter 3003 of such title, Native Hawaiian organizations, local governments, including Certified Local Governments, and nonprofit organizations.

Approval. Consultation.

Grants.

CONSTRUCTION

For construction, improvements, repair, or replacement of physical facilities, and compliance and planning for programs and areas administered by the National Park Service, $209,353,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, for any project initially funded in fiscal year 2017 with a future phase indicated in the National Park Service 5-Year Line Item Construction Plan, a single procurement may be issued which includes the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause availability of funds found at 48 CFR 52.232–18: *Provided further*, That National Park Service Donations, Park Concessions Franchise

Contracts.

Fees, and Recreation Fees may be made available for the cost of adjustments and changes within the original scope of effort for projects funded by the National Park Service Construction appropriation: *Provided further*, That the Secretary of the Interior shall consult with the Committees on Appropriations, in accordance with current reprogramming thresholds, prior to making any charges authorized by this section.

Consultation.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2017 by section 200308 of title 54, United States Code, is rescinded.

54 USC 200308 note.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out chapter 2003 of title 54, United States Code, including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $162,029,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $110,006,000 is for the State assistance program and of which $10,000,000 shall be for the American Battlefield Protection Program grants as authorized by chapter 3081 of title 54, United States Code.

CENTENNIAL CHALLENGE

For expenses necessary to carry out the provisions of section 101701 of title 54, United States Code, relating to challenge cost share agreements, $20,000,000, to remain available until expended, for Centennial Challenge projects and programs: *Provided*, That not less than 50 percent of the total cost of each project or program shall be derived from non-Federal sources in the form of donated cash, assets, or a pledge of donation guaranteed by an irrevocable letter of credit.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

In addition to other uses set forth in section 101917(c)(2) of title 54, United States Code, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefitting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefitting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefitting unit, in the amount of funds so expended to extinguish or reduce liability.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–

432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under 23 U.S.C. 204. Transfers may include a reasonable amount for FHWA administrative support costs.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $1,085,167,000, to remain available until September 30, 2018; of which $71,237,189 shall remain available until expended for satellite operations; and of which $7,280,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost: *Provided*, That none of the funds provided for the ecosystem research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee for Geological Sciences; and payment of compensation and expenses of persons employed by the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in section 6302 of title 31, United States Code: *Provided further*, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 6101, for the temporary or intermittent services of students

Contracts.

or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

BUREAU OF OCEAN ENERGY MANAGEMENT

OCEAN ENERGY MANAGEMENT

For expenses necessary for granting leases, easements, rights-of-way and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf and approving operations related thereto, as authorized by law; for environmental studies, as authorized by law; for implementing other laws and to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, $169,560,000, of which $74,616,000, is to remain available until September 30, 2018 and of which $94,944,000 is to remain available until expended: *Provided*, That this total appropriation shall be reduced by amounts collected by the Secretary and credited to this appropriation from additions to receipts resulting from increases to lease rental rates in effect on August 5, 1993, and from cost recovery fees from activities conducted by the Bureau of Ocean Energy Management pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: *Provided further*, That the sum herein appropriated shall be reduced as such collections are received during the fiscal year, so as to result in a final fiscal year 2017 appropriation estimated at not more than $74,616,000: *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary for the regulation of operations related to leases, easements, rights-of-way and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf, as authorized by law; for enforcing and implementing laws and regulations as authorized by law and to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, $136,772,000, of which $93,242,000 is to remain available until September 30, 2018 and of which $43,530,000 is to remain available until expended: *Provided*, That this total appropriation shall be reduced by amounts collected by the Secretary and credited to this appropriation from additions to receipts resulting from increases to lease rental rates in effect on August 5, 1993, and from cost recovery fees from activities conducted by the Bureau of Safety and Environmental Enforcement pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: *Provided further*, That the sum herein

appropriated shall be reduced as such collections are received during the fiscal year, so as to result in a final fiscal year 2017 appropriation estimated at not more than $93,242,000.

For an additional amount, $53,000,000, to remain available until expended, to be reduced by amounts collected by the Secretary and credited to this appropriation, which shall be derived from non-refundable inspection fees collected in fiscal year 2017, as provided in this Act: *Provided*, That to the extent that amounts realized from such inspection fees exceed $53,000,000, the amounts realized in excess of $53,000,000 shall be credited to this appropriation and remain available until expended: *Provided further*, That for fiscal year 2017, not less than 50 percent of the inspection fees expended by the Bureau of Safety and Environmental Enforcement will be used to fund personnel and mission-related costs to expand capacity and expedite the orderly development, subject to environmental safeguards, of the Outer Continental Shelf pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), including the review of applications for permits to drill.

Of the unobligated balances available for this account, $25,000,000 are permanently rescinded.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $14,899,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, $121,017,000, to remain available until September 30, 2018: *Provided*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

In addition, for costs to review, administer, and enforce permits issued by the Office pursuant to section 507 of Public Law 95–87 (30 U.S.C. 1257), $40,000, to remain available until expended: *Provided*, That fees assessed and collected by the Office pursuant to such section 507 shall be credited to this account as discretionary offsetting collections, to remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as collections are received during the fiscal year, so as to result in a fiscal year 2017 appropriation estimated at not more than $121,017,000.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, $27,163,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That pursuant to Public Law 97–365, the Department of

the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

In addition, $105,000,000, to remain available until expended, for grants to States for reclamation of abandoned mine lands and other related activities in accordance with the terms and conditions in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That such additional amount shall be used for economic and community development in conjunction with the priorities in section 403(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)): *Provided further*, That of such additional amount, $75,000,000 shall be distributed in equal amounts to the 3 Appalachian States with the greatest amount of unfunded needs to meet the priorities described in paragraphs (1) and (2) of such section, and $30,000,000 shall be distributed in equal amounts to the 3 Appalachian States with the subsequent greatest amount of unfunded needs to meet such priorities: *Provided further*, That such additional amount shall be allocated to States within 60 days after the date of enactment of this Act.

States.
Deadline.

BUREAU OF INDIAN AFFAIRS AND BUREAU OF INDIAN EDUCATION

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), $2,339,346,000, to remain available until September 30, 2018, except as otherwise provided herein; of which not to exceed $8,500 may be for official reception and representation expenses; of which not to exceed $74,773,000 shall be for welfare assistance payments: *Provided*, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster: *Provided further*, That federally recognized Indian tribes and tribal organizations of federally recognized Indian tribes may use their tribal priority allocations for unmet welfare assistance costs: *Provided further*, That not to exceed $652,362,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2017, and shall remain available until September 30, 2018: *Provided further*, That not to exceed

$49,122,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, land records improvement, and the Navajo-Hopi Settlement Program: *Provided further*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975 (25 U.S.C. 450f et seq.) and section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008), not to exceed $80,165,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with grants approved prior to July 1, 2017: *Provided further*, That any forestry funds allocated to a federally recognized tribe which remain unobligated as of September 30, 2018, may be transferred during fiscal year 2019 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2019: *Provided further*, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel.

Expiration date.

CONTRACT SUPPORT COSTS

For payments to tribes and tribal organizations for contract support costs associated with Indian Self-Determination and Education Assistance Act agreements with the Bureau of Indian Affairs for fiscal year 2017, such sums as may be necessary, which shall be available for obligation through September 30, 2018: *Provided*, That notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $192,017,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2017, in implementing new construction, replacement facilities construction, or facilities improvement and repair project grants in excess of $100,000 that are provided to grant schools under Public Law 100–297, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not

Determination. Payment schedule.

be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): *Provided further*, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within 18 months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction: *Provided further*, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

Grants.

Grants.

Time period.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 111–11, 111–291, and 114–322, and for implementation of other land and water rights settlements, $45,045,000, to remain available until expended.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, $8,757,000, of which $1,182,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed or insured, not to exceed $120,050,595.

ADMINISTRATIVE PROVISIONS

Education.

(INCLUDING RESCISSION OF FUNDS)

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and

Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Alaska.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Education, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Waiver authority.
Determination.

No funds available to the Bureau of Indian Education shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau of Indian Education school system as of October 1, 1995, except that the Secretary of the Interior may waive this prohibition to support expansion of up to one additional grade when the Secretary determines such waiver is needed to support accomplishment of the mission of the Bureau of Indian Education. Appropriations made available in this or any prior Act for schools funded by the Bureau shall be available, in accordance with the Bureau's funding formula, only to the schools in the Bureau school system as of September 1, 1996, and to any school or school program that was reinstated in fiscal year 2012. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Continuance.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106–113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

Funds available under this Act may not be used to establish satellite locations of schools in the Bureau school system as of September 1, 1996, except that the Secretary may waive this prohibition in order for an Indian tribe to provide language and cultural immersion educational programs for non-public schools located within the jurisdictional area of the tribal government which exclusively serve tribal members, do not include grades beyond those currently served at the existing Bureau-funded school, provide an educational environment with educator presence and academic facilities comparable to the Bureau-funded school, comply with all applicable Tribal, Federal, or State health and safety standards, and the Americans with Disabilities Act, and demonstrate the benefits of establishing operations at a satellite location in lieu of incurring extraordinary costs, such as for transportation or other impacts to students such as those caused by busing students extended distances: *Provided*, That no funds available under this Act may be used to fund operations, maintenance, rehabilitation, construction or other facilities-related costs for such assets that are not owned by the Bureau: *Provided further*, That the term "satellite school" means a school location physically separated from the existing Bureau school by more than 50 miles but that forms part of the existing school in all other respects.

Waiver authority.

Definition.

Of the prior year unobligated balances available for the "Operation of Indian Programs" account, $3,400,000 are permanently rescinded.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

DEPARTMENTAL OPERATIONS

For necessary expenses for management of the Department of the Interior, including the collection and disbursement of royalties, fees, and other mineral revenue proceeds, and for grants and cooperative agreements, as authorized by law, $271,074,000, to remain available until September 30, 2018; of which not to exceed $15,000 may be for official reception and representation expenses; and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines; and of which $11,000,000 for the Office of Valuation Services is to be derived from the Land and Water Conservation Fund and shall remain available until expended; and of which $38,300,000 shall remain available until expended for the purpose of mineral revenue management activities: *Provided*, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Secretary concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments.

ADMINISTRATIVE PROVISIONS

For fiscal year 2017, up to $400,000 of the payments authorized by chapter 69 of title 31, United States Code, may be retained for administrative expenses of the Payments in Lieu of Taxes Program: *Provided*, That no payment shall be made pursuant to that

chapter to otherwise eligible units of local government if the computed amount of the payment is less than $100: *Provided further*, That the Secretary may reduce the payment authorized by that chapter for an individual county by the amount necessary to correct prior year overpayments to that county: *Provided further*, That the amount needed to correct a prior year underpayment to an individual county shall be paid from any reductions for overpayments to other counties and the amount necessary to cover any remaining underpayment is hereby appropriated and shall be paid to individual counties: *Provided further*, That in the event the sums appropriated for any fiscal year for payments pursuant to that chapter are less than the full payments to all units of local government, then the payment to each local government shall be made proportionally.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior and other jurisdictions identified in section 104(e) of Public Law 108–188, $91,925,000, of which: (1) $82,477,000 shall remain available until expended for territorial assistance, including general technical assistance, maintenance assistance, disaster assistance, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $9,448,000 shall be available until September 30, 2018, for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

Determination.

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $3,318,000, to remain available until expended, as provided for in sections 221(a)(2) and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

At the request of the Governor of Guam, the Secretary may transfer discretionary funds or mandatory funds provided under section 104(e) of Public Law 108–188 and Public Law 104–134, that are allocated for Guam, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed three percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: *Provided further*, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $65,769,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $50,047,000.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $139,029,000, to remain available until expended, of which

not to exceed $18,688,000 from this or any other Act, may be available for historical accounting: *Provided*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs and Bureau of Indian Education, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Office of the Secretary, "Departmental Operations" account: *Provided further*, That funds made available through contracts or grants obligated during fiscal year 2017, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 15 months and has a balance of $15 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose: *Provided further*, That the Secretary shall not be required to reconcile Special Deposit Accounts with a balance of less than $500 unless the Office of the Special Trustee receives proof of ownership from a Special Deposit Accounts claimant: *Provided further*, That notwithstanding section 102 of the American Indian Trust Fund Management Reform Act of 1994 (Public Law 103–412) or any other provision of law, the Secretary may aggregate the trust accounts of individuals whose whereabouts are unknown for a continuous period of at least five years and shall not be required to generate periodic statements of performance for the individual accounts: *Provided further*, That with respect to the eighth proviso, the Secretary shall continue to maintain sufficient records to determine the balance of the individual accounts, including any accrued interest and income, and such funds shall remain available to the individual account holders.

Records.

Continuance.
Records.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, fire suppression operations, fire science and research, emergency rehabilitation, fuels management activities, and rural fire assistance by the Department of the Interior, $942,671,000, to remain available until expended, of which not to exceed $8,427,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That of the funds provided $180,000,000 is for hazardous fuels management activities: *Provided further*, That of the funds provided $20,470,000 is for burned area rehabilitation:

Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for fuels management and resilient landscapes activities, and for training and monitoring associated with such fuels management and resilient landscapes activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of fuels management and resilient landscapes activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154), or related partnerships with State, local, or nonprofit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this heading may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $50,000,000, between the Departments when such transfers would facilitate and expedite wildland fire management programs and projects: *Provided further*, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions: *Provided further*, That funds appropriated under this heading shall be available for assistance to or through the Department of State in connection with forest and rangeland research, technical information, and assistance in foreign countries, and, with the concurrence of the Secretary of State, shall be available to support forestry, wildland

Guidance.

fire management, and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

FLAME WILDFIRE SUPPRESSION RESERVE FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for large fire suppression operations of the Department of the Interior and as a reserve fund for suppression and Federal emergency response activities, $65,000,000, to remain available until expended: *Provided*, That such amounts are only available for transfer to the "Wildland Fire Management" account following a declaration by the Secretary in accordance with section 502 of the FLAME Act of 2009 (43 U.S.C. 1748a): *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), $10,010,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment, restoration activities, and onshore oil spill preparedness by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and 54 U.S.C. 100721 et seq., $7,767,000, to remain available until expended.

WORKING CAPITAL FUND

For the operation and maintenance of a departmental financial and business management system, information technology improvements of general benefit to the Department, cybersecurity, and the consolidation of facilities and operations throughout the Department, $67,100,000, to remain available until expended: *Provided*, That none of the funds appropriated in this Act or any other Act may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the Secretary may assess reasonable charges to State, local and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93–638: *Provided further*, That the

Secretary may lease or otherwise provide space and related facilities, equipment or professional services of the National Indian Program Training Center to State, local and tribal government employees or persons or organizations engaged in cultural, educational, or recreational activities (as defined in section 3306(a) of title 40, United States Code) at the prevailing rate for similar space, facilities, equipment, or services in the vicinity of the National Indian Program Training Center: *Provided further*, That all funds received pursuant to the two preceding provisos shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center: *Provided further*, That the Secretary may enter into grants and cooperative agreements to support the Office of Natural Resource Revenue's collection and disbursement of royalties, fees, and other mineral revenue proceeds, as authorized by law.

ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available resources within the Working Capital Fund, aircraft which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

PAYMENTS IN LIEU OF TAXES

For necessary expenses for payments authorized by chapter 69 of title 31, United States Code, $465,000,000 shall be available for fiscal year 2017.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation, which must be requested as promptly as possible.

EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-

over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills or releases of hazardous substances into the environment; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 417(b) of Public Law 106–224 (7 U.S.C. 7717(b)); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" and "FLAME Wildfire Suppression Reserve Fund" shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation, which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

Fires and fire protection.
Determination.
Deadline.

AUTHORIZED USE OF FUNDS

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by section 3109 of title 5, United States Code, when authorized by the Secretary, in total amount not to exceed $500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

AUTHORIZED USE OF FUNDS, INDIAN TRUST MANAGEMENT

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Bureau of Indian Education, and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

REDISTRIBUTION OF FUNDS, BUREAU OF INDIAN AFFAIRS

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2017. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

ELLIS, GOVERNORS, AND LIBERTY ISLANDS

SEC. 106. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

OUTER CONTINENTAL SHELF INSPECTION FEES

SEC. 107. (a) In fiscal year 2017, the Secretary shall collect a nonrefundable inspection fee, which shall be deposited in the "Offshore Safety and Environmental Enforcement" account, from the designated operator for facilities subject to inspection under 43 U.S.C. 1348(c).

(b) Annual fees shall be collected for facilities that are above the waterline, excluding drilling rigs, and are in place at the start of the fiscal year. Fees for fiscal year 2017 shall be:

(1) $10,500 for facilities with no wells, but with processing equipment or gathering lines;

(2) $17,000 for facilities with 1 to 10 wells, with any combination of active or inactive wells; and

(3) $31,500 for facilities with more than 10 wells, with any combination of active or inactive wells.

(c) Fees for drilling rigs shall be assessed for all inspections completed in fiscal year 2017. Fees for fiscal year 2017 shall be:

(1) $30,500 per inspection for rigs operating in water depths of 500 feet or more; and

(2) $16,700 per inspection for rigs operating in water depths of less than 500 feet.

(d) The Secretary shall bill designated operators under subsection (b) within 60 days, with payment required within 30 days of billing. The Secretary shall bill designated operators under subsection (c) within 30 days of the end of the month in which the inspection occurred, with payment required within 30 days of billing. Deadlines.

BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION AND ENFORCEMENT REORGANIZATION

SEC. 108. The Secretary of the Interior, in order to implement a reorganization of the Bureau of Ocean Energy Management, Regulation and Enforcement, may transfer funds among and between the successor offices and bureaus affected by the reorganization only in conformance with the reprogramming guidelines described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

CONTRACTS AND AGREEMENTS FOR WILD HORSE AND BURRO HOLDING FACILITIES

Time periods.

SEC. 109. Notwithstanding any other provision of this Act, the Secretary of the Interior may enter into multiyear cooperative agreements with nonprofit organizations and other appropriate entities, and may enter into multiyear contracts in accordance with the provisions of section 3903 of title 41, United States Code (except that the 5-year term restriction in subsection (a) shall not apply), for the long-term care and maintenance of excess wild free roaming horses and burros by such organizations or entities on private land. Such cooperative agreements and contracts may not exceed 10 years, subject to renewal at the discretion of the Secretary.

MASS MARKING OF SALMONIDS

SEC. 110. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

EXHAUSTION OF ADMINISTRATIVE REVIEW

SEC. 111. Paragraph (1) of section 122(a) of division E of Public Law 112–74 (125 Stat. 1013) is amended by striking "through 2018," in the first sentence and inserting "through 2020,".

WILD LANDS FUNDING PROHIBITION

SEC. 112. None of the funds made available in this Act or any other Act may be used to implement, administer, or enforce Secretarial Order No. 3310 issued by the Secretary of the Interior on December 22, 2010: *Provided*, That nothing in this section shall restrict the Secretary's authorities under sections 201 and 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711 and 1712).

CONTRACTS AND AGREEMENTS WITH INDIAN AFFAIRS

SEC. 113. Notwithstanding any other provision of law, during fiscal year 2017, in carrying out work involving cooperation with State, local, and tribal governments or any political subdivision thereof, Indian Affairs may record obligations against accounts receivable from any such entities, except that total obligations at

the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year.

SAGE-GROUSE

SEC. 114. None of the funds made available by this or any other Act may be used by the Secretary of the Interior to write or issue pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533)—

(1) a proposed rule for greater sage-grouse (*Centrocercus urophasianus*);

(2) a proposed rule for the Columbia basin distinct population segment of greater sage-grouse.

BLUE RIDGE NATIONAL HERITAGE AREA AND ERIE CANALWAY NATIONAL HERITAGE CORRIDOR

SEC. 115. (a) Section 140(i)(1) of Title I of Public Law 108–108, as amended (54 U.S.C. 320101 note), is further amended by striking "$10,000,000" and inserting "$12,000,000"; and

(b) Section 810(a)(1) of Title VIII of Division B of Appendix D of Public Law 106–554, as amended (54 U.S.C. 320101 note), is further amended by striking "$10,000,000" and inserting "$12,000,000".

HUMANE TRANSFER OF EXCESS ANIMALS

SEC. 116. Notwithstanding any other provision of law, the Secretary of the Interior may transfer excess wild horses or burros that have been removed from the public lands to other Federal, State, and local government agencies for use as work animals: *Provided*, That the Secretary may make any such transfer immediately upon request of such Federal, State, or local government agency: *Provided further*, That any excess animal transferred under this provision shall lose its status as a wild free-roaming horse or burro as defined in the Wild Free-Roaming Horses and Burros Act: *Provided further*, That any Federal, State, or local government agency receiving excess wild horses or burros as authorized in this section shall not: destroy the horses or burros in a way that results in their destruction into commercial products; sell or otherwise transfer the horses or burros in a way that results in their destruction for processing into commercial products; or euthanize the horses or burros except upon the recommendation of a licensed veterinarian, in cases of severe injury, illness, or advanced age.

REPUBLIC OF PALAU

Grants.

SEC. 117. (a) IN GENERAL.—Subject to subsection (c), the United States Government, through the Secretary of the Interior shall provide to the Government of Palau for fiscal year 2017 grants in amounts equal to the annual amounts specified in subsections (a), (c), and (d) of section 211 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note) (referred to in this section as the "Compact").

(b) PROGRAMMATIC ASSISTANCE.—Subject to subsection (c), the United States shall provide programmatic assistance to the Republic

of Palau for fiscal year 2017 in amounts equal to the amounts provided in subsections (a) and (b)(1) of section 221 of the Compact.

(c) LIMITATIONS ON ASSISTANCE.—

(1) IN GENERAL.—The grants and programmatic assistance provided under subsections (a) and (b) shall be provided to the same extent and in the same manner as the grants and assistance were provided in fiscal year 2009.

(2) TRUST FUND.—If the Government of Palau withdraws more than $5,000,000 from the trust fund established under section 211(f) of the Compact, amounts to be provided under subsections (a) and (b) shall be withheld from the Government of Palau.

DEPARTMENT OF THE INTERIOR EXPERIENCED SERVICES PROGRAM

Grants.
Contracts.

SEC. 118. (a) Notwithstanding any other provision of law relating to Federal grants and cooperative agreements, the Secretary of the Interior is authorized to make grants to, or enter into cooperative agreements with, private nonprofit organizations designated by the Secretary of Labor under title V of the Older Americans Act of 1965 to utilize the talents of older Americans in programs authorized by other provisions of law administered by the Secretary and consistent with such provisions of law.

(b) Prior to awarding any grant or agreement under subsection (a), the Secretary shall ensure that the agreement would not—

(1) result in the displacement of individuals currently employed by the Department, including partial displacement through reduction of non-overtime hours, wages, or employment benefits;

(2) result in the use of an individual under the Department of the Interior Experienced Services Program for a job or function in a case in which a Federal employee is in a layoff status from the same or substantially equivalent job within the Department; or

(3) affect existing contracts for services.

NATCHEZ NATIONAL HISTORICAL PARK

SEC. 119. The Secretary of the Interior is authorized to acquire by donation or purchase from willing sellers, any lands at the site of the historic Forks of the Road Slave Market, as generally depicted on the map entitled "Natchez National Historical Park—Proposed Boundary Addition", numbered 339/116045, and dated April 2016. Upon acquisition of any land or interests in land, the Secretary shall revise the boundary of Natchez National Historical Park to reflect the acquisition and the land shall be managed in accordance with the laws and regulations applicable to the park: *Provided*, That section 7 of Public Law 100–479 is amended by inserting "land acquisition and development as authorized in" after "carry out".

16 USC 410oo–6.

Mississippi.

SPECIAL RESOURCE STUDY TO PRESERVE CIVIL RIGHTS SITES

SEC. 120. (a) STUDY.—The Secretary of the Interior (referred to in this section as the "Secretary") shall conduct a special resource study of significant civil rights sites in the State of Mississippi, including—

(1) the home of the late civil rights activist Medgar Evers, located at 2332 Margaret Walker Alexander Drive, Jackson, Mississippi;

(2) the Tallahatchie County Courthouse, located at 100 North Court Street, Sumner, Mississippi;

(3) the site of Bryant's Store, located at the intersection of County Road 518 and County Road 24, Money, Mississippi;

(4) the site of the former office of Dr. Gilbert Mason, Sr., located at 670 Division Street, Biloxi, Mississippi; and

(5) the Old Neshoba County Jail, located at 422 Myrtle Avenue, East, Philadelphia, Mississippi.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of each site; Evaluation.

(2) determine the suitability and feasibility of designating each site as a unit of the National Park System; Determination.

(3)(A) take into consideration other alternatives for preservation, protection, and interpretation of each site by—

(i) Federal, State, or local governmental entities; or

(ii) private or nonprofit organizations; and

(B) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives; and

(4) consult with interested Federal, State, and local governmental entities, private and nonprofit organizations, and other individuals.

(c) APPLICABLE LAW.—The study under subsection (a) shall be conducted in accordance with section 100507 of title 54, United States Code.

(d) STUDY RESULTS.—Not later than 3 years after the date on which funds are initially made available for the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes— Reports.

(1) the results of the study; and

(2) any relevant conclusions and recommendations of the Secretary.

CONTINUOUS OPERATIONS

SEC. 121. Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall amend the regulations issued under section 250.180 of title 30, Code of Federal Regulations— Deadline. Regulations.

(1) by striking each reference to "180 days" and inserting "year";

(2) by striking each reference to "180th day" and inserting "year"; and

(3) by striking each reference to "180-day period" and inserting "1-year period".

BUREAU OF LAND MANAGEMENT FOUNDATION

SEC. 122. (a) DEFINITIONS.—In this section: 43 USC 1748c.

(1) BOARD.—The term "Board" means the Board of Directors of the Foundation established under subsection (c).

(2) FOUNDATION.—The term "Foundation" means the Bureau of Land Management Foundation established by subsection (b)(1)(A).

(3) PUBLIC LAND.—The term "public land" has the meaning given the term "public lands" in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) WILD FREE-ROAMING HORSES AND BURROS.—The term "wild free-roaming horses and burros" has the meaning given the term in section 2 of Public Law 92–195 (commonly known as the "Wild Free-Roaming Horses And Burros Act") (16 U.S.C. 1332).

(b) ESTABLISHMENT AND PURPOSES.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established a foundation, to be known as the "Bureau of Land Management Foundation".

(B) LIMITATION.—The Foundation shall not be considered to be an agency or establishment of the United States.

(C) TAX EXEMPTION.—The Foundation shall be considered to be a charitable and nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986.

(2) PURPOSES.—The purposes of the Foundation are—

(A) to encourage, accept, and administer private gifts of money and real and personal property for the benefit of, or in connection with the activities and services of, the Bureau of Land Management;

(B) to carry out activities that advance the purposes for which public land is administered;

(C) to carry out and encourage educational, technical, scientific, and other assistance or activities that support the mission of the Bureau of Land Management; and

(D) to assist the Bureau of Land Management with challenges that could be better addressed with the support of a foundation, including—

(i) reclamation and conservation activities;

(ii) activities relating to wild free-roaming horses and burros; and

(iii) the stewardship of cultural and archeological treasures on public land.

(c) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Foundation shall be governed by a Board of Directors.

(B) COMPOSITION.—

(i) IN GENERAL.—The Board shall consist of not more than 9 members.

(ii) EX-OFFICIO MEMBER.—The Director of the Bureau of Land Management shall be an ex-officio, nonvoting member of the Board.

(C) REQUIREMENTS.—

(i) CITIZENSHIP.—A member appointed to the Board shall be a citizen of the United States.

(ii) EXPERTISE.—A majority of members appointed to the Board shall have education or experience

relating to natural, cultural, conservation, or other resource management, law, or research.

(iii) DIVERSE POINTS OF VIEW.—To the maximum extent practicable, the members of the Board shall represent diverse points of view.

(2) DATE OF INITIAL APPOINTMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall appoint the initial members of the Board. Deadline.

(3) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the Board shall be appointed for a term of 6 years.

(B) INITIAL APPOINTMENTS.—The Secretary shall stagger the initial appointments to the Board, as the Secretary determines to be appropriate, in a manner that ensures that—

(i) 1/3 of the members shall serve for a term of 2 years;

(ii) 1/3 of the members shall serve for a term of 4 years; and

(iii) 1/3 of the members shall serve for a term of 6 years.

(C) VACANCIES.—A vacancy on the Board shall be filled—

(i) not later than 60 days after the date of the vacancy;

(ii) in the manner in which the original appointment was made; and

(iii) for the remainder of the term of the member vacating the Board.

(D) REMOVAL FOR FAILURE TO ATTEND MEETINGS.—

(i) IN GENERAL.—A member of the Board may be removed from the Board by a majority vote of the Board, if the individual fails to attend 3 consecutive regularly scheduled meetings of the Board.

(ii) REQUIREMENTS.—A vacancy as the result of a removal under clause (i) shall be filled in accordance with subparagraph (C).

(E) LIMITATION.—A member of the Board shall not serve more than 12 consecutive years on the Board.

(4) CHAIRPERSON.—

(A) IN GENERAL.—The Board shall elect a Chairperson from among the members of the Board.

(B) TERM.—The Chairperson of the Board—

(i) shall serve as Chairperson for a 2-year term; and

(ii) may be reelected as Chairperson while serving as a member of the Board.

(5) QUORUM.—A majority of the voting members of the Board shall constitute a quorum for the transaction of business of the Board.

(6) MEETINGS.—The Board shall meet—

(A) at the call of the Chairperson; but

(B) not less than once each calendar year.

(7) REIMBURSEMENT OF EXPENSES.—

(A) IN GENERAL.—Serving as a member of the Board shall not constitute employment by the Federal Government for any purpose.

(B) REIMBURSEMENT.—A member of the Board shall serve without pay, other than reimbursement for the actual and necessary traveling and subsistence expenses incurred in the performance of the duties of the member for the Foundation, in accordance with section 5703 of title 5, United States Code.

(8) GENERAL POWERS.—The Board may—

(A) appoint officers and employees in accordance with paragraph (9);

(B) adopt a constitution and bylaws consistent with the purposes of the Foundation and this section; and

(C) carry out any other activities that may be necessary to function and to carry out this section.

(9) OFFICERS AND EMPLOYEES.—

(A) IN GENERAL.—No officer or employee may be appointed to the Foundation until the date on which the Board determines that the Foundation has sufficient funds to pay for the service of the officer or employee.

(B) LIMITATION.—Appointment as an officer or employee of the Foundation shall not constitute employment by the Federal Government.

(10) LIMITATION AND CONFLICTS OF INTEREST.—

(A) PROHIBITION ON POLITICAL ACTIVITY.—The Foundation shall not participate or intervene in a political campaign on behalf of any candidate for public office.

(B) LIMITATION ON PARTICIPATION.—No member of the Board or officer or employee of the Foundation shall participate, directly or indirectly, in the consideration or determination of any question before the Foundation that affects—

(i) the financial interests of the member of the Board, officer, or employee; or

(ii) the interests of any corporation partnership, entity, or organization in which the member of the Board, officer, or employee—

(I) is an officer, director, or trustee; or

(II) has any direct or indirect financial interest.

(d) POWERS AND OBLIGATIONS.—

(1) IN GENERAL.—The Foundation—

(A) shall have perpetual succession; and

(B) may conduct business throughout the several States, territories, and possessions of the United States.

(2) NOTICE; SERVICE OF PROCESS.—

(A) DESIGNATED AGENT.—The Foundation shall at all times maintain a designated agent in the District of Columbia authorized to accept service of process for the Foundation.

(B) SERVICE OF PROCESS.—The serving of notice to, or service of process on, the agent required under this paragraph, or mailed to the business address of the agent, shall be deemed to be notice to, or the service of process on, the Foundation.

(3) SEAL.—The Foundation shall have an official seal, to be selected by the Board, which shall be judicially noticed.

(4) POWERS.—To carry out the purposes of the Foundation, the Foundation shall have, in addition to powers otherwise authorized by this section, the usual powers of a not-for-profit corporation in the District of Columbia, including the power—

(A) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, absolutely or in trust, of real or personal property, or any income from, or other interest in, the property;

(B) to acquire by donation, gift, devise, purchase, or exchange, and to dispose of, any real or personal property or interest in the property;

(C) to sell, donate, lease, invest, reinvest, retain, or otherwise dispose of any property or income from property, unless limited by the instrument of transfer;

(D) to borrow money and issue bonds, debentures, or other debt instruments;

(E) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the members of the Board shall not be held personally liable, except in a case of gross negligence;

(F)(i) to enter into contracts or other agreements with public agencies, private organizations, and persons; and

(ii) to make such payments as may be necessary to carry out the purposes of the contracts or agreements; and

(G) to carry out any activity necessary and proper to advance the purposes of the Foundation.

(5) REAL PROPERTY.—

(A) IN GENERAL.—For purposes of this section, an interest in real property shall include mineral and water rights, rights-of-way, and easements, appurtenant or in gross.

(B) ACCEPTANCE.—A gift, devise, or bequest of real property may be accepted by the Foundation, regardless of whether the property is encumbered, restricted, or subject to beneficial interests of a private person, if any current or future interest in the property is for the benefit of the Foundation.

(C) DECLINING GIFTS.—The Foundation may, at the discretion of the Foundation, decline any gift, devise, or bequest of real property.

(D) PROHIBITION ON CONDEMNATION.—No land, water, or interest in land or water, that is owned by the Foundation shall be subject to condemnation by any State, political subdivision of a State, or agent or instrumentality of a State or political subdivision of a State.

(e) ADMINISTRATIVE SERVICES AND SUPPORT.—

(1) FUNDING.—

(A) IN GENERAL.—For the purposes of assisting the Foundation in establishing an office and meeting initial administrative, project, and other expenses, the Secretary may provide to the Foundation, from funds appropriated under subsection (j), such sums as are necessary for fiscal years 2017 and 2018.

(B) AVAILABILITY OF FUNDS.—Funds made available under subparagraph (A) shall remain available to the Foundation until expended for authorized purposes.

(2) ADMINISTRATIVE EXPENSES.—

(A) IN GENERAL.—The Secretary may provide to the Foundation personnel, facilities, equipment, and other administrative services, subject to such limitations, terms, and conditions as the Secretary may establish.

(B) REIMBURSEMENT.—The Foundation may reimburse the Secretary for any support provided under subparagraph (A), in whole or in part, and any reimbursement received by the Secretary under this subparagraph shall be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing the services.

(f) VOLUNTEERS.—The Secretary may accept, without regard to the civil service classification laws (including regulations), the services of the Foundation, the Board, and the officers, employees, and agents of the Foundation, without compensation from the Department of the Interior, as volunteers for the performance of the functions under section 307(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(d)).

(g) AUDITS AND REPORT REQUIREMENTS.—

(1) AUDITS.—For purposes of section 10101 of title 36, United States Code, the Foundation shall be considered to be a private corporation established under Federal law.

(2) ANNUAL REPORTS.—At the end of each fiscal year, the Board shall submit to Congress a report that describes the proceedings and activities of the Foundation during that fiscal year, including a full and complete statement of the receipts, expenditures, and investments.

(h) UNITED STATES RELEASE FROM LIABILITY.—

(1) IN GENERAL.—The United States shall not be liable for any debt, default, act, or omission of the Foundation.

(2) FULL FAITH AND CREDIT.—The full faith and credit of the United States shall not extend to any obligation of the Foundation.

(i) LIMITATION ON AUTHORITY.—Nothing in this section authorizes the Foundation to perform any function the authority for which is provided to the Bureau of Land Management under any other provision of law.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE II

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

(INCLUDING RESCISSION OF FUNDS)

For science and technology, including research and development activities, which shall include research and development activities

under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, $713,823,000, to remain available until September 30, 2018: *Provided*, That of the funds included under this heading, $4,100,000 shall be for Research: National Priorities as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That of the unobligated balances from appropriations made available under this heading, $7,350,000 are permanently rescinded: *Provided further*, That no amounts may be rescinded pursuant to the preceding proviso from amounts made available in the first proviso for Research: National Priorities: *Provided further*, That such rescission shall be applied to program project areas, to the extent practicable, to reflect changes to funding projections due to routine attrition during fiscal year 2017.

Applicability.
Time period.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

(INCLUDING RESCISSION OF FUNDS)

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed $9,000 for official reception and representation expenses, $2,619,799,000, to remain available until September 30, 2018: *Provided*, That of the funds included under this heading, $12,700,000 shall be for Environmental Protection: National Priorities as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That of the funds included under this heading, $435,857,000 shall be for Geographic Programs specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That of the unobligated balances from appropriations made available under this heading, $21,800,000 are permanently rescinded: *Provided further*, That no amounts may be rescinded pursuant to the preceding proviso from amounts made available in the first proviso for Environmental Protection: National Priorities, from amounts made available in the second proviso for Geographic Programs, or from the National Estuary Program (33 U.S.C. 1330): *Provided further*, That such rescission shall be applied to program project areas, to the extent practicable, to reflect changes to funding projections due to routine attrition during fiscal year 2017.

Applicability.
Time period.

In addition, $3,000,000 to remain available until expended, for necessary expenses of activities described in section 26(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2625(b)(1)): *Provided*, That fees collected pursuant to that section of that Act and deposited in the "TSCA Service Fee Fund" as discretionary offsetting receipts in fiscal year 2017 shall be retained and used for necessary salaries

and expenses in this appropriation and shall remain available until expended: *Provided further*, That the sum herein appropriated in this paragraph from the general fund for fiscal year 2017 shall be reduced by the amount of discretionary offsetting receipts received during fiscal year 2017, so as to result in a final fiscal year 2017 appropriation from the general fund estimated at not more than $0: *Provided further*, That to the extent that amounts realized from such receipts exceed $3,000,000, those amount in excess of $3,000,000 shall be deposited in the "TSCA Service Fee Fund" as discretionary offsetting receipts in fiscal year 2017, shall be retained and used for necessary salaries and expenses in this account, and shall remain available until expended: *Provided further*, That of the funds included in the first paragraph under this heading, the Chemical Risk Review and Reduction program project shall be allocated for this fiscal year, excluding the amount of any fees appropriated, not less than the amount of appropriations for that program project for fiscal year 2014.

HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM FUND

For necessary expenses to carry out section 3024 of the Solid Waste Disposal Act (42 U.S.C. 6939g), including the development, operation, maintenance, and upgrading of the hazardous waste electronic manifest system established by such section, $3,178,000, to remain available until September 30, 2019.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $41,489,000, to remain available until September 30, 2018.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $34,467,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611) $1,088,769,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2016, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,088,769,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, $8,778,000 shall be paid to the "Office of Inspector General" appropriation to remain available until September 30, 2018, and $15,496,000 shall be paid

to the "Science and Technology" appropriation to remain available until September 30, 2018.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, $91,941,000, to remain available until expended, of which $66,572,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act; $25,369,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code: *Provided*, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

INLAND OIL SPILL PROGRAMS

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $18,209,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,527,161,000, to remain available until expended, of which—

(1) $1,393,887,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act; and of which $863,233,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act: *Provided*, That for fiscal year 2017, to the extent there are sufficient eligible project applications and projects are consistent with State Intended Use Plans, not less than 10 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants shall be used by the State for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: *Provided further*, That for fiscal year 2017, funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants may, at the discretion of each State, be used for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: *Provided further*, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2017 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were

deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: *Provided further*, That for fiscal year 2017, notwithstanding the provisions of sections 201(g)(1), (h), and (l) of the Federal Water Pollution Control Act, grants under title II of the Federal Water Pollution Control Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, the United States Virgin Islands, and the District of Columbia may also be made for the purpose of providing assistance: (1) solely for facility plans, design activities, or plans, specification, and estimates for any proposed project for the construction of treatment works; and (2) for the construction, repair, or replacement of privately owned treatment works serving one or more principal residences or small commercial establishments: *Provided further*, That for fiscal year 2017, notwithstanding the provisions of 201(g)(1), (h), and (l) and section 518(c) of the Federal Water Pollution Control Act, funds reserved by the Administrator for grants under section 518(c) of the Federal Water Pollution Control Act may also be used to provide assistance: (1) solely for facility plans, design activities, or plans, specifications, and estimates for any proposed project for the construction of treatment works; and (2) for the construction, repair, or replacement of privately owned treatment works serving one or more principal residences or small commercial establishments; Funds reserved under section 518(c) of such Act shall be available for grants only to Indian tribes, as defined in section 518(h) of such Act and former Indian reservations in Oklahoma (as defined by the Secretary of the Interior) and Native Villages (as defined in Public Law 92–203): *Provided further*, That for fiscal year 2017, notwithstanding any provision of the Clean Water Act and regulations issued pursuant thereof, up to a total of $2,000,000 of the funds reserved by the Administrator for grants under section 518(c) of the Federal Water Pollution Control Act may also be used for grants for training, technical assistance, and educational programs relating to the operation and management of the treatment works specified in section 518(c) of such Act; Funds reserved under section 518(c) of such Act shall be available for grants only to Indian tribes, as defined in section 518(h) of such Act and former Indian reservations in Oklahoma (as determined by the Secretary of the Interior) and Native Villages (as defined in Public Law 92–203): *Provided further*, That for fiscal year 2017, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act, up to a total of 2 percent of the funds appropriated, or $30,000,000, whichever is greater, and notwithstanding the limitation on amounts in section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated, or $20,000,000, whichever is greater, for State Revolving Funds under such Acts may be reserved by the Administrator for grants under section 518(c) and section 1452(i) of such Acts: *Provided further*, That for fiscal year 2017, notwithstanding the amounts specified in section 205(c) of the Federal Water Pollution Control Act, up to 1.5 percent of the aggregate funds appropriated for the Clean Water State Revolving Fund program under the Act less any sums reserved under section 518(c) of the Act, may

be reserved by the Administrator for grants made under title II of the Federal Water Pollution Control Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, and United States Virgin Islands: *Provided further*, That for fiscal year 2017, notwithstanding the limitations on amounts specified in section 1452(j) of the Safe Drinking Water Act, up to 1.5 percent of the funds appropriated for the Drinking Water State Revolving Fund programs under the Safe Drinking Water Act may be reserved by the Administrator for grants made under section 1452(j) of the Safe Drinking Water Act: *Provided further*, That 10 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and 20 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), and shall be so used by the State only where such funds are provided as initial financing for an eligible recipient or to buy, refinance, or restructure the debt obligations of eligible recipients where such debt was incurred on or after the date of enactment of this Act, or where such debt was incurred prior to the date of enactment of this Act if the State, with concurrence from the Administrator, determines that such funds could be used to help address a threat to public health from heightened exposure to lead in drinking water or if a Federal or State emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply before the date of enactment of this Act: *Provided further*, That in a State in which such an emergency declaration has been issued, the State may use more than 20 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients;

(2) $10,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission: *Provided*, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure;

(3) $20,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: *Provided*, That of these funds: (A) the State of Alaska shall provide a match of 25 percent; (B) no more than 5 percent of the funds may be

used for administrative and overhead expenses; and (C) the State of Alaska shall make awards consistent with the Statewide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities;

(4) $80,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including grants, interagency agreements, and associated program support costs: *Provided*, That not more than 25 percent of the amount appropriated to carry out section 104(k) of CERCLA shall be used for site characterization, assessment, and remediation of facilities described in section 101(39)(D)(ii)(II) of CERCLA: *Provided further*, That at least 10 percent shall be allocated for assistance in persistent poverty counties: *Provided further*, That for purposes of this section, the term "persistent poverty counties" means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the most recent Small Area Income and Poverty Estimates;

Definition.

(5) $60,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005;

(6) $30,000,000 shall be for targeted airshed grants in accordance with the terms and conditions of the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(7) $4,000,000 shall be to carry out the water quality program authorized in section 5004(d) of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322); and

(8) $1,066,041,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which: $47,745,000 shall be for carrying out section 128 of CERCLA; $9,646,000 shall be for Environmental Information Exchange Network grants, including associated program support costs; $1,498,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, which shall be in addition to funds appropriated under the heading "Leaking Underground Storage Tank Trust Fund Program" to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act; $17,848,000 of the funds available for grants under section 106 of the Federal Water Pollution Control Act shall be for State participation in national- and State-level

statistical surveys of water resources and enhancements to State monitoring programs.

WATER INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM ACCOUNT

For the cost of direct loans and for the cost of guaranteed loans, as authorized by the Water Infrastructure Finance and Innovation Act of 2014, $8,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans, including capitalized interest, and total loan principal, including capitalized interest, any part of which is to be guaranteed, not to exceed $976,000,000: *Provided further*, That amounts made available under this heading in this Act are in addition to amounts appropriated or otherwise made available for the Water Infrastructure Finance and Innovation Program for fiscal year 2017.

In addition, fees authorized to be collected pursuant to sections 5029 and 5030 of the Water Infrastructure Finance and Innovation Act of 2014 shall be deposited in this account to remain available until expended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, notwithstanding section 5033 of the Water Infrastructure Finance and Innovation Act of 2014, $2,000,000, to remain available until September 30, 2018.

ADMINISTRATIVE PROVISIONS—ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

For fiscal year 2017, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian tribes or Intertribal consortia, if authorized by their member tribes, to assist the Administrator in implementing Federal environmental programs for Indian tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

Fees.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 112–177, the Pesticide Registration Improvement Extension Act of 2012.

Notwithstanding section 33(d)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136w–8(d)(2)), the Administrator of the Environmental Protection Agency may assess fees under section 33 of FIFRA (7 U.S.C. 136w–8) for fiscal year 2017.

The Administrator is authorized to transfer up to $300,000,000 of the funds appropriated for the Great Lakes Restoration Initiative under the heading "Environmental Programs and Management"

Contracts.
Grants.

to the head of any Federal department or agency, with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

The Science and Technology, Environmental Programs and Management, Office of Inspector General, Hazardous Substance Superfund, and Leaking Underground Storage Tank Trust Fund Program Accounts, are available for the construction, alteration, repair, rehabilitation, and renovation of facilities provided that the cost does not exceed $150,000 per project.

Time period.
Grants.
Native Americans.

For fiscal year 2017, and notwithstanding section 518(f) of the Federal Water Pollution Control Act (33 U.S.C. 1377(f)), the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of the Act to make grants to Indian tribes pursuant to sections 319(h) and 518(e) of that Act.

Grants.

The Administrator is authorized to use the amounts appropriated under the heading "Environmental Programs and Management" for fiscal year 2017 to provide grants to implement the Southeastern New England Watershed Restoration Program.

Notwithstanding the limitation on amounts in section 320(i) of the Federal Water Pollution Control Act, funds made available under this title for the National Estuary Program shall be used for the development, implementation, and monitoring of comprehensive conservation and management plans.

Of the unobligated balances available for "State and Tribal Assistance Grants" account, $61,198,000 are permanently rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985 or from amounts that were made available by subsection (a) of section 196 of the Continuing Appropriations Act, 2017 (division C of Public Law 114–223), as amended by the Further Continuing and Security Assistance Appropriations Act, 2017 (Public Law 114–254).

TITLE III

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $288,514,000, to remain available through September 30, 2020: *Provided*, That of the funds provided, $77,000,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $228,923,000, to remain available through September 30, 2020, as authorized by law; of which $62,347,000 is to be derived from the Land and Water Conservation Fund to be used for the Forest Legacy Program, to remain available until expended.

Of the unobligated balances from amounts made available for the Forest Legacy Program and derived from the Land and Water Conservation Fund, $12,002,000 is hereby permanently rescinded from projects with cost savings or failed or partially failed projects that had funds returned.

NATIONAL FOREST SYSTEM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,513,318,000, to remain available through September 30, 2020: *Provided*, That of the funds provided, $40,000,000 shall be deposited in the Collaborative Forest Landscape Restoration Fund for ecological restoration treatments as authorized by 16 U.S.C. 7303(f): *Provided further*, That of the funds provided, $367,805,000 shall be for forest products: *Provided further*, That of the funds provided, up to $81,941,000 is for the Integrated Resource Restoration pilot program for Region 1, Region 3 and Region 4: *Provided further*, That of the funds provided for forest products, up to $65,560,000 may be transferred to support the Integrated Resource Restoration pilot program in the preceding proviso: *Provided further*, That the Secretary of Agriculture may transfer to the Secretary of the Interior any unobligated funds appropriated in a previous fiscal year for operation of the Valles Caldera National Preserve: *Provided further*, That notwithstanding section 33 of the Bankhead Jones Farm Tenant Act (7 U.S.C. 1012), the Secretary of Agriculture, in calculating a fee for grazing on a National Grassland, may provide a credit of up to 50 percent of the calculated fee to a Grazing Association or direct permittee for a conservation practice approved by the Secretary in advance of the fiscal year in which the cost of the conservation practice is incurred. And, that the amount credited shall remain available to the Grazing Association or the direct permittee, as appropriate, in the fiscal year in which the credit is made and each fiscal year thereafter for use on the project for conservation practices approved by the Secretary.

43 USC 1751 note.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $364,014,000, to remain available through September 30, 2020, for construction, capital improvement, maintenance and acquisition of buildings and other facilities and infrastructure; and for construction, reconstruction, decommissioning of roads that are no longer needed, including unauthorized roads that are not part of the transportation system, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That $40,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered, or sensitive species or community water sources: *Provided further*, That funds becoming available in fiscal year 2017 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated: *Provided further*, That of the funds provided for decommissioning of roads, up to $14,743,000 may be transferred to the "National Forest System" to support the Integrated Resource Restoration pilot program.

LAND ACQUISITION

For expenses necessary to carry out the provisions of chapter 2003 of title 54, United States Code, including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $54,415,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $950,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967 (16 U.S.C. 484a), to remain available through September 30, 2020, (16 U.S.C. 516–617a, 555a; Public Law 96–586; Public Law 76–589, 76–591; and Public Law 78–310).

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, to remain available through September 30, 2020, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $45,000, to remain available through September 30, 2020, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $2,500,000, to remain available through September 30, 2020.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels management on or adjacent to such lands, emergency rehabilitation of burned-over National Forest System lands and water, and for State and volunteer fire assistance, $2,833,415,000, to remain available through September 30, 2020: *Provided*, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels management activities, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, $390,000,000 is for hazardous fuels management activities, $19,795,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, (16 U.S.C. 1641 et seq.), $78,000,000 is for State fire assistance, and $15,000,000 is for volunteer fire assistance under section 10 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106): *Provided further*, That amounts in this paragraph may be transferred to the "National Forest System", and "Forest and Rangeland Research" accounts to fund forest and rangeland research, vegetation and watershed

Reimbursement.

management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That up to $15,000,000 of the funds provided herein may be used by the Secretary of Agriculture to enter into procurement contracts or cooperative agreements or to issue grants for hazardous fuels management activities and for training or monitoring associated with such hazardous fuels management activities on Federal land or on non-Federal land if the Secretary determines such activities benefit resources on Federal land: *Provided further*, That funds made available to implement the Community Forest Restoration Act, Public Law 106–393, title VI, shall be available for use on non-Federal lands in accordance with authorities made available to the Forest Service under the "State and Private Forestry" appropriation: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $50,000,000, between the Departments when such transfers would facilitate and expedite wildland fire management programs and projects: *Provided further*, That of the funds provided for hazardous fuels management, not to exceed $15,000,000 may be used to make grants, using any authorities available to the Forest Service under the "State and Private Forestry" appropriation, for the purpose of creating incentives for increased use of biomass from National Forest System lands: *Provided further*, That funds designated for wildfire suppression, including funds transferred from the "FLAME Wildfire Suppression Reserve Fund", shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs: *Provided further*, That of the funds for hazardous fuels management, up to $24,000,000 may be transferred to the "National Forest System" to support the Integrated Resource Restoration pilot program.

FLAME WILDFIRE SUPPRESSION RESERVE FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for large fire suppression operations of the Department of Agriculture and as a reserve fund for suppression and Federal emergency response activities, $342,000,000, to remain available until expended: *Provided*, That such amounts are only available for transfer to the "Wildland Fire Management" account following a declaration by the Secretary in accordance with section 502 of the FLAME Act of 2009 (43 U.S.C. 1748a): *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISIONS—FOREST SERVICE

(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and

acquisition of aircraft to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Notification. Deadline.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon the Secretary's notification of the House and Senate Committees on Appropriations that all fire suppression funds appropriated under the headings "Wildland Fire Management" and "FLAME Wildfire Suppression Reserve Fund" will be obligated within 30 days: *Provided*, That all funds used pursuant to this paragraph must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Notwithstanding any other provision of this Act, the Forest Service may transfer unobligated balances of discretionary funds appropriated to the Forest Service by this Act to or within the Wildland Fire Management Account, or reprogram funds within the Wildland Fire Management Account, to be used for the purposes of hazardous fuels management and emergency rehabilitation of burned-over National Forest System lands and water, such transferred funds shall remain available through September 30, 2020: *Provided*, That none of the funds transferred pursuant to this section shall be available for obligation without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That this section does not apply to funds appropriated to the FLAME Wildfire Suppression Reserve Fund or funds derived from the Land and Water Conservation Fund.

Notification. Advance approval.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States, private, and international organizations. The Forest Service, acting for the International Program, may sign direct funding agreements with foreign governments and institutions as well as other domestic agencies (including the United States Agency for International Development, the Department of State, and the Millennium Challenge Corporation), United States private sector firms, institutions and organizations to provide technical assistance and training programs overseas on forestry and rangeland management.

Funds appropriated to the Forest Service shall be available for expenditure or transfer to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands, and for the performance of cadastral surveys to designate the boundaries of such lands.

16 USC 556i.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106–224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107–171 (7 U.S.C. 8316(b)).

Advance approval.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Not more than $82,000,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than $14,500,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center and the Department of Agriculture's International Technology Service.

Of the funds available to the Forest Service, up to $5,000,000 shall be available for priority projects within the scope of the approved budget, which shall be carried out by the Youth Conservation Corps and shall be carried out under the authority of the Public Lands Corps Act of 1993, Public Law 103–82, as amended by Public Lands Corps Healthy Forests Restoration Act of 2005, Public Law 109–154.

Of the funds available to the Forest Service, $4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than $300,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Pursuant to section 2(b)(2) of Public Law 98–244, up to $3,000,000 of the funds available to the Forest Service may be advanced to the National Fish and Wildlife Foundation in a lump

sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: *Provided further*, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older Americans Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service, not to exceed $65,000,000, shall be assessed for the purpose of performing fire, administrative and other facilities maintenance and decommissioning. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar nonlitigation-related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

An eligible individual who is employed in any project funded under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Reports. Deadline.

Notwithstanding any other provision of this Act, through the Office of Budget and Program Analysis, the Forest Service shall report no later than 30 business days following the close of each fiscal quarter all current and prior year unobligated balances, by fiscal year, budget line item and account, to the House and Senate Committees on Appropriations.

The following unobligated balances identified by the following accounts are hereby rescinded: Forest and Rangeland Research, $815,000; National Forest System, $2,000,000; and State and Private Forestry, $3,500,000.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination and Education Assistance Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $3,694,462,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) and 238b, for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $2,000,000 shall be available for grants or contracts with public or private institutions to provide alcohol or drug treatment services to Indians, including alcohol detoxification services: *Provided further*, That $928,830,000 for Purchased/Referred Care, including $53,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: *Provided further*, That of the funds provided, up to $36,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That of the funds provided, $11,000,000 shall remain available until expended to supplement funds available for operational costs at tribal clinics operated under an Indian Self-Determination and Education Assistance Act compact or contract where health care is delivered in space acquired through a full service lease, which is not eligible for maintenance and improvement and equipment funds from the Indian Health Service, and $29,000,000 shall be for costs related to or resulting from accreditation emergencies, of which up to $4,000,000 may be used to supplement amounts otherwise available for Purchased and Referred Care: *Provided further*, That the amounts collected by the Federal Government as authorized by sections 104 and 108 of the Indian Health Care Improvement Act (25 U.S.C. 1613a and 1616a) during the preceding fiscal year for breach of contracts shall be deposited to the Fund authorized by section 108A of the Act (25 U.S.C. 1616a–1) and shall remain available until expended and, notwithstanding section 108A(c) of the Act (25 U.S.C. 1616a–1(c)), funds shall be available to make new awards under the loan repayment and scholarship programs under sections 104 and 108 of the Act (25 U.S.C. 1613a and 1616a): *Provided further*, That the amounts made available within this account for the Substance Abuse and Suicide Prevention Program, for the Domestic Violence Prevention Program, for the Zero Suicide Initiative, for aftercare pilots at Youth Regional Treatment Centers, to improve collections from public and private insurance at Indian Health Service and tribally operated facilities, and for accreditation emergencies shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: *Provided further*, That funds provided

Contracts.
Grants.
Time period.

in this Act may be used for annual contracts and grants that fall within 2 fiscal years, provided the total obligation is recorded in the year the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act, except for those related to the planning, design, or construction of new facilities: *Provided further*, That funding contained herein for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That the Bureau of Indian Affairs may collect from the Indian Health Service, tribes and tribal organizations operating health facilities pursuant to Public Law 93–638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.): *Provided further*, That the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

Reports.

CONTRACT SUPPORT COSTS

For payments to tribes and tribal organizations for contract support costs associated with Indian Self-Determination and Education Assistance Act agreements with the Indian Health Service for fiscal year 2017, such sums as may be necessary: *Provided*, That notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $545,424,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction, renovation or expansion of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land on which such facilities will be located: *Provided further*, That not to exceed $500,000 may be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none

of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed $2,700,000 from this account and the "Indian Health Services" account may be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed $500,000 may be placed in a Demolition Fund, to remain available until expended, and be used by the Indian Health Service for the demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS—INDIAN HEALTH SERVICE

Appropriations provided in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings that relate to the functions or activities of the Indian Health Service: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121, the Indian Sanitation Facilities Act and Public Law 93–638: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process: *Provided further*, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That none

Assessments.

of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities on a reimbursable basis, including payments in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account from which the funds were originally derived, with such amounts to remain available until expended: *Provided further*, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

Reimbursements.

Notification.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(a)) and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $77,349,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and section 3019 of the Solid Waste Disposal Act, $74,691,000, of which up to $1,000 per eligible employee of the Agency for Toxic Substances and Disease Registry shall remain available until expended for Individual Learning Accounts: *Provided*, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited healthcare providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further*, That none

of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2017, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $3,000,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $11,000,000: *Provided*, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: *Provided further*, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further*, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

5 USC app. 8G note.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $15,431,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6,

Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to section 11 of Public Law 93–531 (88 Stat. 1716): *Provided further*, That $200,000 shall be transferred to the Office of Inspector General of the Department of the Interior, to remain available until expended, for audits and investigations of the Office of Navajo and Hopi Indian Relocation, consistent with the Inspector General Act of 1978 (5 U.S.C. App.).

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498 (20 U.S.C. 56 part A), $15,212,000, to remain available until September 30, 2018: *Provided*, That of the funds made available under this heading, not to exceed $7,377,000 shall become available on July 1, 2017, and shall remain available until September 30, 2018.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease agreements of no more than 30 years, and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, $729,444,000, to remain available until September 30, 2018, except as otherwise provided herein; of which not to exceed $48,467,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and including such funds as may be necessary to support American overseas research centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $133,903,000, to remain available until expended, of which not to exceed $10,000 shall be for services as authorized by 5 U.S.C. 3109.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $132,961,000, to remain available until September 30, 2018, of which not to exceed $3,620,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, for operating lease agreements of no more than 10 years, with no extensions or renewals beyond the 10 years, that address space needs created by the ongoing renovations in the Master Facilities Plan, as authorized, $22,564,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $22,260,000.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $14,140,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $10,500,000, to remain available until September 30, 2018.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, $149,849,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, $149,848,000, to remain available until expended, of which $139,148,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and $10,700,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act, including $8,500,000 for the purposes of section 7(h): *Provided*, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, devises of money, and other property accepted by the chairman or by grantees of the National Endowment for the Humanities under the provisions of sections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official

reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants of up to $10,000, if in the aggregate the amount of such grants does not exceed 5 percent of the sums appropriated for grantmaking purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

Fees.

For expenses of the Commission of Fine Arts under chapter 91 of title 40, United States Code, $2,762,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: *Provided further*, That the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design of the Nation's Capital or the history and activities of the Commission of Fine Arts, for the purpose of artistic display, study or education: *Provided further*, That one-tenth of one percent of the funds provided under this heading may be used for official reception and representation expenses.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), $2,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665), $6,493,000.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Capital Planning Commission under chapter 87 of title 40, United States Code, including services as authorized by 5 U.S.C. 3109, $8,099,000: *Provided*, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $57,000,000, of

which $1,215,000 shall remain available until September 30, 2019, for the Museum's equipment replacement program; and of which $2,500,000 for the Museum's repair and rehabilitation program and $1,264,000 for the Museum's outreach initiatives program shall remain available until expended.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, $1,600,000, to remain available until expended.

CAPITAL CONSTRUCTION

For necessary expenses of the Dwight D. Eisenhower Memorial Commission for design and construction of a memorial in honor of Dwight D. Eisenhower, as authorized by Public Law 106–79, $45,000,000, to remain available until expended: *Provided*, That the contract with respect to the procurement shall contain the "availability of funds" clause described in section 52.232.18 of title 48, Code of Federal Regulations: *Provided further*, That the funds appropriated herein shall be deemed to satisfy the criteria for issuing a permit contained in 40 U.S.C. 8906(a)(4) and (b).

WOMEN'S SUFFRAGE CENTENNIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Women's Suffrage Centennial Commission, as authorized by this Act, $2,000,000, to remain available until expended.

TITLE IV

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

RESTRICTION ON USE OF FUNDS

Lobbying.

SEC. 401. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

OBLIGATION OF APPROPRIATIONS

SEC. 402. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

DISCLOSURE OF ADMINISTRATIVE EXPENSES

SEC. 403. The amount and basis of estimated overhead charges, deductions, reserves or holdbacks, including working capital fund and cost pool charges, from programs, projects, activities and subactivities to support government-wide, departmental, agency, or bureau administrative functions or headquarters, regional, or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations of the House of Representatives and the Senate. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

MINING APPLICATIONS

SEC. 404. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

Determination.

(b) EXCEPTIONS.—Subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims, sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

Effective date.

(c) REPORT.—On September 30, 2018, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

Contracts.

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Director of the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

CONTRACT SUPPORT COSTS, PRIOR YEAR LIMITATION

Continuance.

SEC. 405. Sections 405 and 406 of division F of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235) shall continue in effect in fiscal year 2017.

CONTRACT SUPPORT COSTS, FISCAL YEAR 2017 LIMITATION

SEC. 406. Amounts provided by this Act for fiscal year 2017 under the headings "Department of Health and Human Services, Indian Health Service, Contract Support Costs" and "Department of the Interior, Bureau of Indian Affairs and Bureau of Indian Education, Contract Support Costs" are the only amounts available for contract support costs arising out of self-determination or self-governance contracts, grants, compacts, or annual funding agreements for fiscal year 2017 with the Bureau of Indian Affairs or the Indian Health Service: *Provided*, That such amounts provided by this Act are not available for payment of claims for contract support costs for prior years, or for repayments of payments for settlements or judgments awarding contract support costs for prior years.

FOREST MANAGEMENT PLANS

SEC. 407. The Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

16 USC 1604 note.

PROHIBITION WITHIN NATIONAL MONUMENTS

SEC. 408. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

LIMITATION ON TAKINGS

SEC. 409. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

TIMBER SALE REQUIREMENTS

Alaska.

SEC. 410. No timber sale in Alaska's Region 10 shall be advertised if the indicated rate is deficit (defined as the value of the timber is not sufficient to cover all logging and stumpage costs and provide a normal profit and risk allowance under the Forest Service's appraisal process) when appraised using a residual value appraisal. The western red cedar timber from those sales which is surplus to the needs of the domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

PROHIBITION ON NO-BID CONTRACTS

SEC. 411. None of the funds appropriated or otherwise made available by this Act to executive branch agencies may be used to enter into any Federal contract unless such contract is entered into in accordance with the requirements of Chapter 33 of title 41, United States Code, or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless—

(1) Federal law specifically authorizes a contract to be entered into without regard for these requirements, including formula grants for States, or federally recognized Indian tribes; or

(2) such contract is authorized by the Indian Self-Determination and Education Assistance Act (Public Law 93–638, 25 U.S.C. 450 et seq.) or by any other Federal laws that specifically authorize a contract within an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)); or

(3) such contract was awarded prior to the date of enactment of this Act.

POSTING OF REPORTS

SEC. 412. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

Time period.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

NATIONAL ENDOWMENT FOR THE ARTS GRANT GUIDELINES

SEC. 413. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship. Grants.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services. Procedures.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs or projects.

NATIONAL ENDOWMENT FOR THE ARTS PROGRAM PRIORITIES

SEC. 414. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section: Definitions.

(1) The term "underserved population" means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965— Grants. State and local governments.

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and Reports. Deadline.

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

STATUS OF BALANCES OF APPROPRIATIONS

Reports. Deadline.

SEC. 415. The Department of the Interior, the Environmental Protection Agency, the Forest Service, and the Indian Health Service shall provide the Committees on Appropriations of the House of Representatives and Senate quarterly reports on the status of balances of appropriations including all uncommitted, committed, and unobligated funds in each program and activity.

REPORT ON USE OF CLIMATE CHANGE FUNDS

President. Time period.

SEC. 416. Not later than 120 days after the date on which the President's fiscal year 2018 budget request is submitted to the Congress, the President shall submit a comprehensive report to the Committees on Appropriations of the House of Representatives and the Senate describing in detail all Federal agency funding, domestic and international, for climate change programs, projects, and activities in fiscal years 2016 and 2017, including an accounting of funding by agency with each agency identifying climate change programs, projects, and activities and associated costs by line item as presented in the President's Budget Appendix, and including citations and linkages where practicable to each strategic plan that is driving funding within each climate change program, project, and activity listed in the report.

PROHIBITION ON USE OF FUNDS

SEC. 417. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

GREENHOUSE GAS REPORTING RESTRICTIONS

SEC. 418. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any provision in a rule, if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.

MODIFICATION OF AUTHORITIES

SEC. 419. Section 8162(m)(3) of the Department of Defense Appropriations Act, 2000 (40 U.S.C. 8903 note; Public Law 106–79) is amended by striking "September 30, 2016" and inserting "September 30, 2017".

FUNDING PROHIBITION

SEC. 420. None of the funds made available by this or any other Act may be used to regulate the lead content of ammunition,

ammunition components, or fishing tackle under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) or any other law.

EXTENSION OF GRAZING PERMITS

SEC. 421. The terms and conditions of section 325 of Public Law 108–108 (117 Stat. 1307), regarding grazing permits issued by the Forest Service on any lands not subject to administration under section 402 of the Federal Lands Policy and Management Act (43 U.S.C. 1752), shall remain in effect for fiscal year 2017.

STEWARDSHIP CONTRACTING AMENDMENTS

SEC. 422. Section 604(d) of the Healthy Forest Restoration Act of 2003 (16 U.S.C. 6591c(d)), as amended by the Agricultural Act of 2014 (Public Law 113–79), is further amended—

(1) in paragraph (5), by adding at the end the following: "Notwithstanding the Materials Act of 1947 (30 U.S.C. 602(a)), the Director may enter into an agreement or contract under subsection (b)."; and

(2) in paragraph (7), by striking "and the Director".

FUNDING PROHIBITION

SEC. 423. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network is designed to block access to pornography websites. Pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

CLARIFICATION OF EXEMPTIONS

SEC. 424. None of the funds made available in this Act may be used to require a permit for the discharge of dredged or fill material under the Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.) for the activities identified in subparagraphs (A) and (C) of section 404(f)(1) of the Act (33 U.S.C. 1344(f)(1)(A), (C)).

USE OF AMERICAN IRON AND STEEL

SEC. 425. (a)(1) None of the funds made available by a State water pollution control revolving fund as authorized by section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) shall be used for a project for the construction, alteration, maintenance, or repair of a public water system or treatment works unless all of the iron and steel products used in the project are produced in the United States.

(2) In this section, the term "iron and steel" products means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials. Definitions.

(b) Subsection (a) shall not apply in any case or category of cases in which the Administrator of the Environmental Protection

Agency (in this section referred to as the "Administrator") finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

Waiver request. Public information. Records. Time period.

(c) If the Administrator receives a request for a waiver under this section, the Administrator shall make available to the public on an informal basis a copy of the request and information available to the Administrator concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Administrator shall make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Environmental Protection Agency.

Web site.

Applicability.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

(e) The Administrator may retain up to 0.25 percent of the funds appropriated in this Act for the Clean and Drinking Water State Revolving Funds for carrying out the provisions described in subsection (a)(1) for management and oversight of the requirements of this section.

NATIONAL GALLERY OF ART

SEC. 426. Section 6301(2) of title 40, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking "The National Gallery of Art" and inserting "(A) The National Gallery of Art";

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

(3) by adding at the end the following new subparagraph: "(B) All other buildings, service roads, walks, and other areas within the exterior boundaries of any real estate or land or interest in land (including temporary use) that the National Gallery of Art acquires and that the Director of the National Gallery of Art determines to be necessary for the adequate protection of individuals or property in the National Gallery of Art and suitable for administration as a part of the National Gallery of Art.".

MIDWAY ISLAND

SEC. 427. None of the funds made available by this Act may be used to destroy any buildings or structures on Midway Island that have been recommended by the United States Navy for inclusion in the National Register of Historic Places (54 U.S.C. 302101).

POLICIES RELATING TO BIOMASS ENERGY

SEC. 428. To support the key role that forests in the United States can play in addressing the energy needs of the United States, the Secretary of Energy, the Secretary of Agriculture, and

the Administrator of the Environmental Protection Agency shall, consistent with their missions, jointly—

(1) ensure that Federal policy relating to forest bioenergy—

(A) is consistent across all Federal departments and agencies; and

(B) recognizes the full benefits of the use of forest biomass for energy, conservation, and responsible forest management; and

(2) establish clear and simple policies for the use of forest biomass as an energy solution, including policies that—

(A) reflect the carbon-neutrality of forest bioenergy and recognize biomass as a renewable energy source, provided the use of forest biomass for energy production does not cause conversion of forests to non-forest use.

(B) encourage private investment throughout the forest biomass supply chain, including in—

(i) working forests;

(ii) harvesting operations;

(iii) forest improvement operations;

(iv) forest bioenergy production;

(v) wood products manufacturing; or

(vi) paper manufacturing;

(C) encourage forest management to improve forest health; and

(D) recognize State initiatives to produce and use forest biomass.

JOHN F. KENNEDY CENTER REAUTHORIZATION

SEC. 429. Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) is amended by striking subsections (a) and (b) and inserting the following:

"(a) MAINTENANCE, REPAIR, AND SECURITY.—There is authorized to be appropriated to the Board to carry out section 4(a)(1)(H), $22,260,000 for fiscal year 2017.

"(b) CAPITAL PROJECTS.—There is authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 4(a)(1), $14,140,000 for fiscal year 2017.".

BOUNDARY ADJUSTMENT, BOB MARSHALL WILDERNESS, HELENA-LEWIS AND CLARK NATIONAL FOREST

16 USC 1132 note.

SEC. 430. The boundary of the Patrick's Basin Addition to the Bob Marshall Wilderness designated by section 3065(c)(1)(A) of the "Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015" (Public Law 113–291; 128 Stat. 3835) is modified to exclude approximately 603 acres of land as generally depicted as items 1 and 2 on the map entitled "Patrick's Basin Addition to the Bob Marshall Wilderness—Kenck Cabin and South Fork Sun River Packbridge Adjustments" and dated April 21, 2016, which shall be on file and available for public inspection in the appropriate offices of the Forest Service. The lands excluded from the wilderness shall be added to and administered as part of the Rocky Mountain Front Conservation Management Area established in section 3065(b).

INCORPORATION BY REFERENCE

SEC. 431. (a) The provisions of the following bills of the 115th Congress are hereby enacted into law:

16 USC 460iii note.

(1) H.R. 2104 (the Morley Nelson Snake River Birds of Prey National Conservation Area Boundary Modification Act of 2017), as introduced on April 20, 2017.

16 USC 460iii–4 note.

(2) S. 131 (the Alaska Mental Health Trust Land Exchange Act of 2017), as ordered to be reported on March 30, 2017, by the Committee on Energy and Natural Resources of the Senate.

36 USC note prec. 101.

(3) S. 847 (the Women's Suffrage Centennial Commission Act), as introduced on April 5, 2017.

Publication. 1 USC 112 note.

*(b) In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end an appendix setting forth the text of the bills referred to in subsection (a).

This division may be cited as the "Department of the Interior, Environment, and Related Agencies Appropriations Act, 2017".

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2017.

DIVISION H—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

TITLE I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

Department of Labor Appropriations Act, 2017.

Grants.

State and local governments.

Time periods.

For necessary expenses of the Workforce Innovation and Opportunity Act (referred to in this Act as "WIOA"), the Second Chance Act of 2007, and the National Apprenticeship Act, $3,338,699,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,709,832,000 as follows:

(A) $815,556,000 for adult employment and training activities, of which $103,556,000 shall be available for the period July 1, 2017 through June 30, 2018, and of which $712,000,000 shall be available for the period October 1, 2017 through June 30, 2018;

(B) $873,416,000 for youth activities, which shall be available for the period April 1, 2017 through June 30, 2018; and

(C) $1,020,860,000 for dislocated worker employment and training activities, of which $160,860,000 shall be available for the period July 1, 2017 through June 30, 2018, and of which $860,000,000 shall be available for the period October 1, 2017 through June 30, 2018:

Provided, That pursuant to section 128(a)(1) of the WIOA, the amount available to the Governor for statewide workforce investment activities shall not exceed 15 percent of the amount allotted to the State from each of the appropriations under the preceding subparagraphs: *Provided further*, That the funds

*See Endnote on 131 Stat. 842.

available for allotment to outlying areas to carry out subtitle B of title I of the WIOA shall not be subject to the requirements of section 127(b)(1)(B)(ii) of such Act; and

(2) for national programs, $628,867,000 as follows:

(A) $220,859,000 for the dislocated workers assistance national reserve, of which $20,859,000 shall be available for the period July 1, 2017 through September 30, 2018, and of which $200,000,000 shall be available for the period October 1, 2017 through September 30, 2018: *Provided*, That funds provided to carry out section 132(a)(2)(A) of the WIOA may be used to provide assistance to a State for statewide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: *Provided further*, That funds provided to carry out sections 168(b) and 169(c) of the WIOA may be used for technical assistance and demonstration projects, respectively, that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That notwithstanding section 168(b) of the WIOA, of the funds provided under this subparagraph, the Secretary of Labor (referred to in this title as "Secretary") may reserve not more than 10 percent of such funds to provide technical assistance and carry out additional activities related to the transition to the WIOA: *Provided further*, That, of the funds provided under this subparagraph, $20,000,000 shall be made available for applications submitted in accordance with section 170 of the WIOA for training and employment assistance for workers dislocated from coal mines and coal-fired power plants;

(B) $50,000,000 for Native American programs under section 166 of the WIOA, which shall be available for the period July 1, 2017 through June 30, 2018;

(C) $81,896,000 for migrant and seasonal farmworker programs under section 167 of the WIOA, including $75,885,000 for formula grants (of which not less than 70 percent shall be for employment and training services), $5,517,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $494,000 for other discretionary purposes, which shall be available for the period July 1, 2017 through June 30, 2018: *Provided*, That notwithstanding any other provision of law or related regulation, the Department of Labor shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) $84,534,000 for YouthBuild activities as described in section 171 of the WIOA, which shall be available for the period April 1, 2017 through June 30, 2018;

(E) $2,500,000 for technical assistance activities under section 168 of the WIOA, which shall be available for the period July 1, 2017 through June 30, 2018;

(F) $88,078,000 for ex-offender activities, under the authority of section 169 of the WIOA and section 212

of the Second Chance Act of 2007, which shall be available for the period April 1, 2017 through June 30, 2018: *Provided*, That of this amount, $25,000,000 shall be for competitive grants to national and regional intermediaries for activities that prepare young ex-offenders and school dropouts for employment, with a priority for projects serving high-crime, high-poverty areas;

(G) $6,000,000 for the Workforce Data Quality Initiative, under the authority of section 169 of the WIOA, which shall be available for the period July 1, 2017 through June 30, 2018; and

(H) $95,000,000 to expand opportunities relating to apprenticeship programs registered under the National Apprenticeship Act, to be available to the Secretary to carry out activities through grants, cooperative agreements, contracts and other arrangements, with States and other appropriate entities, which shall be available for the period April 1, 2017 through June 30, 2018.

JOB CORPS

(INCLUDING TRANSFER OF FUNDS)

Reimbursements. Time periods.

To carry out subtitle C of title I of the WIOA, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration, and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIOA, $1,704,155,000, plus reimbursements, as follows:

(1) $1,587,325,000 for Job Corps Operations, which shall be available for the period July 1, 2017 through June 30, 2018;

(2) $84,500,000 for construction, rehabilitation and acquisition of Job Corps Centers, which shall be available for the period July 1, 2017 through June 30, 2020, and which may include the acquisition, maintenance, and repair of major items of equipment: *Provided*, That the Secretary may transfer up to 15 percent of such funds to meet the operational needs of such centers or to achieve administrative efficiencies: *Provided further*, That any funds transferred pursuant to the preceding proviso shall not be available for obligation after June 30, 2018: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer; and

Termination date.

Notification. Deadline.

(3) $32,330,000 for necessary expenses of Job Corps, which shall be available for obligation for the period October 1, 2016 through September 30, 2017:

Provided, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

Time period.

To carry out title V of the Older Americans Act of 1965 (referred to in this Act as "OAA"), $400,000,000, which shall be available for the period April 1, 2017 through June 30, 2018, and may be recaptured and reobligated in accordance with section 517(c) of the OAA.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2017 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, and including benefit payments, allowances, training, employment and case management services, and related State administration provided pursuant to section 231(a) of the Trade Adjustment Assistance Extension Act of 2011 and section 405(a) of the Trade Preferences Extension Act of 2015, $849,000,000 together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2017: *Provided*, That notwithstanding section 502 of this Act, any part of the appropriation provided under this heading may remain available for obligation beyond the current fiscal year pursuant to the authorities of section 245(c) of the Trade Act of 1974 (19 U.S.C. 2317(c)).

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $89,066,000, together with not to exceed $3,434,625,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund ("the Trust Fund"), of which:

(1) $2,687,600,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including not less than $115,000,000 to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and to provide reemployment services and referrals to training as appropriate, for claimants of unemployment insurance for ex-service members under 5 U.S.C. 8521 et. seq. and for claimants of regular unemployment compensation, including those who are profiled as most likely to exhaust their benefits in each State, and $5,500,000 for continued support of the Unemployment Insurance Integrity Center of Excellence), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501–8523, and the administration of trade readjustment allowances, reemployment trade adjustment assistance, and alternative trade adjustment assistance under the Trade Act of 1974 and under section 231(a) of the Trade Adjustment Assistance Extension Act of 2011 and section 405(a) of the Trade Preferences Extension Act of 2015, and shall be available for obligation by the States through December 31, 2017, except that funds used for automation shall be available for Federal obligation through December 31, 2017, and for State obligation through September 30, 2019, or, if the automation is being carried out through consortia of States, for State obligation through September 30, 2022, and for expenditure through September 30, 2023, and funds for competitive grants awarded to States for improved operations and to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment

reviews and provide reemployment services and referrals to training, as appropriate, shall be available for Federal obligation through December 31, 2017, and for obligation by the States through September 30, 2019, and funds for the Unemployment Insurance Integrity Center of Excellence shall be available for obligation by the State through September 30, 2018, and funds used for unemployment insurance workloads experienced by the States through September 30, 2017 shall be available for Federal obligation through December 31, 2017;

(2) $14,897,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

Time period.

(3) $650,000,000 from the Trust Fund, together with $21,413,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2017 through June 30, 2018;

(4) $19,818,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, and the provision of technical assistance and staff training under the Wagner-Peyser Act;

(5) $62,310,000 from the Trust Fund is for the administration of foreign labor certifications and related activities under the Immigration and Nationality Act and related laws, of which $48,028,000 shall be available for the Federal administration of such activities, and $14,282,000 shall be available for grants to States for the administration of such activities; and

Time period.

(6) $67,653,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and shall be available for Federal obligation for the period July 1, 2017 through June 30, 2018:

Provided, That to the extent that the Average Weekly Insured Unemployment ("AWIU") for fiscal year 2017 is projected by the Department of Labor to exceed 2,453,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: *Provided further*, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: *Provided further*, That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States to the entity operating the State Information Data Exchange System: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities

of the Federal-State unemployment insurance, employment service, or immigration programs, may be obligated in contracts, grants, or agreements with States and non-State entities: *Provided further*, That States awarded competitive grants for improved operations under title III of the Social Security Act, or awarded grants to support the national activities of the Federal-State unemployment insurance system, may award subgrants to other States and non-State entities under such grants, subject to the conditions applicable to the grants: *Provided further*, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the final rule entitled "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" at part 200 of title 2, Code of Federal Regulations: *Provided further*, That the Secretary, at the request of a State participating in a consortium with other States, may reallot funds allotted to such State under title III of the Social Security Act to other States participating in the consortium in order to carry out activities that benefit the administration of the unemployment compensation law of the State making the request: *Provided further*, That the Secretary may collect fees for the costs associated with additional data collection, analyses, and reporting services relating to the National Agricultural Workers Survey requested by State and local governments, public and private institutions of higher education, and nonprofit organizations and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, for the National Agricultural Workers Survey infrastructure, methodology, and data to meet the information collection and reporting needs of such entities, which shall be credited to this appropriation and shall remain available until September 30, 2018, for such purposes.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1986; and for nonrepayable advances to the revolving fund established by section 901(e) of the Social Security Act, to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the "Federal Unemployment Benefits and Allowances" account, such sums as may be necessary, which shall be available for obligation through September 30, 2018.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $108,674,000, together with not to exceed $49,982,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $181,000,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

Contracts.

The Pension Benefit Guaranty Corporation ("Corporation") is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2017, for the Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2017 shall be available for obligations for administrative expenses in excess of $421,006,000: *Provided further*, That an amount not to exceed an additional $98,500,000 shall be available through September 30, 2021, for costs associated with the acquisition, occupancy, and related costs of headquarters space: *Provided further*, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2017, an amount not to exceed an additional $9,200,000 shall be available through September 30, 2018, for obligation for administrative expenses for every 20,000 additional terminated participants: *Provided further*, That obligations in excess of the amounts provided in this paragraph may be incurred for unforeseen and extraordinary pretermination expenses or extraordinary multiemployer program related expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

Notification.

WAGE AND HOUR DIVISION

SALARIES AND EXPENSES

For necessary expenses for the Wage and Hour Division, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $227,500,000.

OFFICE OF LABOR-MANAGEMENT STANDARDS

SALARIES AND EXPENSES

For necessary expenses for the Office of Labor-Management Standards, $38,187,000.

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Federal Contract Compliance Programs, $104,476,000.

OFFICE OF WORKERS' COMPENSATION PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Workers' Compensation Programs, $115,424,000, together with $2,177,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; section 5(f) of the War Claims Act (50 U.S.C. App. 2004); obligations incurred under the War Hazards Compensation Act (42 U.S.C. 1701 et seq.); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, $220,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year, for deposit into and to assume the attributes of the Employees' Compensation Fund established under 5 U.S.C. 8147(a): *Provided*, That amounts appropriated may be used under 5 U.S.C. 8104 by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a re-employed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2016, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(c) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2017: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $66,675,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems operations and telecommunications systems, $22,740,000;

(2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, $22,968,000;

(3) For periodic roll disability management and medical review, $16,866,000;

(4) For program integrity, $4,101,000; and

(5) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under 5 U.S.C. 81, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, $61,319,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2018, $16,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $59,846,000, to remain available until expended: *Provided*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

26 USC 9501 note.

Such sums as may be necessary from the Black Lung Disability Trust Fund (the "Fund"), to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (6), and (7) of the Internal Revenue Code of 1986; and repayment of, and payment of interest on advances, as authorized by section 9501(d)(4) of that Act. In addition, the following amounts may be expended from the Fund for fiscal year 2017 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $38,246,000 for transfer to the Office of Workers' Compensation Programs, "Salaries and Expenses"; not to exceed $31,994,000 for transfer to Departmental Management, "Salaries and Expenses"; not to exceed $330,000 for transfer to Departmental Management, "Office of Inspector General"; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $552,787,000, including not to exceed $100,850,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the

costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $499,000 per fiscal year of training institute course tuition and fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2017, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred ("DART") occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

Time period. Fees.

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by the Act with respect to imminent dangers;

(4) to take any action authorized by the Act with respect to health hazards;

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That $10,537,000 shall be available for Susan Harwood training grants: *Provided further*, That not less than $3,500,000 shall be for Voluntary Protection Programs.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $373,816,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities and not less than $10,537,000 for State assistance grants: *Provided*, That amounts available for State assistance grants may be used for the purchase and maintenance of new equipment required by the final rule entitled "Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors" published by the Department of Labor in the Federal Register on May 1, 2014 (79 Fed. Reg. 24813 et seq.), for operators that demonstrate financial need as determined by the Secretary: *Provided further*, That notwithstanding 31 U.S.C. 3302, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities: *Provided further*, That notwithstanding 31 U.S.C. 3302, the Mine Safety and Health Administration is authorized to collect and retain up to $2,499,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities: *Provided further*, That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further*, That the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations: *Provided further*, That the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization: *Provided further*, That any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

Fees.
30 USC 966 note.

30 USC 962.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $544,000,000, together with not to exceed $65,000,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $38,203,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Management, including the hire of three passenger motor vehicles, $334,536,000, together with not to exceed $308,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided*, That $59,825,000 for the Bureau of International Labor Affairs shall be available for obligation through December 31, 2017: *Provided further*, That funds available to the Bureau of International Labor Affairs may be used to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts, grants, subgrants and other arrangements: *Provided further*, That not more than $53,825,000 shall be for programs to combat exploitative child labor internationally and not less than $6,000,000 shall be used to implement model programs that address worker rights issues through technical assistance in countries with which the United States has free trade agreements or trade preference programs: *Provided further*, That $8,040,000 shall be used for program evaluation and shall be available for obligation through September 30, 2018: *Provided further*, That funds available for program evaluation may be used to administer grants for the purpose of evaluation: *Provided further*, That grants made for the purpose of evaluation shall be awarded through fair and open competition: *Provided further*, That funds available for program evaluation may be transferred to any other appropriate account in the Department for such purpose: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer: *Provided further*, That the funds available to the Women's Bureau may be used for grants to serve and promote the interests of women in the workforce: *Provided further*, That of the amounts made available to the Women's Bureau, $994,000 shall be used for grants authorized by the Women in Apprenticeship and Nontraditional Occupations Act.

Notification.
Time period.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $234,041,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of chapters 41, 42, and 43 of title 38, United States Code, of which:

(1) $175,000,000 is for Jobs for Veterans State grants under 38 U.S.C. 4102A(b)(5) to support disabled veterans' outreach

program specialists under section 4103A of such title and local veterans' employment representatives under section 4104(b) of such title, and for the expenses described in section 4102A(b)(5)(C), which shall be available for obligation by the States through December 31, 2017, and not to exceed 3 percent for the necessary Federal expenditures for data systems and contract support to allow for the tracking of participant and performance information: *Provided*, That, in addition, such funds may be used to support such specialists and representatives in the provision of services to transitioning members of the Armed Forces who have participated in the Transition Assistance Program and have been identified as in need of intensive services, to members of the Armed Forces who are wounded, ill, or injured and receiving treatment in military treatment facilities or warrior transition units, and to the spouses or other family caregivers of such wounded, ill, or injured members;

(2) $14,600,000 is for carrying out the Transition Assistance Program under 38 U.S.C. 4113 and 10 U.S.C. 1144: *Provided*, That, up to $300,000 of such funds may be used to enter into a cooperative agreement with a State relating to a mobile application to provide transition assistance to separating service members, veterans and eligible spouses;

(3) $41,027,000 is for Federal administration of chapters 41, 42, and 43 of title 38, United States Code; and

(4) $3,414,000 is for the National Veterans' Employment and Training Services Institute under 38 U.S.C. 4109:

Provided, That the Secretary may reallocate among the appropriations provided under paragraphs (1) through (4) above an amount not to exceed 3 percent of the appropriation from which such reallocation is made.

In addition, from the General Fund of the Treasury, $45,000,000 is for carrying out programs to assist homeless veterans and veterans at risk of homelessness who are transitioning from certain institutions under sections 2021, 2021A, and 2023 of title 38, United States Code: *Provided*, That notwithstanding subsections (c)(3) and (d) of section 2023, the Secretary may award grants through September 30, 2017, to provide services under such section: *Provided further*, That services provided under section 2023 may include, in addition to services to the individuals described in subsection (e) of such section, services to veterans recently released from incarceration who are at risk of homelessness.

IT MODERNIZATION

For necessary expenses for Department of Labor centralized infrastructure technology investment activities related to support systems and modernization, $18,778,000, which shall be available through September 30, 2018.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $82,061,000, together with not to exceed $5,660,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated by this Act for the Job Corps shall be used to pay the salary and bonuses of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

Notification.
Time period.

SEC. 103. In accordance with Executive Order 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, in whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

Child labor.

(INCLUDING RESCISSION)

SEC. 104. Except as otherwise provided in this section, none of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (29 U.S.C. 2916a) may be used for any purpose other than competitive grants for training individuals who are older than 16 years of age and are not currently enrolled in school within a local educational agency in the occupations and industries for which employers are using H–1B visas to hire foreign workers, and the related activities necessary to support such training: *Provided*, That of such funds available before September 30, 2017 up to $20,000,000 shall be available for obligation through September 30, 2018 by the Employment and Training Administration of the Department of Labor to process foreign labor certifications, including wage determinations and associated tasks and grants to States, submitted by employers to employ nonimmigrants described in section 101(a)(15)(H)(ii) of the Immigration and Nationality Act, to the extent necessary to eliminate backlogs and delays: *Provided further*, That of the unobligated funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)), $46,000,000 are permanently rescinded.

SEC. 105. None of the funds made available by this Act under the heading "Employment and Training Administration" shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A–133. Where States

are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

(TRANSFER OF FUNDS)

SEC. 106. (a) Notwithstanding section 102, the Secretary may transfer funds made available to the Employment and Training Administration by this Act, either directly or through a set-aside, for technical assistance services to grantees to "Program Administration" when it is determined that those services will be more efficiently performed by Federal employees: *Provided*, That this section shall not apply to section 171 of the WIOA.

(b) Notwithstanding section 102, the Secretary may transfer not more than 0.5 percent of each discretionary appropriation made available to the Employment and Training Administration by this Act to "Program Administration" in order to carry out program integrity activities relating to any of the programs or activities that are funded under any such discretionary appropriations: *Provided*, That funds transferred from under paragraphs (1) and (2) of the "Office of Job Corps" account shall be available under paragraph (3) of such account in order to carry out program integrity activities relating to the Job Corps program: *Provided further*, That funds transferred under this subsection shall be available for obligation through September 30, 2018.

(TRANSFER OF FUNDS)

Evaluations.

SEC. 107. (a) The Secretary may reserve not more than 0.75 percent from each appropriation made available in this Act identified in subsection (b) in order to carry out evaluations of any of the programs or activities that are funded under such accounts. Any funds reserved under this section shall be transferred to "Departmental Management" for use by the Office of the Chief Evaluation Officer within the Department of Labor, and shall be available for obligation through September 30, 2018: *Provided*, That such funds shall only be available if the Chief Evaluation Officer of the Department of Labor submits a plan to the Committees on Appropriations of the House of Representatives and the Senate describing the evaluations to be carried out 15 days in advance of any transfer.

Plans.
Time period.

(b) The accounts referred to in subsection (a) are: "Training and Employment Services", "Job Corps", "Community Service Employment for Older Americans", "State Unemployment Insurance and Employment Service Operations", "Employee Benefits Security Administration", "Office of Workers' Compensation Programs", "Wage and Hour Division", "Office of Federal Contract Compliance Programs", "Office of Labor Management Standards", "Occupational Safety and Health Administration", "Mine Safety and Health Administration", "Office of Disability Employment Policy", funding made available to the "Bureau of International Labor Affairs" and "Women's Bureau" within the "Departmental Management, Salaries and Expenses" account, and "Veterans Employment and Training".

SEC. 108. Notwithstanding any other provision of law, beginning October 1, 2016, the Secretary of Labor, in consultation with the Secretary of Agriculture may select an entity to operate a Civilian Conservation Center on a competitive basis in accordance with section 147 of the WIOA, if the Secretary of Labor determines such Center has had consistently low performance under the performance accountability system in effect for the Job Corps program prior to July 1, 2016, or with respect to expected levels of performance established under section 159(c) of such Act beginning July 1, 2016.

Effective dates.
Consultation.
Determination.
Time period.

SEC. 109. (a) Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) shall be applied as if the following text is part of such section:

Applicability.

"(s)(1) The provisions of this section shall not apply for a period of 2 years after the occurrence of a major disaster to any employee—

Time period.

"(A) employed to adjust or evaluate claims resulting from or relating to such major disaster, by an employer not engaged, directly or through an affiliate, in underwriting, selling, or marketing property, casualty, or liability insurance policies or contracts;

"(B) who receives from such employer on average weekly compensation of not less than $591.00 per week or any minimum weekly amount established by the Secretary, whichever is greater, for the number of weeks such employee is engaged in any of the activities described in subparagraph (C); and

"(C) whose duties include any of the following:

"(i) interviewing insured individuals, individuals who suffered injuries or other damages or losses arising from or relating to a disaster, witnesses, or physicians;

"(ii) inspecting property damage or reviewing factual information to prepare damage estimates;

"(iii) evaluating and making recommendations regarding coverage or compensability of claims or determining liability or value aspects of claims;

"(iv) negotiating settlements; or

"(v) making recommendations regarding litigation.

"(2) The exemption in this subsection shall not affect the exemption provided by section 13(a)(1).

"(3) For purposes of this subsection—

Definitions.

"(A) the term 'major disaster' means any disaster or catastrophe declared or designated by any State or Federal agency or department;

"(B) the term 'employee employed to adjust or evaluate claims resulting from or relating to such major disaster' means an individual who timely secured or secures a license required by applicable law to engage in and perform the activities described in clauses (i) through (v) of paragraph (1)(C) relating to a major disaster, and is employed by an employer that maintains worker compensation insurance coverage or protection for its employees, if required by applicable law, and withholds applicable Federal, State, and local income and payroll taxes from the wages, salaries and any benefits of such employees; and

"(C) the term 'affiliate' means a company that, by reason of ownership or control of 25 percent or more of the outstanding

shares of any class of voting securities of one or more companies, directly or indirectly, controls, is controlled by, or is under common control with, another company.".

Effective date.

(b) This section shall be effective on the date of enactment of this Act.

(RESCISSION)

Time period.

SEC. 110. Of the funds made available under the heading "Employment and Training Administration–Training and Employment Services" in division H of Public Law 114–113, $75,000,000 is rescinded, to be derived from the amount made available in paragraph (2)(A) under such heading for the period October 1, 2016, through September 30, 2017.

Time periods.

SEC. 111. (a) FLEXIBILITY WITH RESPECT TO THE CROSSING OF H–2B NONIMMIGRANTS WORKING IN THE SEAFOOD INDUSTRY.—

(1) IN GENERAL.—Subject to paragraph (2), if a petition for H–2B nonimmigrants filed by an employer in the seafood industry is granted, the employer may bring the nonimmigrants described in the petition into the United States at any time during the 120-day period beginning on the start date for which the employer is seeking the services of the nonimmigrants without filing another petition.

(2) REQUIREMENTS FOR CROSSINGS AFTER 90TH DAY.—An employer in the seafood industry may not bring H–2B nonimmigrants into the United States after the date that is 90 days after the start date for which the employer is seeking the services of the nonimmigrants unless the employer—

Assessment.
Public information.

(A) completes a new assessment of the local labor market by—

(i) listing job orders in local newspapers on 2 separate Sundays; and

(ii) posting the job opportunity on the appropriate Department of Labor Electronic Job Registry and at the employer's place of employment; and

(B) offers the job to an equally or better qualified United States worker who—

(i) applies for the job; and

(ii) will be available at the time and place of need.

(3) EXEMPTION FROM RULES WITH RESPECT TO STAGGERING.—The Secretary of Labor shall not consider an employer in the seafood industry who brings H–2B nonimmigrants into the United States during the 120-day period specified in paragraph (1) to be staggering the date of need in violation of section 655.20(d) of title 20, Code of Federal Regulations, or any other applicable provision of law.

(b) H–2B NONIMMIGRANTS DEFINED.—In this section, the term "H–2B nonimmigrants" means aliens admitted to the United States pursuant to section 101(a)(15)(H)(ii)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)).

Determinations.

SEC. 112. The determination of prevailing wage for the purposes of the H–2B program shall be the greater of—(1) the actual wage level paid by the employer to other employees with similar experience and qualifications for such position in the same location; or (2) the prevailing wage level for the occupational classification of the position in the geographic area in which the H–2B nonimmigrant will be employed, based on the best information available

at the time of filing the petition. In the determination of prevailing wage for the purposes of the H–2B program, the Secretary shall accept private wage surveys even in instances where Occupational Employment Statistics survey data are available unless the Secretary determines that the methodology and data in the provided survey are not statistically supported.

SEC. 113. None of the funds in this Act shall be used to enforce the definition of corresponding employment found in 20 CFR 655.5 or the three-fourths guarantee rule definition found in 20 CFR 655.20, or any references thereto. Further, for the purpose of regulating admission of temporary workers under the H–2B program, the definition of temporary need shall be that provided in 8 CFR 214.2(h)(6)(ii)(B).

This title may be cited as the "Department of Labor Appropriations Act, 2017".

TITLE II

Department of Health and Human Services Appropriations Act, 2017.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

PRIMARY HEALTH CARE

For carrying out titles II and III of the Public Health Service Act (referred to in this Act as the "PHS Act") with respect to primary health care and the Native Hawaiian Health Care Act of 1988, $1,491,522,000: *Provided*, That no more than $1,000,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act: *Provided further*, That no more than $99,893,000 shall be available until expended for carrying out the provisions of sections 224(g)–(n) and (q) of the PHS Act, and for expenses incurred by the Department of Health and Human Services (referred to in this Act as "HHS") pertaining to administrative claims made under such law: *Provided further*, That of funds provided for the Health Centers program, as defined by section 330 of the PHS Act, by this Act or any other Act for fiscal year 2017, not less than $100,000,000 shall be obligated in fiscal year 2017 to support grants to expand medical services, behavioral health, oral health, pharmacy, or vision services.

HEALTH WORKFORCE

For carrying out titles III, VII, and VIII of the PHS Act with respect to the health workforce, sections 1128E and 1921 of the Social Security Act, and the Health Care Quality Improvement Act of 1986, $838,695,000: *Provided*, That sections 747(c)(2), 751(j)(2), 762(k), and the proportional funding amounts in paragraphs (1) through (4) of section 756(f) of the PHS Act shall not apply to funds made available under this heading: *Provided further*, That for any program operating under section 751 of the PHS Act on or before January 1, 2009, the Secretary of Health and Human Services (referred to in this title as the "Secretary") may hereafter waive any of the requirements contained in sections 751(d)(2)(A) and 751(d)(2)(B) of such Act for the full project period of a grant under such section: *Provided further*, That no funds shall be available for section 340G–1 of the PHS Act: *Provided further*, That fees collected for the disclosure of information under

42 USC 294a note.

section 427(b) of the Health Care Quality Improvement Act of 1986 and sections 1128E(d)(2) and 1921 of the Social Security Act shall be sufficient to recover the full costs of operating the programs authorized by such sections and shall remain available until expended for the National Practitioner Data Bank: *Provided further*, That funds transferred to this account to carry out section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior year adjustments to awards made under such sections.

MATERNAL AND CHILD HEALTH

For carrying out titles III, XI, XII, and XIX of the PHS Act with respect to maternal and child health, title V of the Social Security Act, and section 712 of the American Jobs Creation Act of 2004, $848,617,000: *Provided*, That notwithstanding sections 502(a)(1) and 502(b)(1) of the Social Security Act, not more than $80,593,000 shall be available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $10,276,000 shall be available for projects described in subparagraphs (A) through (F) of section 501(a)(3) of such Act.

RYAN WHITE HIV/AIDS PROGRAM

For carrying out title XXVI of the PHS Act with respect to the Ryan White HIV/AIDS program, $2,318,781,000, of which $1,970,881,000 shall remain available to the Secretary through September 30, 2019, for parts A and B of title XXVI of the PHS Act, and of which not less than $900,313,000 shall be for State AIDS Drug Assistance Programs under the authority of section 2616 or 311(c) of such Act.

HEALTH CARE SYSTEMS

For carrying out titles III and XII of the PHS Act with respect to health care systems, and the Stem Cell Therapeutic and Research Act of 2005, $104,193,000, of which $122,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center.

RURAL HEALTH

For carrying out titles III and IV of the PHS Act with respect to rural health, section 427(a) of the Federal Coal Mine Health and Safety Act of 1969, and sections 711 and 1820 of the Social Security Act, $156,060,000, of which $43,609,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program: *Provided*, That of the funds made available under this heading for Medicare rural hospital flexibility grants, $14,942,000 shall be available for the Small Rural Hospital Improvement Grant Program for quality improvement and adoption of health information technology and up to $1,000,000 shall be to carry out section 1820(g)(6) of the Social Security Act, with funds provided for grants under section 1820(g)(6) available for the purchase and implementation of telehealth services, including pilots and demonstrations on the use of electronic health records to coordinate rural veterans care between rural providers and the

Department of Veterans Affairs electronic health record system: *Provided further*, That notwithstanding section 338J(k) of the PHS Act, $10,000,000 shall be available for State Offices of Rural Health.

FAMILY PLANNING

For carrying out the program under title X of the PHS Act to provide for voluntary family planning projects, $286,479,000: *Provided,* That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office. Abortion.

PROGRAM MANAGEMENT

For program support in the Health Resources and Services Administration, $154,000,000: *Provided*, That funds made available under this heading may be used to supplement program support funding provided under the headings "Primary Health Care", "Health Workforce", "Maternal and Child Health", "Ryan White HIV/AIDS Program", "Health Care Systems", and "Rural Health".

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund (the "Trust Fund"), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the PHS Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $7,750,000 shall be available from the Trust Fund to the Secretary.

CENTERS FOR DISEASE CONTROL AND PREVENTION

IMMUNIZATION AND RESPIRATORY DISEASES

For carrying out titles II, III, XVII, and XXI, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to immunization and respiratory diseases, $455,000,000.

HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED DISEASES, AND TUBERCULOSIS PREVENTION

For carrying out titles II, III, XVII, and XXIII of the PHS Act with respect to HIV/AIDS, viral hepatitis, sexually transmitted diseases, and tuberculosis prevention, $1,117,278,000.

EMERGING AND ZOONOTIC INFECTIOUS DISEASES

For carrying out titles II, III, and XVII, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to emerging and zoonotic infectious diseases, $532,922,000.

CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION

For carrying out titles II, III, XI, XV, XVII, and XIX of the PHS Act with respect to chronic disease prevention and health promotion, $777,646,000: *Provided*, That funds appropriated under this account may be available for making grants under section 1509 of the PHS Act for not less than 21 States, tribes, or tribal organizations: *Provided further*, That of the funds available under this heading, $10,000,000 shall be available to continue and expand community specific extension and outreach programs to combat obesity in counties with the highest levels of obesity: *Provided further*, That the proportional funding requirements under section 1503(a) of the PHS Act shall not apply to funds made available under this heading.

Grants.

BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES, DISABILITIES AND HEALTH

For carrying out titles II, III, XI, and XVII of the PHS Act with respect to birth defects, developmental disabilities, disabilities and health, $137,560,000.

PUBLIC HEALTH SCIENTIFIC SERVICES

For carrying out titles II, III, and XVII of the PHS Act with respect to health statistics, surveillance, health informatics, and workforce development, $489,397,000.

ENVIRONMENTAL HEALTH

For carrying out titles II, III, and XVII of the PHS Act with respect to environmental health, $163,750,000.

INJURY PREVENTION AND CONTROL

For carrying out titles II, III, and XVII of the PHS Act with respect to injury prevention and control, $286,059,000: *Provided*, That of the funds provided under this heading, $112,000,000 shall be available for an evidence-based opioid drug overdose prevention program.

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

For carrying out titles II, III, and XVII of the PHS Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act, section 13 of the Mine Improvement and New Emergency Response Act, and sections 20, 21, and 22 of the Occupational Safety and Health Act, with respect to occupational safety and health, $335,200,000.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $55,358,000, to remain available until expended: *Provided*, That this amount shall be available consistent with the provision regarding administrative expenses in section 151(b) of division B, title I of Public Law 106–554.

GLOBAL HEALTH

For carrying out titles II, III, and XVII of the PHS Act with respect to global health, $435,121,000, of which $128,421,000 for international HIV/AIDS shall remain available through September 30, 2018: *Provided,* That funds may be used for purchase and insurance of official motor vehicles in foreign countries.

PUBLIC HEALTH PREPAREDNESS AND RESPONSE

For carrying out titles II, III, and XVII of the PHS Act with respect to public health preparedness and response, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations, $1,405,000,000, of which $575,000,000 shall remain available until expended for the Strategic National Stockpile: *Provided*, That in the event the Director of the Centers for Disease Control and Prevention (referred to in this title as "CDC") activates the Emergency Operations Center, the Director of the CDC may detail CDC staff without reimbursement for up to 90 days to support the work of the CDC Emergency Operations Center, so long as the Director provides a notice to the Committees on Appropriations of the House of Representatives and the Senate within 15 days of the use of this authority and a full report within 30 days after use of this authority which includes the number of staff and funding level broken down by the originating center and number of days detailed: *Provided further*, That funds appropriated under this heading may be used to support a contract for the operation and maintenance of an aircraft in direct support of activities throughout CDC to ensure the agency is prepared to address public health preparedness emergencies.

Detail authority.
Time period.
Notification.
Deadlines.
Reports.

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For acquisition of real property, equipment, construction, demolition, and renovation of facilities, $10,000,000, which shall remain available until September 30, 2021: *Provided*, That funds previously set-aside by CDC for repair and upgrade of the Lake Lynn Experimental Mine and Laboratory shall be used to acquire a replacement mine safety research facility: *Provided further*, That in addition, the prior year unobligated balance of any amounts assigned to former employees in accounts of CDC made available for Individual Learning Accounts shall be credited to and merged with the amounts made available under this heading to support the replacement of the mine safety research facility.

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

For carrying out titles II, III, XVII and XIX, and section 2821 of the PHS Act and for cross-cutting activities and program support for activities funded in other appropriations included in this Act for the Centers for Disease Control and Prevention, $113,570,000: *Provided*, That paragraphs (1) through (3) of subsection (b) of section 2821 of the PHS Act shall not apply to funds appropriated under this heading and in all other accounts of the CDC: *Provided further*, That employees of CDC or the Public Health Service, both civilian

and commissioned officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or HHS during the period of detail or assignment: *Provided further*, That CDC may use up to $10,000 from amounts appropriated to CDC in this Act for official reception and representation expenses when specifically approved by the Director of CDC: *Provided further*, That in addition, such sums as may be derived from authorized user fees, which shall be credited to the appropriation charged with the cost thereof: *Provided further*, That with respect to the previous proviso, authorized user fees from the Vessel Sanitation Program and the Respirator Certification Program shall be available through September 30, 2018.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cancer, $5,389,329,000, of which up to $50,000,000 may be used for facilities repairs and improvements at the National Cancer Institute—Frederick Federally Funded Research and Development Center in Frederick, Maryland: *Provided*, That of the $5,689,329,000 provided for in direct obligations under this heading, $5,389,329,000 is appropriated from the general fund and $300,000,000 was previously appropriated for fiscal year 2017 by section 194 of the Continuing Appropriations Act, 2017 (division C of Public Law 114–223), as amended by the Further Continuing and Security Assistance Appropriations Act, 2017 (Public Law 114–254) to support cancer research pursuant to section 1001 of the 21st Century Cures Act.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $3,206,589,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to dental and craniofacial diseases, $425,751,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to diabetes and digestive and kidney disease, $1,870,595,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the PHS Act with respect to neurological disorders and stroke, $1,783,654,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to allergy and infectious diseases, $4,906,638,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to general medical sciences, $2,650,838,000, of which $824,443,000 shall be from funds available under section 241 of the PHS Act: *Provided*, That not less than $333,361,000 is provided for the Institutional Development Awards program.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the PHS Act with respect to child health and human development, $1,380,295,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to eye diseases and visual disorders, $732,618,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to environmental health sciences, $714,261,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the PHS Act with respect to aging, $2,048,610,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to arthritis and musculoskeletal and skin diseases, $557,851,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the PHS Act with respect to deafness and other communication disorders, $436,875,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to nursing research, $150,273,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the PHS Act with respect to alcohol abuse and alcoholism, $483,363,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the PHS Act with respect to drug abuse, $1,090,853,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to mental health, $1,601,931,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to human genome research, $528,566,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the PHS Act with respect to biomedical imaging and bioengineering research, $357,080,000.

NATIONAL CENTER FOR COMPLEMENTARY AND INTEGRATIVE HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to complementary and integrative health, $134,689,000.

NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the PHS Act with respect to minority health and health disparities research, $289,069,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the PHS Act), $72,213,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to health information communications, $407,510,000: *Provided*, That of the amounts available for improvement of information systems, $4,000,000 shall be available until September 30, 2018: *Provided further*, That in fiscal year 2017, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health (referred to in this title as "NIH").

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to translational sciences, $705,903,000: *Provided*, That up to $25,835,000 shall be available to implement section 480 of the PHS Act, relating to the Cures Acceleration Network: *Provided further*, That at least $516,120,000 is provided to the Clinical and Translational Sciences Awards program.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, NIH, $1,665,183,000 (in addition to the $52,000,000 in the NIH Innovation Fund previously appropriated for fiscal year 2017 pursuant to section 1001 of the 21st Century Cures Act, 2017 (division C of Public Law 114–254)): *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That $165,000,000 shall be for the National Children's Study Follow-on: *Provided further*, That $682,856,000 shall be available for the Common Fund established under section 402A(c)(1) of the PHS Act: *Provided further*, That of the funds provided, $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: *Provided further*, That the Office of AIDS Research within the Office of the Director of the NIH may spend up to $8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act: *Provided further*, That up to $190,000,000 (in addition to the $40,000,000 to support the Precision Medicine Initiative in the NIH Innovation Fund previously appropriated for fiscal year 2017 pursuant to section 1001 of the 21st Century Cures Act by section 194 of the Continuing Appropriations Act, 2017 (division C of Public Law 114–254)), of the funds provided herein are available to support the trans-NIH Precision Medicine Initiative.

In addition to other funds appropriated for the Common Fund established under section 402A(c) of the PHS Act, $12,600,000 is appropriated to the Common Fund from the 10-year Pediatric Research Initiative Fund described in section 9008 of title 26, United States Code, for the purpose of carrying out section 402(b)(7)(B)(ii) of the PHS Act (relating to pediatric research), as authorized in the Gabriella Miller Kids First Research Act.

BUILDINGS AND FACILITIES

For the study of, construction of, demolition of, renovation of, and acquisition of equipment for, facilities of or used by NIH, including the acquisition of real property, $128,863,000, to remain available through September 30, 2021.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

MENTAL HEALTH

For carrying out titles III, V, and XIX of the PHS Act with respect to mental health, and the Protection and Advocacy for Individuals with Mental Illness Act, $1,147,998,000: *Provided*, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A shall be available for carrying out section 1971 of the PHS Act: *Provided further,* That in addition to amounts provided herein, $21,039,000 shall be available under section 241 of the PHS Act to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b)

activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX: *Provided further,* That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated in this Act for fiscal year 2017: *Provided further*, That notwithstanding section 565(b)(1) of the PHS Act, technical assistance may be provided to a public entity to establish or operate a system of comprehensive community mental health services to children with a serious emotional disturbance, without regard to whether the public entity receives a grant under section 561(a) of such Act: *Provided further*, That States shall expend at least 10 percent of the amount each receives for carrying out section 1911 of the PHS Act to support evidence-based programs that address the needs of individuals with early serious mental illness, including psychotic disorders, regardless of the age of the individual at onset: *Provided further*, That none of the funds provided for section 1911 of the PHS Act shall be subject to section 241 of such Act: *Provided further*, That of the funds made available under this heading, $15,000,000 shall be to carry out section 224 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93; 42 U.S.C. 290aa 22 note).

State and local governments.

SUBSTANCE ABUSE TREATMENT

For carrying out titles III and V of the PHS Act with respect to substance abuse treatment and title XIX of such Act with respect to substance abuse treatment and prevention, $2,131,306,000: *Provided*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; and (2) $2,000,000 to evaluate substance abuse treatment programs: *Provided further*, That none of the funds provided for section 1921 of the PHS Act shall be subject to section 241 of such Act.

SUBSTANCE ABUSE PREVENTION

For carrying out titles III and V of the PHS Act with respect to substance abuse prevention, $223,219,000.

HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For program support and cross-cutting activities that supplement activities funded under the headings "Mental Health", "Substance Abuse Treatment", and "Substance Abuse Prevention" in carrying out titles III, V, and XIX of the PHS Act and the Protection and Advocacy for Individuals with Mental Illness Act in the Substance Abuse and Mental Health Services Administration, $116,830,000: *Provided*, That in addition to amounts provided herein, $31,428,000 shall be available under section 241 of the PHS Act to supplement funds available to carry out national surveys on drug abuse and mental health, to collect and analyze program data, and to conduct public awareness and technical assistance activities: *Provided further*, That, in addition, fees may be collected

for the costs of publications, data, data tabulations, and data analysis completed under title V of the PHS Act and provided to a public or private entity upon request, which shall be credited to this appropriation and shall remain available until expended for such purposes: *Provided further*, That amounts made available in this Act for carrying out section 501(m) of the PHS Act shall remain available through September 30, 2018: *Provided further,* That funds made available under this heading may be used to supplement program support funding provided under the headings "Mental Health", "Substance Abuse Treatment", and "Substance Abuse Prevention".

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the PHS Act, part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, $324,000,000: *Provided*, That section 947(c) of the PHS Act shall not apply in fiscal year 2017: *Provided further*, That in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until September 30, 2018.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $262,003,967,000, to remain available until expended.

For making, after May 31, 2017, payments to States under title XIX or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the last quarter of fiscal year 2017 for unanticipated costs incurred for the current fiscal year, such sums as may be necessary. Effective date.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2018, $125,219,452,000, to remain available until expended.

Payment under such title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d)(3) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $299,187,700,000.

In addition, for making matching payments under section 1844 and benefit payments under section 1860D–16 of the Social Security

Act that were not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the PHS Act, the Clinical Laboratory Improvement Amendments of 1988, and other responsibilities of the Centers for Medicare and Medicaid Services, not to exceed $3,669,744,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until September 30, 2022: *Provided,* That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further,* That the Secretary is directed to collect fees in fiscal year 2017 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

Fees.
Time period.

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $725,000,000, to remain available through September 30, 2018, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which $486,936,000 shall be for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services, including administrative costs, to conduct oversight activities for Medicare Advantage under Part C and the Medicare Prescription Drug Program under Part D of the Social Security Act and for activities described in section 1893(b) of such Act, of which $82,132,000 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act, of which $82,132,000 shall be for the Medicaid and Children's Health Insurance Program ("CHIP") program integrity activities, and of which $73,800,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act: *Provided*, That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2017 shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and CHIP programs for the funds provided by this appropriation: *Provided further*, That of the amount provided under this heading, $311,000,000 is provided to meet the terms of section 251(b)(2)(C)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and $414,000,000 is additional new budget authority

Reports.
Time period.

specified for purposes of section 251(b)(2)(C) of such Act: *Provided further*, That the Secretary shall support the full cost of the Senior Medicare Patrol program to combat health care fraud and abuse from the funds provided to this account.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For carrying out, except as otherwise provided, titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, $3,010,631,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2018, $1,400,000,000, to remain available until expended.

For carrying out, after May 31 of the current fiscal year, except as otherwise provided, titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary. Effective date. Time period.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under subsections (b) and (d) of section 2602 of the Low Income Home Energy Assistance Act of 1981, $3,390,304,000: *Provided*, That all but $491,000,000 of this amount shall be allocated as though the total appropriation for such payments for fiscal year 2017 was less than $1,975,000,000: *Provided further*, That notwithstanding section 2609A(a), of the amounts appropriated under section 2602(b), not more than $2,988,000 of such amounts may be reserved by the Secretary for technical assistance, training, and monitoring of program activities for compliance with internal controls, policies and procedures and may, in addition to the authorities provided in section 2609A(a)(1), use such funds through contracts with private entities that do not qualify as non-profit organizations.

REFUGEE AND ENTRANT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, and for carrying out section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, the Trafficking Victims Protection Act of 2000 ("TVPA"), and the Torture Victims Relief Act of 1998, $1,674,691,000, of which $1,645,201,000 shall remain available through September 30, 2019 for carrying out such sections 414, 501, 462, and 235: *Provided*, That amounts available under this heading to carry out the TVPA shall also be available for research and evaluation with respect to activities under such Act: *Provided further*, That the limitation in section 205 of this Act regarding transfers increasing any appropriation shall apply to transfers to appropriations under this heading by substituting "10 percent" for "3 percent". Applicability.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 2014 ("CCDBG Act"), $2,856,000,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That technical assistance under section 658I(a)(3) of such Act may be provided directly, or through the use of contracts, grants, cooperative agreements, or interagency agreements: *Provided further*, That all funds made available to carry out section 418 of the Social Security Act (42 U.S.C. 618), including funds appropriated for that purpose in such section 418 or any other provision of law, shall be subject to the reservation of funds authority in paragraphs (4) and (5) of section 658O(a) of the CCDBG Act.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX–A of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Head Start Act, the Every Student Succeeds Act, the Child Abuse Prevention and Treatment Act, sections 303 and 313 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), part B–1 of title IV and sections 429, 473A, 477(i), 1110, 1114A, and 1115 of the Social Security Act, and the Community Services Block Grant Act ("CSBG Act"); for necessary administrative expenses to carry out titles I, IV, V, X, XI, XIV, XVI, and XX–A of the Social Security Act, the Act of July 5, 1960, the Low-Income Home Energy Assistance Act of 1981, the Child Care and Development Block Grant Act of 2014, the Assets for Independence Act, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980; and for the administration of prior year obligations made by the Administration for Children and Families under the Developmental Disabilities Assistance and Bill of Rights Act and the Help America Vote Act of 2002, $11,294,368,000, of which $37,943,000, to remain available through September 30, 2018, shall be for grants to States for adoption and legal guardianship incentive payments, as defined by section 473A of the Social Security Act and may be made for adoptions and legal guardianships completed before September 30, 2017: *Provided*, That $9,253,095,000 shall be for making payments under the Head Start Act: *Provided further*, That of the amount in the previous proviso, $8,588,095,000 shall be available for payments under section 640 of the Head Start Act, of which $80,000,000 shall be available for a cost of living adjustment notwithstanding section 640(a)(3)(A) of such Act: *Provided further*, That of the amount provided for making payments under the Head Start Act, $25,000,000 shall

be available for allocation by the Secretary to supplement activities described in paragraphs (7)(B) and (9) of section 641(c) of such Act under the Designation Renewal System, established under the authority of sections 641(c)(7), 645A(b)(12) and 645A(d) of such Act: *Provided further*, That notwithstanding such section 640, of the amount provided for making payments under the Head Start Act, and in addition to funds otherwise available under such section 640, $640,000,000 shall be available through March 31, 2018 for Early Head Start programs as described in section 645A of such Act, for conversion of Head Start services to Early Head Start services as described in section 645(a)(5)(A) of such Act, for discretionary grants for high quality infant and toddler care through Early Head Start-Child Care Partnerships, to entities defined as eligible under section 645A(d) of such Act, for training and technical assistance for such activities, and for up to $14,000,000 in Federal costs of administration and evaluation, and, notwithstanding section 645A(c)(2) of such Act, these funds are available to serve children under age 4: *Provided further*, That funds described in the preceding two provisos shall not be included in the calculation of "base grant" in subsequent fiscal years, as such term is used in section 640(a)(7)(A) of such Act: *Provided further*, That $250,000,000 shall be available until December 31, 2017 for carrying out sections 9212 and 9213 of the Every Student Succeeds Act: *Provided further*, That, in accordance with section 9212(j) of such Act, funds made available in the preceding proviso may be allocated to the Department of Education to issue continuation grants on behalf of the Secretary: *Provided further*, That up to 3 percent of the funds in the second preceding proviso shall be available for technical assistance and evaluation related to grants awarded under such section 9212: *Provided further*, That $742,383,000 shall be for making payments under the CSBG Act: *Provided further*, That $27,733,000 shall be for sections 680 and 678E(b)(2) of the CSBG Act, of which not less than $19,883,000 shall be for section 680(a)(2) and not less than $7,500,000 shall be for section 680(a)(3)(B) of such Act: *Provided further*, That, notwithstanding section 675C(a)(3) of such Act, to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under such Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That these procedures shall apply to such grant funds made available after November 29, 1999: *Provided further*, That funds appropriated for section 680(a)(2) of the CSBG Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That the Secretary

Procedures.
Assets.
Time period.
42 USC 9921 note.

Applicability.
Effective date.

Standards.
State and local governments.
Territories.
Time period.
Reports.

shall issue performance standards for entities receiving funds from State and territorial grantees under the CSBG Act, and such States and territories shall assure the implementation of such standards prior to September 30, 2017, and include information on such implementation in the report required by section 678E(a)(2) of such Act: *Provided further*, That $1,864,000 shall be for a human services case management system for federally declared disasters, to include a comprehensive national case management contract and Federal costs of administering the system: *Provided further*, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out, except as otherwise provided, section 436 of the Social Security Act, $325,000,000 and, for carrying out, except as otherwise provided, section 437 of such Act, $59,765,000: *Provided*, That notwithstanding sections 438(c)(3)(A) and 436(b)(2) of such Act, $10,000,000 shall be available for such section 436(b)(2), of which no funds shall be available for carrying out sections 438(c)(3)(A)(ii) and (iii) of such Act.

PAYMENTS FOR FOSTER CARE AND PERMANENCY

For carrying out, except as otherwise provided, title IV–E of the Social Security Act, $5,764,000,000.

For carrying out, except as otherwise provided, title IV–E of the Social Security Act, for the first quarter of fiscal year 2018, $2,500,000,000.

Effective date. Time period.

For carrying out, after May 31 of the current fiscal year, except as otherwise provided, section 474 of title IV–E of the Social Security Act, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION FOR COMMUNITY LIVING

AGING AND DISABILITY SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 ("OAA"), titles III and XXIX of the PHS Act, sections 1252 and 1253 of the PHS Act, section 119 of the Medicare Improvements for Patients and Providers Act of 2008, title XX–B of the Social Security Act, the Developmental Disabilities Assistance and Bill of Rights Act, parts 2 and 5 of subtitle D of title II of the Help America Vote Act of 2002, the Assistive Technology Act of 1998, titles II and VII (and section 14 with respect to such titles) of the Rehabilitation Act of 1973, and for Department-wide coordination of policy and program activities that assist individuals with disabilities, $1,919,000,000, together with $47,115,000 to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to carry out section 4360 of the Omnibus Budget Reconciliation Act of 1990: *Provided*, That amounts appropriated under this heading may be used for grants to States under

section 361 of the OAA only for disease prevention and health promotion programs and activities which have been demonstrated through rigorous evaluation to be evidence-based and effective: *Provided further*, That of amounts made available under this heading to carry out sections 311, 331, and 336 of the OAA, up to one percent of such amounts shall be available for developing and implementing evidence-based practices for enhancing senior nutrition: *Provided further*, That notwithstanding any other provision of this Act, funds made available under this heading to carry out section 311 of the OAA may be transferred to the Secretary of Agriculture in accordance with such section: *Provided further*, That $2,000,000 shall be for competitive grants to support alternative financing programs that provide for the purchase of assistive technology devices, such as a low-interest loan fund; an interest buy-down program; a revolving loan fund; a loan guarantee; or an insurance program: *Provided further*, That applicants shall provide an assurance that, and information describing the manner in which, the alternative financing program will expand and emphasize consumer choice and control: *Provided further*, That State agencies and community-based disability organizations that are directed by and operated for individuals with disabilities shall be eligible to compete: *Provided further*, That none of the funds made available under this heading may be used by an eligible system (as defined in section 102 of the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. 10802)) to continue to pursue any legal action in a Federal or State court on behalf of an individual or group of individuals with a developmental disability (as defined in section 102(8)(A) of the Developmental Disabilities and Assistance and Bill of Rights Act of 2000 (20 U.S.C. 15002(8)(A)) that is attributable to a mental impairment (or a combination of mental and physical impairments), that has as the requested remedy the closure of State operated intermediate care facilities for people with intellectual or developmental disabilities, unless reasonable public notice of the action has been provided to such individuals (or, in the case of mental incapacitation, the legal guardians who have been specifically awarded authority by the courts to make healthcare and residential decisions on behalf of such individuals) who are affected by such action, within 90 days of instituting such legal action, which informs such individuals (or such legal guardians) of their legal rights and how to exercise such rights consistent with current Federal Rules of Civil Procedure: *Provided further*, That the limitations in the immediately preceding proviso shall not apply in the case of an individual who is neither competent to consent nor has a legal guardian, nor shall the proviso apply in the case of individuals who are a ward of the State or subject to public guardianship.

Disabled person.
Deadline.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six passenger motor vehicles, and for carrying out titles III, XVII, XXI, and section 229 of the PHS Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $460,629,000, together with $64,828,000 from

the amounts available under section 241 of the PHS Act to carry out national health or human services research and evaluation activities: *Provided*, That of this amount, $53,900,000 shall be for minority AIDS prevention and treatment activities: *Provided further*, That of the funds made available under this heading, $101,000,000 shall be for making competitive contracts and grants to public and private entities to fund medically accurate and age appropriate programs that reduce teen pregnancy and for the Federal costs associated with administering and evaluating such contracts and grants, of which not more than 10 percent of the available funds shall be for training and technical assistance, evaluation, outreach, and additional program support activities, and of the remaining amount 75 percent shall be for replicating programs that have been proven effective through rigorous evaluation to reduce teenage pregnancy, behavioral risk factors underlying teenage pregnancy, or other associated risk factors, and 25 percent shall be available for research and demonstration grants to develop, replicate, refine, and test additional models and innovative strategies for preventing teenage pregnancy: *Provided further*, That of the amounts provided under this heading from amounts available under section 241 of the PHS Act, $6,800,000 shall be available to carry out evaluations (including longitudinal evaluations) of teenage pregnancy prevention approaches: *Provided further*, That of the funds made available under this heading, $15,000,000 shall be for making competitive grants which exclusively implement education in sexual risk avoidance (defined as voluntarily refraining from non-marital sexual activity): *Provided further*, That funding for such competitive grants for sexual risk avoidance shall use medically accurate information referenced to peer-reviewed publications by educational, scientific, governmental, or health organizations; implement an evidence-based approach integrating research findings with practical implementation that aligns with the needs and desired outcomes for the intended audience; and teach the benefits associated with self-regulation, success sequencing for poverty prevention, healthy relationships, goal setting, and resisting sexual coercion, dating violence, and other youth risk behaviors such as underage drinking or illicit drug use without normalizing teen sexual activity: *Provided further*, That no more than 10 percent of the funding for such competitive grants for sexual risk avoidance shall be available for technical assistance and administrative costs of such programs: *Provided further*, That funds provided in this Act for embryo adoption activities may be used to provide to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: *Provided further*, That such services shall be provided consistent with 42 CFR 59.5(a)(4).

Sexual risk avoidance.

Embryo adoption.

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for the Office of Medicare Hearings and Appeals, $107,381,000, to be transferred in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of interoperable health information technology, $60,367,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, $80,000,000: *Provided,* That of such amount, necessary sums shall be available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $38,798,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, and for medical care of dependents and retired personnel under the Dependents' Medical Care Act, such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies, $950,958,000, of which $511,700,000 shall remain available through September 30, 2018, for expenses necessary to support advanced research and development pursuant to section 319L of the PHS Act and other administrative expenses of the Biomedical Advanced Research and Development Authority: *Provided*, That funds provided under this heading for the purpose of acquisition of security countermeasures shall be in addition to any other funds available for such purpose: *Provided further*, That products purchased with funds provided under this heading may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile pursuant to section 319F–2 of the PHS Act: *Provided further*, That $5,000,000 of the amounts made available to support emergency operations shall remain available through September 30, 2019.

For expenses necessary for procuring security countermeasures (as defined in section 319F–2(c)(1)(B) of the PHS Act), $510,000,000, to remain available until expended.

For an additional amount for expenses necessary to prepare for or respond to an influenza pandemic, $57,000,000; of which

$40,000,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided*, That notwithstanding section 496(b) of the PHS Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologics, if the Secretary finds such construction or renovation necessary to secure sufficient supplies of such vaccines or biologics.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. None of the funds appropriated in this title shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II.

Reports.

SEC. 203. None of the funds appropriated in this Act may be expended pursuant to section 241 of the PHS Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in HHS, prior to the preparation and submission of a report by the Secretary to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

Determination.
Evaluation.

SEC. 204. Notwithstanding section 241(a) of the PHS Act, such portion as the Secretary shall determine, but not more than 2.5 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) and the implementation and effectiveness of programs funded in this title.

(TRANSFER OF FUNDS)

SEC. 205. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for HHS in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

Notification.
Time period.

Time period.
Contracts.

SEC. 206. In lieu of the timeframe specified in section 338E(c)(2) of the PHS Act, terminations described in such section may occur up to 60 days after the execution of a contract awarded in fiscal year 2017 under section 338B of such Act.

Certification.

SEC. 207. None of the funds appropriated in this Act may be made available to any entity under title X of the PHS Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 208. Notwithstanding any other provision of law, no provider of services under title X of the PHS Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

Abortion. Medicare and Medicaid.

SEC. 209. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

Gun control.

SEC. 210. None of the funds made available in this title may be used, in whole or in part, to advocate or promote gun control.

Children and youth. AIDS.

SEC. 211. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

AIDS. Diseases.

SEC. 212. In order for HHS to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2017:

(1) The Secretary may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956. The Secretary shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 and other applicable statutes administered by the Department of State.

Consultation.

(2) The Secretary is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of HHS. The Department of State shall cooperate fully with the Secretary to ensure that HHS has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

Consultation.

(3) The Secretary is authorized to provide to personnel appointed or assigned by the Secretary to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1980, and 22 U.S.C. 4081 through 4086 and subject to such regulations prescribed by the Secretary. The Secretary is further authorized to provide locality-based comparability payments (stated as a percentage) up to the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such personnel under section 5304 of title 5, United States Code if such personnel's official duty station were in the District of Columbia. Leaves of absence for personnel under this subsection shall be on the same basis as that provided under subchapter I of chapter 63 of title 5, United States Code, or section 903 of the Foreign Service Act of 1980, to individuals serving in the Foreign Service.

(TRANSFER OF FUNDS)

SEC. 213. The Director of the NIH, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

Notification.
Time period.

(TRANSFER OF FUNDS)

SEC. 214. Of the amounts made available in this Act for NIH, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of NIH and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the PHS Act.

SEC. 215. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of NIH ("Director") may use funds authorized under section 402(b)(12) of the PHS Act to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to or research and activities described in such section 402(b)(12).

Procedures.
Determination.
Assessments.

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the PHS Act.

Applicability.

SEC. 216. Not to exceed $45,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $3,500,000 per project.

(TRANSFER OF FUNDS)

SEC. 217. Of the amounts made available for NIH, 1 percent of the amount made available for National Research Service Awards ("NRSA") shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under sections 736, 739, or 747 of the PHS Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

Contracts.

SEC. 218. (a) The Biomedical Advanced Research and Development Authority ("BARDA") may enter into a contract, for more than one but no more than 10 program years, for purchase of research services or of security countermeasures, as that term is defined in section 319F–2(c)(1)(B) of the PHS Act (42 U.S.C. 247d–6b(c)(1)(B)), if—

(1) funds are available and obligated—

(A) for the full period of the contract or for the first fiscal year in which the contract is in effect; and

(B) for the estimated costs associated with a necessary termination of the contract; and

Determination.

(2) the Secretary determines that a multi-year contract will serve the best interests of the Federal Government by encouraging full and open competition or promoting economy in administration, performance, and operation of BARDA's programs.

(b) A contract entered into under this section—

(1) shall include a termination clause as described by subsection (c) of section 3903 of title 41, United States Code; and

(2) shall be subject to the congressional notice requirement stated in subsection (d) of such section.

Public information.
Web posting.
42 USC 300u–11 note.
Deadlines.

SEC. 219. (a) The Secretary shall establish a publicly accessible Web site to provide information regarding the uses of funds made available under section 4002 of the Patient Protection and Affordable Care Act of 2010 ("ACA").

(b) With respect to funds provided under section 4002 of the ACA, the Secretary shall include on the Web site established under subsection (a) at a minimum the following information:

(1) In the case of each transfer of funds under section 4002(c), a statement indicating the program or activity receiving funds, the operating division or office that will administer the funds, and the planned uses of the funds, to be posted not later than the day after the transfer is made.

(2) Identification (along with a link to the full text) of each funding opportunity announcement, request for proposals, or other announcement or solicitation of proposals for grants, cooperative agreements, or contracts intended to be awarded using such funds, to be posted not later than the day after the announcement or solicitation is issued.

(3) Identification of each grant, cooperative agreement, or contract with a value of $25,000 or more awarded using such funds, including the purpose of the award and the identity of the recipient, to be posted not later than 5 days after the award is made.

Reports.

(4) A report detailing the uses of all funds transferred under section 4002(c) during the fiscal year, to be posted not later than 90 days after the end of the fiscal year.

Time periods. Reports. Deadline.

(c) With respect to awards made in fiscal years 2013 through 2017, the Secretary shall also include on the Web site established under subsection (a), semi-annual reports from each entity awarded a grant, cooperative agreement, or contract from such funds with a value of $25,000 or more, summarizing the activities undertaken and identifying any sub-grants or sub-contracts awarded (including the purpose of the award and the identity of the recipient), to be posted not later than 30 days after the end of each 6-month period.

(d) In carrying out this section, the Secretary shall—

(1) present the information required in subsection (b)(1) on a single webpage or on a single database;

(2) ensure that all information required in this section is directly accessible from the single webpage or database; and

(3) ensure that all information required in this section is able to be organized by program or State.

Publication. Web posting. Government employees. Contracts.

SEC. 220. (a) The Secretary shall publish in the fiscal year 2018 budget justification and on Departmental Web sites information concerning the employment of full-time equivalent Federal employees or contractors for the purposes of implementing, administering, enforcing, or otherwise carrying out the provisions of the ACA, and the amendments made by that Act, in the proposed fiscal year and each fiscal year since the enactment of the ACA.

(b) With respect to employees or contractors supported by all funds appropriated for purposes of carrying out the ACA (and the amendments made by that Act), the Secretary shall include, at a minimum, the following information:

(1) For each such fiscal year, the section of such Act under which such funds were appropriated, a statement indicating the program, project, or activity receiving such funds, the Federal operating division or office that administers such program, and the amount of funding received in discretionary or mandatory appropriations.

(2) For each such fiscal year, the number of full-time equivalent employees or contracted employees assigned to each authorized and funded provision detailed in accordance with paragraph (1).

(c) In carrying out this section, the Secretary may exclude from the report employees or contractors who—

(1) are supported through appropriations enacted in laws other than the ACA and work on programs that existed prior to the passage of the ACA;

(2) spend less than 50 percent of their time on activities funded by or newly authorized in the ACA; or

(3) work on contracts for which FTE reporting is not a requirement of their contract, such as fixed-price contracts.

Publication. Medicare and Medicaid. Health insurance exchanges.

SEC. 221. The Secretary shall publish, as part of the fiscal year 2018 budget of the President submitted under section 1105(a) of title 31, United States Code, information that details the uses of all funds used by the Centers for Medicare and Medicaid Services specifically for Health Insurance Exchanges for each fiscal year since the enactment of the ACA and the proposed uses for such funds for fiscal year 2018. Such information shall include, for each

such fiscal year, the amount of funds used for each activity specified under the heading "Health Insurance Exchange Transparency" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Notifications.

SEC. 222. (a) The Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate:

(1) Detailed monthly enrollment figures from the Exchanges established under the Patient Protection and Affordable Care Act of 2010 pertaining to enrollments during the open enrollment period; and

(2) Notification of any new or competitive grant awards, including supplements, authorized under section 330 of the Public Health Service Act.

Time period.

(b) The Committees on Appropriations of the House and Senate must be notified at least 2 business days in advance of any public release of enrollment information or the award of such grants.

SEC. 223. None of the funds made available by this Act from the Federal Hospital Insurance Trust Fund or the Federal Supplemental Medical Insurance Trust Fund, or transferred from other accounts funded by this Act to the "Centers for Medicare and Medicaid Services—Program Management" account, may be used for payments under section 1342(b)(1) of Public Law 111–148 (relating to risk corridors).

SEC. 224. In addition to the amounts otherwise available for "Centers for Medicare and Medicaid Services, Program Management", the Secretary of Health and Human Services may transfer up to $305,000,000 to such account from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund to support program management activity related to the Medicare Program: *Provided*, That except for the foregoing purpose, such funds may not be used to support any provision of Public Law 111–148 or Public Law 111–152 (or any amendment made by either such Public Law) or to supplant any other amounts within such account.

Analysis.

SEC. 225. The Secretary shall include in the fiscal year 2018 budget justification an analysis of how section 2713 of the PHS Act will impact eligibility for discretionary HHS programs.

Effective date.
Time period.

SEC. 226. Effective during the period beginning on November 1, 2015 and ending January 1, 2019, any provision of law that refers (including through cross-reference to another provision of law) to the current recommendations of the United States Preventive Services Task Force with respect to breast cancer screening, mammography, and prevention shall be administered by the Secretary involved as if—

(1) such reference to such current recommendations were a reference to the recommendations of such Task Force with respect to breast cancer screening, mammography, and prevention last issued before 2009; and

(2) such recommendations last issued before 2009 applied to any screening mammography modality under section 1861(jj) of the Social Security Act (42 U.S.C. 1395x(jj)).

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2017".

Department of Education Appropriations Act, 2017.

TITLE III

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I and subpart 2 of part B of title II of the Elementary and Secondary Education Act of 1965 (referred to in this Act as "ESEA") and section 418A of the Higher Education Act of 1965 (referred to in this Act as "HEA"), $16,143,790,000, of which $5,225,990,000 shall become available on July 1, 2017, and shall remain available through September 30, 2018, and of which $10,841,177,000 shall become available on October 1, 2017, and shall remain available through September 30, 2018, for academic year 2017–2018: *Provided*, That $6,459,401,000 shall be for basic grants under section 1124 of the ESEA: *Provided further*, That up to $5,000,000 of these funds shall be available to the Secretary of Education (referred to in this title as "Secretary") on October 1, 2016, to obtain annually updated local educational agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,362,301,000 shall be for concentration grants under section 1124A of the ESEA: *Provided further*, That $3,819,050,000 shall be for targeted grants under section 1125 of the ESEA: *Provided further*, That $3,819,050,000 shall be for education finance incentive grants under section 1125A of the ESEA: *Provided further*, That $217,000,000 shall be for carrying out subpart 2 of part B of title II: *Provided further*, That $44,623,000 shall be for carrying out section 418A of the HEA.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VII of the ESEA, $1,328,603,000, of which $1,189,233,000 shall be for basic support payments under section 7003(b), $48,316,000 shall be for payments for children with disabilities under section 7003(d), $17,406,000, to remain available for obligation through September 30, 2018, shall be for construction under section 7007(b), $68,813,000 shall be for Federal property payments under section 7002, and $4,835,000, to remain available until expended, shall be for facilities maintenance under section 7008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 7003(a) for school year 2016–2017, children enrolled in a school of such agency that would otherwise be eligible for payment under section 7003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 7003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

Eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

Grants.

For carrying out school improvement activities authorized by part B of title I, part A of title II, subpart 1 of part A of title IV, part B of title IV, part B of title V, and parts B and C of title VI of the ESEA; the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $4,408,567,000, of which $2,588,002,000 shall become available on July 1, 2017, and remain available through September 30, 2018, and of which $1,681,441,000 shall become available on October 1, 2017, and shall remain available through September 30, 2018, for academic year 2017–2018: *Provided*, That $369,100,000 shall be for part B of title I: *Provided further*, That $1,191,673,000 shall be for part B of title IV: *Provided further*, That $33,397,000 shall be for part B of title VI and may be used for construction, renovation, and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further*, That $32,453,000 shall be for part C of title VI and shall be awarded on a competitive basis, and also may be used for construction: *Provided further*, That $50,000,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002 and the Secretary shall make such arrangements as determined to be necessary to ensure that the Bureau of Indian Education has access to services provided under this section: *Provided further*, That $16,699,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided further*, That the Secretary may reserve up to 5 percent of the amount referred to in the previous proviso to provide technical assistance in the implementation of these grants: *Provided further*, That $175,840,000 shall be for part B of title V: *Provided further*, That $400,000,000 shall be available for grants under subpart 1 of part A of title IV: *Provided further*, That notwithstanding subsections (a) and (b) of section 4105 of such Act, each State may use funds reserved under section 4104(a)(1) of such Act to award subgrants, on a competitive basis, to local educational agencies receiving a grant under part A of title I, or consortia of such local educational agencies, of such Act, to enable the agencies or consortia to support activities authorized under one or more of sections 4107, 4108, and 4109(a) of such Act: *Provided further*, That each such subgrant shall be subject to the same terms and conditions as an allocation provided under section 4105 of such Act, except as otherwise provided in this Act: *Provided further*, That each State that awards such subgrants shall award such subgrants with priority given to local educational agencies, or consortia of local educational agencies, with the greatest need based on the number or percentage of children counted under section 1124(c), in a manner that ensures geographic diversity among subgrant recipients representing rural, suburban, and urban areas, and in a manner that distributes the total amount of funds available to the State under section 4104(a)(1) consistent with the requirements described in subparagraphs (C) through (E) of section 4106(e)(2) of such Act: *Provided further*, That each such subgrant awarded shall be for a term of one year and in an amount of

State and local governments.

State and local governments.

Time period.

not less than $10,000, and a subgrant recipient shall not be subject to any of the distribution requirements described in subparagraphs (C) through (E) of subsections (e)(2) and (f), of section 4106 of such Act: *Provided further*, That notwithstanding section 4109(b) of such Act, a subgrant recipient using such subgrant funds to carry out only activities authorized under section 4109(a) of such Act may use not more than 25 percent of the subgrant funds for purchasing technology infrastructure as described in such section 4109(b): *Provided further*, That amounts made available under this heading to a State agency awarding such subgrants shall remain available until September 30, 2018.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VI, part A of the ESEA, $164,939,000, of which $57,993,000 shall be for subpart 2 of part A of title VI and $6,565,000 shall be for subpart 3 of part A of title VI.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by subparts 1, 3 and 4 of part B of title II, and parts C and D and subparts 1 and 4 of part F of title IV of the ESEA, $887,575,000: *Provided*, That $283,015,000 shall be for subparts 1, 3 and 4 of part B of title II and shall be made available without regard to sections 2201, 2231(b) and 2241: *Provided further*, That $504,560,000 shall be for parts C and D and subpart 4 of part F of title IV, and shall be made available without regard to sections 4311, 4409(a), and 4601 of the ESEA: *Provided further*, That section 4303(d)(3)(A)(i) shall not apply to the funds available for part C of title IV: *Provided further*, That of the funds available for part C of title IV, the Secretary shall use not less than $26,000,000 to carry out section 4304, of which not more than $10,000,000 shall be available to carry out section 4304(k), not more than $100,000,000 to carry out section 4305(b), and not less than $11,000,000 to carry out the activities in section 4305(a)(3): *Provided further*, That notwithstanding section 4601(b), $100,000,000 shall be available through December 31, 2017 for subpart 1 of part F of title IV.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subparts 2 and 3 of part F of title IV of the ESEA, $151,254,000: *Provided*, That $68,000,000 shall be available for section 4631, of which up to $5,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence ("Project SERV") program to provide education-related services to local educational agencies and institutions of higher education in which the learning environment has been disrupted due to a violent or traumatic crisis: *Provided further*, That $10,000,000 shall be available for section 4625: *Provided further*, That $73,254,000 shall be available through December 31, 2017, for section 4624: *Provided further*, That section 4623(b) of the ESEA shall apply to funds appropriated for Promise Neighborhoods under this heading in prior appropriations acts.

Applicability.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, $737,400,000, which shall become available on July 1, 2017, and shall remain available through September 30, 2018, except that 6.5 percent of such amount shall be available on October 1, 2016, and shall remain available through September 30, 2018, to carry out activities under section 3111(c)(1)(C).

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (IDEA) and the Special Olympics Sport and Empowerment Act of 2004, $13,064,358,000, of which $3,546,259,000 shall become available on July 1, 2017, and shall remain available through September 30, 2018, and of which $9,283,383,000 shall become available on October 1, 2017, and shall remain available through September 30, 2018, for academic year 2017–2018: *Provided*, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2016, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percent change in the funds appropriated under section 611(i) of the IDEA, but not less than the amount for that activity during fiscal year 2016: *Provided further*, That the Secretary shall, without regard to section 611(d) of the IDEA, distribute to all other States (as that term is defined in section 611(g)(2)), subject to the third proviso, any amount by which a State's allocation under section 611, from funds appropriated under this heading, is reduced under section 612(a)(18)(B), according to the following: 85 percent on the basis of the States' relative populations of children aged 3 through 21 who are of the same age as children with disabilities for whom the State ensures the availability of a free appropriate public education under this part, and 15 percent to States on the basis of the States' relative populations of those children who are living in poverty: *Provided further*, That the Secretary may not distribute any funds under the previous proviso to any State whose reduction in allocation from funds appropriated under this heading made funds available for such a distribution: *Provided further*, That the States shall allocate such funds distributed under the second proviso to local educational agencies in accordance with section 611(f): *Provided further*, That the amount by which a State's allocation under section 611(d) of the IDEA is reduced under section 612(a)(18)(B) and the amounts distributed to States under the previous provisos in fiscal year 2012 or any subsequent year shall not be considered in calculating the awards under section 611(d) for fiscal year 2013 or for any subsequent fiscal years: *Provided further*, That, notwithstanding the provision in section 612(a)(18)(B) regarding the fiscal year in which a State's allocation under section 611(d) is reduced for failure to comply with the requirement of section 612(a)(18)(A), the Secretary may apply the reduction specified in section 612(a)(18)(B) over a period of consecutive fiscal years, not to exceed five, until the entire reduction is applied: *Provided further*, That the Secretary may, in any fiscal year in which a State's allocation under section 611 is reduced in accordance with section 612(a)(18)(B), reduce the amount a State may reserve under section 611(e)(1) by an amount that bears the same relation to the maximum amount described in that paragraph as the reduction under

20 USC 1411 note.

20 USC 1411 note.

section 612(a)(18)(B) bears to the total allocation the State would have received in that fiscal year under section 611(d) in the absence of the reduction: *Provided further*, That the Secretary shall either reduce the allocation of funds under section 611 for any fiscal year following the fiscal year for which the State fails to comply with the requirement of section 612(a)(18)(A) as authorized by section 612(a)(18)(B), or seek to recover funds under section 452 of the General Education Provisions Act (20 U.S.C. 1234a): *Provided further*, That the funds reserved under 611(c) of the IDEA may be used to provide technical assistance to States to improve the capacity of the States to meet the data collection requirements of sections 616 and 618 and to administer and carry out other services and activities to improve data collection, coordination, quality, and use under parts B and C of the IDEA: *Provided further*, That the Secretary may use funds made available for the State Personnel Development Grants program under part D, subpart 1 of IDEA to evaluate program performance under such subpart.

REHABILITATION SERVICES

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973 and the Helen Keller National Center Act, $3,535,589,000, of which $3,398,554,000 shall be for grants for vocational rehabilitation services under title I of the Rehabilitation Act: *Provided*, That the Secretary may use amounts provided in this Act that remain available subsequent to the reallotment of funds to States pursuant to section 110(b) of the Rehabilitation Act for innovative activities aimed at improving the outcomes of individuals with disabilities as defined in section 7(20)(B) of the Rehabilitation Act, including activities aimed at improving the education and post-school outcomes of children receiving Supplemental Security Income ("SSI") and their families that may result in long-term improvement in the SSI child recipient's economic status and self-sufficiency: *Provided further,* That States may award subgrants for a portion of the funds to other public and private, nonprofit entities: *Provided further,* That any funds made available subsequent to reallotment for innovative activities aimed at improving the outcomes of individuals with disabilities shall remain available until September 30, 2018.

State and local governments. Grants.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act to promote the Education of the Blind of March 3, 1879, $25,431,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, $70,016,000: *Provided,* That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, $121,275,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act ("AEFLA"), $1,720,686,000, of which $929,686,000 shall become available on July 1, 2017, and shall remain available through September 30, 2018, and of which $791,000,000 shall become available on October 1, 2017, and shall remain available through September 30, 2018: *Provided*, That of the amounts made available for AEFLA, $13,712,000 shall be for national leadership activities under section 242.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 10 of part A, and part C of title IV of the HEA, $24,198,210,000, which shall remain available through September 30, 2018.

The maximum Pell Grant for which a student shall be eligible during award year 2017–2018 shall be $4,860. 20 USC 1070a note.

STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, 9, and 10 of part A, and parts B, C, D, and E of title IV of the HEA, and subpart 1 of part A of title VII of the Public Health Service Act, $1,576,854,000, to remain available through September 30, 2018: *Provided*, That the Secretary shall allocate new student loan borrower accounts to eligible student loan servicers on the basis of their performance compared to all loan servicers utilizing established common metrics, and on the basis of the capacity of each servicer to process new and existing accounts: *Provided further,* That the Secretary shall, no later than September 30, 2017, allow student loan borrowers who are consolidating Federal student loans to select from any student loan servicer to service their new consolidated student loan. Deadline. 20 USC 1078–3 note.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the HEA, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, $2,055,439,000: *Provided*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating

in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That up to 1.5 percent of the funds made available under chapter 2 of subpart 2 of part A of title IV of the HEA may be used for evaluation : *Provided further*, That, in making awards under section 402C of the HEA with funds appropriated by this Act, the Secretary shall announce new grant awards for which the notice inviting applications was published in the Federal Register on October 17, 2016 (81 F.R. 71,492) by June 1, 2017, and for all other new grant awards under such section by August 1, 2017: *Provided further*, That, in making continuation grant awards under subpart 2 of chapter 1 of part A of title IV of the HEA with funds appropriated by this Act, the Secretary shall issue continuation notifications no later than August 1, 2017.

Grants.
Deadlines.

Notifications.
Deadline.

HOWARD UNIVERSITY

For partial support of Howard University, $221,821,000, of which not less than $3,405,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the HEA, $435,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For the cost of guaranteed loans, $20,150,000, as authorized pursuant to part D of title III of the HEA, which shall remain available through September 30, 2018: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $282,212,885: *Provided further,* That these funds may be used to support loans to public and private Historically Black Colleges and Universities without regard to the limitations within section 344(a) of the HEA.

In addition, for administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the HEA, $334,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with

Disabilities Education Act, $605,267,000, which shall remain available through September 30, 2018: *Provided*, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used to link Statewide elementary and secondary data systems with early childhood, postsecondary, and workforce data systems, or to further develop such systems: *Provided further*, That up to $6,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for awards to public or private organizations or agencies to support activities to improve data coordination, quality, and use at the local, State, and national levels.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $432,000,000, of which up to $1,000,000, to remain available until expended, may be for relocation of, and renovation of buildings occupied by, Department staff: *Provided*, That $2,000,000 of the unobligated funds available under this heading and "Student Aid Administration" in this and prior appropriations acts that may be used for travel, printing, supplies and other administrative expenses shall be available for obligation for the Ready to Learn program.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $108,500,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, as authorized by section 212 of the Department of Education Organization Act, $59,256,000.

GENERAL PROVISIONS

Desegregation.

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing

of schools, or the clustering of schools, or any combination of grade restructuring, pairing, or clustering. The prohibition described in this section does not include the establishment of magnet schools.

Voluntary prayer. Meditation.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

Notification. Time period.

Applicability. 48 USC 1921d note.

SEC. 305. Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) shall be applied by substituting "2017" for "2016".

Time period.

SEC. 306. Funds appropriated in this Act and consolidated for evaluation purposes under section 8601(c) of the ESEA shall be available from July 1, 2017, through September 30, 2018.

SEC. 307. (a) An institution of higher education that maintains an endowment fund supported with funds appropriated for title III or V of the HEA for fiscal year 2017 may use the income from that fund to award scholarships to students, subject to the limitation in section 331(c)(3)(B)(i) of the HEA. The use of such income for such purposes, prior to the enactment of this Act, shall be considered to have been an allowable use of that income, subject to that limitation.

Effective date.

(b) Subsection (a) shall be in effect until titles III and V of the HEA are reauthorized.

SEC. 308. Section 114(f) of the HEA (20 U.S.C. 1011c(f)) is amended by striking "2016" and inserting "2017".

SEC. 309. Section 458(a) of the HEA (20 U.S.C. 1087h(a)) is amended in paragraph (4) by striking "2016" and inserting "2017".

(INCLUDING RESCISSION)

SEC. 310. (a) Section 401(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)) is amended by adding at the end the following:

Effective date. Grants.

"(8)(A) Effective in the 2017–2018 award year and thereafter, the Secretary shall award an eligible student not more than one and one-half Federal Pell Grants during a single award year to permit such student to work toward completion of an eligible program if, during that single award year, the student—

"(i) has received a Federal Pell Grant for an award year and is enrolled in an eligible program for one or more additional payment periods during the same award year that are not otherwise fully covered by the student's Federal Pell Grant; and

"(ii) is enrolled on at least a half-time basis while receiving any funds under this section.

"(B) In the case of a student receiving more than one Federal Pell Grant in a single award year under subparagraph (A), the total amount of Federal Pell Grants awarded to such student for the award year may exceed the maximum basic grant level specified in the appropriate appropriations Act for such award year.

"(C) Any period of study covered by a Federal Pell Grant awarded under subparagraph (A) shall be included in determining a student's duration limit under subsection (c)(5).

"(D) In any case where an eligible student is receiving a Federal Pell Grant for a payment period that spans two award years, the Secretary shall allow the eligible institution in which the student is enrolled to determine the award year to which the additional period shall be assigned, as it determines is most beneficial to students.".

(b) Section 401(b)(7)(A)(iv)(VII) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(7)(A)(iv)(VII)) is amended by striking "$1,574,000,000" and inserting "$1,320,000,000".

(RESCISSION)

SEC. 311. Of the unobligated balances available from Public Law 114–113 under the heading "Student Financial Assistance" for carrying out subpart 1 of part A of title IV of the HEA, $1,310,000,000 are hereby rescinded.

This title may be cited as the "Department of Education Appropriations Act, 2017".

TITLE IV

RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From People Who Are Blind or Severely Disabled established under section 8502 of title 41, United States Code, $8,000,000: *Provided*, That in order to authorize any central nonprofit agency designated pursuant to section 8503(c) of title 41, United States Code, to perform contract requirements of the Committee as prescribed under section 51–3.2 of title 41, Code of Federal Regulations, the Committee shall enter into a written agreement with any such central nonprofit agency: *Provided further*, That such agreement entered into under the preceding proviso shall contain such auditing, oversight, and reporting provisions as necessary to implement chapter 85 of title 41, United States Code: *Provided further*, That such agreement shall include the elements listed under this heading in the explanatory statement accompanying Public Law 114–113: *Provided further*, That a fee may not be charged under section 51–3.5 of title 41, Code of Federal Regulations, unless such fee is under the terms of the written agreement between the Committee and any such central nonprofit agency: *Provided further*,

Contracts.

That no less than $1,000,000 shall be available for the Office of Inspector General.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service (referred to in this title as "CNCS") to carry out the Domestic Volunteer Service Act of 1973 (referred to in this title as "1973 Act") and the National and Community Service Act of 1990 (referred to in this title as "1990 Act"), $736,029,000, notwithstanding sections 198B(b)(3), 198S(g), 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act: *Provided*, That of the amounts provided under this heading: (1) up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle; (2) $16,538,000 shall be available to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(5)(B) of the 1990 Act; (3) $30,000,000 shall be available to carry out subtitle E of the 1990 Act; and (4) $3,800,000 shall be available for expenses authorized under section 501(a)(4)(F) of the 1990 Act, which, notwithstanding the provisions of section 198P shall be awarded by CNCS on a competitive basis: *Provided further*, That for the purposes of carrying out the 1990 Act, satisfying the requirements in section 122(c)(1)(D) may include a determination of need by the local community.

PAYMENT TO THE NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For payment to the National Service Trust established under subtitle D of title I of the 1990 Act, $206,842,000, to remain available until expended: *Provided*, That CNCS may transfer additional funds from the amount provided within "Operating Expenses" allocated to grants under subtitle C of title I of the 1990 Act to the National Service Trust upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

Determination.
Notification.

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(5) of the 1990 Act and under section 504(a) of the 1973 Act, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $81,737,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $5,750,000.

ADMINISTRATIVE PROVISIONS

SEC. 401. CNCS shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2017, during any grant selection process, an officer or employee of CNCS shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of CNCS that is authorized by CNCS to receive such information.

42 USC 12571 note.

SEC. 402. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first 3 years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the 1990 Act, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

SEC. 403. Donations made to CNCS under section 196 of the 1990 Act for the purposes of financing programs and operations under titles I and II of the 1973 Act or subtitle B, C, D, or E of title I of the 1990 Act shall be used to supplement and not supplant current programs and operations.

SEC. 404. In addition to the requirements in section 146(a) of the 1990 Act, use of an educational award for the purpose described in section 148(a)(4) shall be limited to individuals who are veterans as defined under section 101 of the Act.

SEC. 405. For the purpose of carrying out section 189D of the 1990 Act—

(1) entities described in paragraph (a) of such section shall be considered "qualified entities" under section 3 of the National Child Protection Act of 1993 ("NCPA");

(2) individuals described in such section shall be considered "volunteers" under section 3 of NCPA; and

(3) State Commissions on National and Community Service established pursuant to section 178 of the 1990 Act, are authorized to receive criminal history record information, consistent with Public Law 92–544.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting ("CPB"), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2019, $445,000,000: *Provided*, That none of the funds made available to CPB by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds made available to CPB by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated

against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That none of the funds made available to CPB by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of CPB: *Provided further*, That none of the funds made available to CPB by this Act shall be used to support the Television Future Fund or any similar purpose.

In addition, for the costs associated with replacing and upgrading the public broadcasting interconnection system, $50,000,000.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service ("Service") to carry out the functions vested in it by the Labor-Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, $46,650,000, including up to $900,000 to remain available through September 30, 2018, for activities authorized by the Labor-Management Cooperation Act of 1978: *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, $17,184,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, $231,000,000.

MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1900 of the Social Security Act, $7,765,000.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $11,925,000, to be transferred to this appropriation from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, $3,250,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, $274,224,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

ADMINISTRATIVE PROVISIONS

SEC. 406. None of the funds provided by this Act or previous Acts making appropriations for the National Labor Relations Board may be used to issue any new administrative directive or regulation that would provide employees any means of voting through any electronic means in an election to determine a representative for the purposes of collective bargaining.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, $13,800,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, $13,225,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $25,000,000, which shall include amounts becoming available in fiscal year 2017 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2018, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board ("Board") for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $113,500,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund: *Provided*, That notwithstanding section 7(b)(9) of the Railroad Retirement Act this limitation may be used to hire attorneys only through the excepted service: *Provided further*, That the previous proviso shall not change the status under Federal employment laws of any attorney hired by the Railroad Retirement Board prior to January 1, 2013.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than $10,000,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m) and 1131(b)(2) of the Social Security Act, $11,400,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $43,618,163,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury: *Provided further,* That not more than $58,000,000 shall be available for research and demonstrations under sections 1110, 1115, and 1144 of the Social Security Act, and remain available through September 30, 2019.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary. Effective date.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2018, $15,000,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $20,000 for official reception and representation expenses, not more than $12,357,945,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to in such section: *Provided*, That not less than $2,300,000 shall be for the Social Security Advisory Board: *Provided further*, That, $90,000,000 to remain available through September 30, 2018, shall be used for activities to address the hearing backlog within the Office of Disability Adjudication and Review: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2017 not needed for fiscal year 2017 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further,* That the Commissioner of Social Security shall notify the Committees on Appropriations of the House of Representatives and the Senate prior to making unobligated balances available under the authority in the previous proviso: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or support services for labor organizations pursuant to policies, regulations, Notification.

or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

Of the total amount made available under this heading, not more than $1,819,000,000, to remain available through March 31, 2018, is for the costs associated with continuing disability reviews under titles II and XVI of the Social Security Act, including work-related continuing disability reviews to determine whether earnings derived from services demonstrate an individual's ability to engage in substantial gainful activity, for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, for the cost of co-operative disability investigation units, and for the cost associated with the prosecution of fraud in the programs and operations of the Social Security Administration by Special Assistant United States Attorneys: *Provided*, That, of such amount, $273,000,000 is provided to meet the terms of section 251(b)(2)(B)(ii)(III) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and $1,546,000,000 is additional new budget authority specified for purposes of section 251(b)(2)(B) of such Act: *Provided further*, That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these funds, similar to the reports that were required by section 103(d)(2) of Public Law 104–121 for fiscal years 1996 through 2002.

Reports.

In addition, $123,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2017 exceed $123,000,000, the amounts shall be available in fiscal year 2018 only to the extent provided in advance in appropriations Acts.

In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act, which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $29,787,000, together with not to exceed $75,713,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided,* That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate at least 15 days in advance of any transfer.

Notification.
Time period.

TITLE V

GENERAL PROVISIONS

(TRANSFER OF FUNDS)

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Lobbying.

SEC. 503. (a) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government, except in presentation to the executive branch of any State or local government itself.

Contracts.

(b) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.

Gun control.

(c) The prohibitions in subsections (a) and (b) shall include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for "Federal Mediation and Conciliation Service, Salaries and Expenses"; and the Chairman of the National Mediation Board

is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "National Mediation Board, Salaries and Expenses".

SEC. 505. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

Abortion.

SEC. 506. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

Definition.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

Abortion.

SEC. 507. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

Definition.

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 508. (a) None of the funds made available in this Act may be used for— Human embryos.

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells. Definition.

SEC. 509. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 510. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard. Health identifier.

SEC. 511. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if— Contracts.

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in 38 U.S.C. 4212(d) regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 513. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section. Certifications.

SEC. 514. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure Consultation. Time periods. Notification.

in fiscal year 2017, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2017, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier, and are notified in writing 10 days in advance of such reprogramming.

SEC. 515. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate information that is deliberately false or misleading.

Deadline.
Operating plan.

SEC. 516. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2017 that are different than those specified in this Act, the accompanying detailed table in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or the fiscal year 2017 budget request.

Reports.
Contracts.
Grants.

SEC. 517. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding $500,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2017, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

Deadline.

SEC. 518. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process any claim for credit for a quarter of coverage based on work performed under a social security account number that is not the claimant's number and the performance of such work under such number has formed the basis for a conviction of the claimant of a violation of section 208(a)(6) or (7) of the Social Security Act.

Mexico.

SEC. 519. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

Sterile needles.

SEC. 520. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug: *Provided*, That such limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant State or local health department, in consultation with the Centers for Disease Control and Prevention, determines that the State or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with State and local law.

State and local governments.
Determination.
Diseases.

Pornography.

SEC. 521. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

ACORN.

SEC. 522. None of the funds made available under this or any other Act, or any prior Appropriations Act, may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, allied organizations, or successors.

SEC. 523. For purposes of carrying out Executive Order 13589, Office of Management and Budget Memorandum M–12–12 dated

May 11, 2012, and requirements contained in the annual appropriations bills relating to conference attendance and expenditures:

(1) the operating divisions of HHS shall be considered independent agencies; and

(2) attendance at and support for scientific conferences shall be tabulated separately from and not included in agency totals.

SEC. 524. Federal agencies funded under this Act shall clearly state within the text, audio, or video used for advertising or educational purposes, including emails or Internet postings, that the communication is printed, published, or produced and disseminated at U.S. taxpayer expense. The funds used by a Federal agency to carry out this requirement shall be derived from amounts made available to the agency for advertising or other communications regarding the programs and activities of the agency.

SEC. 525. (a) Federal agencies may use Federal discretionary funds that are made available in this Act to carry out up to 10 Performance Partnership Pilots. Such Pilots shall be governed by the provisions of section 526 of division H of Public Law 113–76, except that in carrying out such Pilots section 526 shall be applied by substituting "FISCAL YEAR 2017" for "FISCAL YEAR 2014" in the title of subsection (b) and by substituting "September 30, 2021" for "September 30, 2018" each place it appears: *Provided*, That such pilots shall include communities that have experienced civil unrest.

(b) In addition, Federal agencies may use Federal discretionary funds that are made available in this Act to participate in Performance Partnership Pilots that are being carried out pursuant to the authority provided by section 526 of division H of Public Law 113–76, section 524 of division G of Public Law 113–235, and section 525 of division H of Public Law 114–113.

(c) Pilot sites selected under authorities in this Act and prior appropriations Acts may be granted by relevant agencies up to an additional 5 years to operate under such authorities.

Deadline. Effective date. Time period. Reports. 31 USC 1502 note.

SEC. 526. Not later than 30 days after the end of each calendar quarter, beginning with the first quarter of fiscal year 2013, the Departments of Labor, Health and Human Services and Education and the Social Security Administration shall provide the Committees on Appropriations of the House of Representatives and Senate a quarterly report on the status of balances of appropriations: *Provided,* That for balances that are unobligated and uncommitted, committed, and obligated but unexpended, the quarterly reports shall separately identify the amounts attributable to each source year of appropriation (beginning with fiscal year 2012, or, to the extent feasible, earlier fiscal years) from which balances were derived.

42 USC 15001 note.

SEC. 527. Section 5 of the Special Olympics Sport and Empowerment Act of 2004 (Public Law 108–406; 118 Stat. 2296) is amended—

(1) in paragraph (1), by striking all that follows after "3(a)," and inserting "such sums as may be necessary for fiscal year 2017 and each of the 4 succeeding fiscal years;";

(2) in paragraph (2), by striking all that follows after "3(b)," and inserting "such sums as may be necessary for fiscal year 2017 and each of the 4 succeeding fiscal years; and"; and

(3) in paragraph (3), by striking all that follows after "3(c)," and inserting "such sums as may be necessary for fiscal year 2017 and each of the 4 succeeding fiscal years.".

(RESCISSION)

SEC. 528. Of the funds made available for fiscal year 2017 under section 3403 of Public Law 111–148, $15,000,000 are rescinded.

SEC. 529. Amounts deposited in the Child Enrollment Contingency Fund from the appropriation to the Fund for the first semi-annual allotment period for fiscal year 2017 under section 2104(n)(2)(A)(ii) of the Social Security Act and the income derived from investment of those funds pursuant to section 2104(n)(2)(C) of that Act, shall not be available for obligation in this fiscal year.

(RESCISSION)

SEC. 530. Of any available amounts appropriated under section 108 of Public Law 111–3, as amended, $541,900,000 are hereby rescinded.

(RESCISSION)

SEC. 531. Of the funds made available for purposes of carrying out section 2105(a)(3) of the Social Security Act, $5,750,000,000 are hereby rescinded.

(RESCISSION)

SEC. 532. Of any available amounts appropriated under section 301(b)(3) of Public Law 114-10, $1,132,000,000 are hereby rescinded.

SEC. 533. As of the date of enactment of this Act, section 170(b) of the Continuing Appropriations Act, 2017 (division C of Public Law 114–223), as amended by the Further Continuing and Security Assistance Appropriations Act, 2017 (Public Law 114-254), shall no longer have any force or effect: *Provided*, That any amounts made available pursuant to that section of that Act as of the date of enactment of this Act shall remain available until September 30, 2017: *Provided further*, That if any amounts made available pursuant to that section of that Act remain unobligated as of the date of enactment of this Act, then the balances available from those amounts shall be hereby rescinded immediately upon enactment of this Act.

This division may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2017".

Legislative Branch Appropriations Act, 2017.
2 USC 60a note.

DIVISION I—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2017

TITLE I

LEGISLATIVE BRANCH

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $18,760; the President Pro Tempore of the Senate, $37,520; Majority Leader of the Senate, $39,920; Minority Leader of the Senate, $39,920; Majority Whip of the Senate, $9,980; Minority Whip of the Senate, $9,980; Chairmen of the Majority and Minority Conference Committees, $4,690 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $4,690 for each Chairman; in all, $174,840.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $14,070 for each such Leader; in all, $28,140.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $182,287,812, which shall be paid from this appropriation as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $2,417,248.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $723,466.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $5,255,576.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $3,359,424.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $15,142,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,658,000 for each such committee; in all, $3,316,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $817,402.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,692,905 for each such committee; in all, $3,385,810.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $436,886.

OFFICE OF THE SECRETARY

For Office of the Secretary, $24,772,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $70,900,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,810,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $49,952,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $5,808,500.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,120,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $7,110; Sergeant at Arms and Doorkeeper of the Senate, $7,110; Secretary for the Majority of the Senate, $7,110; Secretary for the Minority of the Senate, $7,110; in all, $28,440.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under paragraph 1 of rule XXVI of the

Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, $133,265,000, of which $26,650,000 shall remain available until September 30, 2019.

U.S. SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $508,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $10,250,000 of which $4,350,000 shall remain available until September 30, 2021 and of which $4,000,000 shall remain available until expended.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $126,535,000, which shall remain available until September 30, 2021.

MISCELLANEOUS ITEMS

For miscellaneous items, $20,870,349 which shall remain available until September 30, 2019.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $390,000,000 of which $19,109,218 shall remain available until September 30, 2019.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISIONS

REQUIRING AMOUNTS REMAINING IN SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT

SEC. 1. Notwithstanding any other provision of law, any amounts appropriated under this Act under the heading "SENATE" under the heading "CONTINGENT EXPENSES OF THE SENATE" under the heading "SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT" shall be available for obligation only during the fiscal year or fiscal years for which such amounts are made available. Any unexpended balances under such allowances remaining after the end of the period of availability shall be returned to the Treasury in accordance with the undesignated paragraph under the center heading "GENERAL PROVISION" under chapter XI of the Third Supplemental Appropriation Act, 1957 (2 U.S.C. 4107) and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the

Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

AUTHORITY FOR TRANSFER OF FUNDS

SEC. 2. Section 3(c)(3) of the Legislative Branch Appropriations Act, 2004 (2 USC 2108(c)(3)) is amended—

(1) in the paragraph heading, by striking "**and disbursements**" and inserting "**disbursements, and transfers**"; and

(2) by adding at the end the following:

"(D) TRANSFERS.—

"(i) IN GENERAL.—The Commission may, for individual conservation or restoration projects estimated to cost greater than $100,000, transfer amounts in the fund to the Architect of the Capitol for the cost of conservation or restoration, in whole or in part, by the Architect of the Capitol of works of art, historical objects, documents, or material relating to historical matters placed or exhibited, or to be placed or exhibited, within the Senate wing of the United States Capitol or any Senate Office Building.

"(ii) AVAILABILITY.—Amounts transferred to the Architect of the Capitol under clause (i) and not subject to return under clause (v) shall remain available until expended.

"(iii) APPROVAL AND OVERSIGHT OF CONSERVATION OR RESTORATION.—Before authorizing transfers under clause (i), in whole or in part, the Commission, or the chairman and vice chairman acting jointly on behalf of the Commission and after giving notice to the Commission, shall review and approve a conservation or restoration project for which such amounts are intended (referred to in this section as the 'Project'). The Commission may require updated reports on the Project before any additional amounts are transferred for the Project. No disbursements may be made from funds transferred under clause (i) that are inconsistent with the Project approved by the Commission upon which the relevant transfer is based.

Notification.
Review.

"(iv) ACCEPTANCE OF DONATIONS.—The Commission retains the discretion whether or not to approve the acceptance of any donation to the fund regardless of whether the donation is intended for a conservation or restoration Project under clause (i).

"(v) ISSUANCE OF GUIDELINES.—The Commission may prescribe such guidelines as it deems necessary for the approval and transfer of any amounts under clause (i) and the return of any undisbursed amounts.

"(vi) RETURN OF UNUSED FUNDS.—The Commission may require the return of amounts transferred to the Architect of the Capitol under clause (i) and not disbursed pursuant to an approved Project within five years of the transfer. Such amounts will be returned to the fund for use or disposition as the Commission shall determine appropriate. For purposes of this subsection, the Commission may, at any time, specify a date of return greater than five years from the transfer.

Deadline.
Determination.

"(vii) DISBURSEMENT AND AUDIT RESPONSIBILITY.—Once amounts are transferred pursuant to clause (i), disbursements from transferred funds shall be made by the Architect of the Capitol upon review of vouchers by the Architect of the Capitol and not subject to the audit provisions of clause (c)(6) of this section. Such disbursements shall be limited to purposes for which funds may be disbursed pursuant to this section.

"(viii) TERMINATION.—The authority to transfer amounts to the Architect of the Capitol under clause (i) shall expire ten years after the date of its initial enactment. Any amounts transferred prior to the termination of authority to transfer may continue to be expended in accordance with this section.".

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,189,050,766, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $22,278,891, including: Office of the Speaker, $6,645,417, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,180,048, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $7,114,471, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,886,632, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,459,639, including $5,000 for official expenses of the Minority Whip; Republican Conference, $1,505,426; Democratic Caucus, $1,487,258: *Provided*, That such amount for salaries and expenses shall remain available from January 3, 2017 until January 2, 2018.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $562,632,498.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $127,053,373: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2018, except that $3,150,200 of such amount shall remain available until expended for committee room upgrading.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $23,271,004, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2018.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $181,487,000, including: for salaries and expenses of the Office of the Clerk, including the positions of the Chaplain and the Historian, and including not more than $25,000 for official representation and reception expenses, of which not more than $20,000 is for the Family Room and not more than $2,000 is for the Office of the Chaplain, $26,268,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages and the Office of Emergency Management, and including not more than $3,000 for official representation and reception expenses, $15,505,000, of which $5,618,902 shall remain available until expended; for salaries and expenses of the Office of the Chief Administrative Officer including not more than $3,000 for official representation and reception expenses, $117,165,000, of which $2,120,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $4,963,000; for salaries and expenses of the Office of the General Counsel, $1,444,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, $2,000 for preparing the Digest of Rules, and not more than $1,000 for official representation and reception expenses, $1,999,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $3,167,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $8,979,000; for salaries and expenses of the Office of Interparliamentary Affairs, $814,000; and for other authorized employees, $1,183,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $272,328,000, including: supplies, materials, administrative costs and Federal tort claims, $3,625,000; official mail for committees, leadership offices, and administrative offices of the House, $190,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $245,334,000, to remain available until March 31, 2018; Business Continuity and Disaster Recovery, $16,217,000, of which $5,000,000 shall remain available until expended; transition activities for new Members and staff $2,084,000, to remain available until expended; Wounded Warrior Program $2,500,000, to remain available until expended; Office of Congressional Ethics, $1,658,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $720,000.

ADMINISTRATIVE PROVISIONS

REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT

SEC. 101. (a) Notwithstanding any other provision of law, any amounts appropriated under this Act for "HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES" shall be available only for fiscal year 2017. Any amount remaining after all payments are made under such allowances for fiscal year 2017 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

DELIVERY OF BILLS AND RESOLUTIONS

SEC. 102. None of the funds made available in this Act may be used to deliver a printed copy of a bill, joint resolution, or resolution to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) unless the Member requests a copy.

DELIVERY OF CONGRESSIONAL RECORD

SEC. 103. None of the funds made available by this Act may be used to deliver a printed copy of any version of the Congressional Record to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress).

LIMITATION ON AMOUNT AVAILABLE TO LEASE VEHICLES

SEC. 104. None of the funds made available in this Act may be used by the Chief Administrative Officer of the House of Representatives to make any payments from any Members' Representational Allowance for the leasing of a vehicle, excluding mobile district offices, in an aggregate amount that exceeds $1,000 for the vehicle in any month.

LIMITATION ON PRINTED COPIES OF U.S. CODE TO HOUSE

SEC. 105. None of the funds made available by this Act may be used to provide an aggregate number of more than 50 printed copies of any edition of the United States Code to all offices of the House of Representatives.

DELIVERY OF REPORTS OF DISBURSEMENTS

SEC. 106. None of the funds made available by this Act may be used to deliver a printed copy of the report of disbursements for the operations of the House of Representatives under section

106 of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 5535) to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress).

DELIVERY OF DAILY CALENDAR

SEC. 107. None of the funds made available by this Act may be used to deliver to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) a printed copy of the Daily Calendar of the House of Representatives which is prepared by the Clerk of the House of Representatives.

DELIVERY OF CONGRESSIONAL PICTORIAL DIRECTORY

SEC. 108. None of the funds made available by this Act may be used to deliver a printed copy of the Congressional Pictorial Directory to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress).

DELIVERY OF HOUSE TELEPHONE DIRECTORY

SEC. 109. None of the funds made available by this Act may be used to deliver a printed copy of the United States House of Representatives Telephone Directory to the office of any Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress).

OVERSEAS TRAVEL TO ACCOMPANY MEMBERS OF HOUSE LEADERSHIP

SEC. 110. (a) TRAVEL AUTHORIZED.— 2 USC 1975a.

(1) IN GENERAL.—A member of the Capitol Police may travel outside of the United States for official duty if—

(A) that travel is with, or in preparation for, travel of a Member of the House of Representatives who holds a position in a House Leadership Office, including travel of the Member as part of a congressional delegation; and

(B) the Sergeant at Arms of the House of Representatives gives prior approval to the travel of the member of the Capitol Police.

(2) DEFINITIONS.—In this subsection—

(A) the term "House Leadership office" means an office of the House of Representatives for which the appropriation for salaries and expenses of the office for the year involved is provided under the heading "House Leadership Offices" in the act making appropriations for the Legislative Branch for the fiscal year involved;

(B) the term "Member of the House of Representatives" includes a Delegate or Resident Commissioner to the Congress; and

(C) the term "United States" means each of the several States of the United States, the District of Columbia, and the territories and possessions of the United States.

(b) REIMBURSEMENT FROM SERGEANT AT ARMS.—

(1) IN GENERAL.—From amounts made available for salaries and expenses of the Office of the Sergeant at Arms of the House of Representatives, the Sergeant at Arms of the House

of Representatives shall reimburse the Capitol Police for the overtime pay, travel, and related expenses of any member of the Capitol Police who travels under the authority of this section.

(2) USE OF AMOUNTS RECEIVED.—Any amounts received by the Capitol Police for reimbursements under paragraph (1) shall be credited to the accounts established for the general expenses or salaries of the Capitol Police, and shall be available to carry out the purposes of such accounts during the fiscal year in which the amounts are received and the following fiscal year.

(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2017 and each succeeding fiscal year.

DELIVERY OF PRINTED BUDGET

SEC. 111. None of the funds made available by this Act may be used to deliver a printed copy of the Budget of the United States Government; Analytical Perspectives, Budget of the United States Government; or the Appendix, Budget of the United States Government, to the office of any Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress).

DELIVERY OF PRINTED FEDERAL REGISTER

SEC. 112. None of the funds made available by this Act may be used to deliver a printed copy of the Federal Register to a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) unless the Member requests a copy.

CYBERSECURITY ASSISTANCE FOR HOUSE OF REPRESENTATIVES

Applicability.

SEC. 113. The head of any Federal entity that provides assistance to the House of Representatives in the House's efforts to deter, prevent, mitigate, or remediate cybersecurity risks to, and incidents involving, the information systems of the House shall take all necessary steps to ensure the constitutional integrity of the separate branches of the government at all stages of providing the assistance, including applying minimization procedures to limit the spread or sharing of privileged House and Member information.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,203,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $10,095,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including:

(1) an allowance of $2,175 per month to the Attending Physician;

(2) an allowance of $1,300 per month to the Senior Medical Officer;

(3) an allowance of $725 per month each to three medical officers while on duty in the Office of the Attending Physician;

(4) an allowance of $725 per month to 2 assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and

(5) $2,780,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $3,838,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, $1,429,000, to be disbursed by the Secretary of the Senate.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $325,300,000 of which overtime shall not exceed $36,805,000 unless the Committee on Appropriations of the House and Senate are notified, to be disbursed by the Chief of the Capitol Police or his designee. Notification.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $68,000,000, to be disbursed by the Chief of the Capitol Police or his designee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the

Federal Law Enforcement Training Center for fiscal year 2017 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISION

AUTHORITY TO DISPOSE OF FORFEITED AND ABANDONED PROPERTY AND TO ACCEPT SURPLUS OR OBSOLETE PROPERTY OFFERED BY OTHER FEDERAL AGENCIES

SEC. 1001. (a) Section 1003(a) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1906(a)) is amended by striking "surplus or obsolete property of the Capitol Police" and inserting the following: "surplus or obsolete property of the Capitol Police, and property which is in the possession of the Capitol Police because it has been disposed, forfeited, voluntarily abandoned, or unclaimed,".

Notification.
2 USC 1982.

(b) Upon notifying the Committees of Appropriations of the House of Representatives and Senate, the United States Capitol Police may accept surplus or obsolete property offered by another Federal department, agency, or office.

Applicability.
2 USC 1906 note.

(c) This section and the amendment made by this section shall apply with respect to fiscal year 2017 and each succeeding fiscal year.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $3,959,000, of which $450,000 shall remain available until September 30, 2018: *Provided*, That not more than $500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

Certification.

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $46,500,000.

ADMINISTRATIVE PROVISION

ESTABLISHMENT OF SENIOR LEVEL POSITIONS

2 USC 613 note.

SEC. 1101. (a) Notwithstanding the fourth sentence of section 201(b) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 601(b)), the Director of the Congressional Budget Office may establish and fix the compensation of senior level positions in the Congressional Budget Office to meet critical scientific, technical, professional, or executive needs of the Office.

(b) LIMITATION ON COMPENSATION.—The annual rate of pay for any position established under this section may not exceed the annual rate of pay for level II of the Executive Schedule.

(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2017 and each succeeding fiscal year.

ARCHITECT OF THE CAPITOL

CAPITAL CONSTRUCTION AND OPERATIONS

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for all necessary expenses for surveys and studies, construction, operation, and general and administrative support in connection with facilities and activities under the care of the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $92,957,000, of which $1,368,000 shall remain available until September 30, 2021.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $32,584,000, of which $8,584,000 shall remain available until September 30, 2021.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $12,826,000, of which $2,946,000 shall remain available until September 30, 2021.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $88,406,000, of which $27,944,000 shall remain available until September 30, 2021.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $185,731,000, of which $61,404,000 shall remain available until September 30, 2021, and of which $62,000,000 shall remain available until expended for the restoration and renovation of the Cannon House Office Building.

In addition, for a payment to the House Historic Buildings Revitalization Trust Fund, $17,000,000, to remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Publishing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $86,646,000, of which $9,505,000 shall remain available until September 30, 2021: *Provided*, That not more than $9,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2017.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $47,080,000, of which $22,137,000 shall remain available until September 30, 2021.

CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computing Facility, and Architect of the Capitol security operations, $20,033,000, of which $2,500,000 shall remain available until September 30, 2021.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $14,067,000, of which $4,054,000 shall remain available until September 30, 2021: *Provided*, That, of the amount made available under this heading, the Architect of the Capitol may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect of the Capitol or a duly authorized designee.

CAPITOL VISITOR CENTER

For all necessary expenses for the operation of the Capitol Visitor Center, $20,557,000.

ADMINISTRATIVE PROVISIONS

NO BONUSES FOR CONTRACTORS BEHIND SCHEDULE OR OVER BUDGET

SEC. 1201. None of the funds made available in this Act for the Architect of the Capitol may be used to make incentive or award payments to contractors for work on contracts or programs for which the contractor is behind schedule or over budget, unless the Architect of the Capitol, or agency-employed designee, determines that any such deviations are due to unforeseeable events, government-driven scope changes, or are not significant within the overall scope of the project and/or program.

SCRIMS

SEC. 1202. None of the funds made available by this Act may be used for scrims containing photographs of building facades during restoration or construction projects performed by the Architect of the Capitol.

FLAG OFFICE REVOLVING FUND

SEC. 1203. (a) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund to be known as the "Flag Office Revolving Fund" (in this section referred to as the "Fund") for services provided by the Flag Office of the Architect of the Capitol (in this section referred to as the "Flag Office"). 2 USC 1867 note.

(b) DEPOSIT OF FEES.—The Architect of the Capitol shall deposit any fees charged for services described in subsection (a) into the Fund.

(c) CONTENTS OF FUND.—The Fund shall consist of the following amounts:

(1) Amounts deposited by the Architect of the Capitol under subsection (b).

(2) Any other amounts received by the Architect of the Capitol which are attributable to services provided by the Flag Office.

(3) Such other amounts as may be appropriated under law.

(d) USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be available for disbursement by the Architect of the Capitol, without fiscal year limitation, for expenses in connection with the services provided by the Flag Office, including—

(1) supplies, inventories, equipment, and other expenses;

(2) the reimbursement of any applicable appropriations account for amounts used from such appropriations account to pay the salaries of employees of the Flag Office; and

(3) amounts necessary to carry out the authorized levels in the Fallen Heroes Flag Act of 2016.

USE OF EXPIRED FUNDS FOR UNEMPLOYMENT COMPENSATION PAYMENTS

SEC. 1204. (a) Available balances of expired Architect of the Capitol appropriations shall be available to the Architect of the Capitol for reimbursing the Federal Employees Compensation Account (as established by section 909 of the Social Security Act) for any amounts paid with respect to unemployment compensation 2 USC 1872.

payments for former employees of the Architect of the Capitol, notwithstanding any other provision of law, without regard to the fiscal year for which the obligation to make such payments is incurred.

Applicability.

(b) This section shall apply with respect to fiscal year 2017 and each succeeding fiscal year.

ARCHITECT OF THE CAPITOL CONTRACTING

Procedures. Determination.

SEC. 1205. In addition to recourses available under current policies and procedures, the Architect of the Capitol shall establish, document, and follow policies and procedures for suspension and debarment of firms or individuals the Architect has determined should be excluded from future contracts. The Architect shall provide for notice to other government agencies of suspension or debarment actions taken via the government-wide excluded parties system administered by the General Services Administration. The Architect shall consult the list of excluded parties when making responsibility determinations prior to the award of any contract.

Notice.

Lists.

AUTHORITY FOR A HOUSE OFFICE BUILDINGS SHUTTLE

SEC. 1206. (a) The proviso in the item relating to "Capitol Grounds" in title VI of the Legislative Branch Appropriations Act, 1977 (90 Stat. 1453; 2 U.S.C. 2163) is amended by striking "appropriated under this heading" and inserting "appropriated for any available account of the Architect of the Capitol".

Applicability. 2 USC 2163 note.

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2017 and each succeeding fiscal year.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For all necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $457,017,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2017, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2017 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: *Provided further*, That of the

total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: *Provided further*, That of the total amount appropriated, $8,444,000 shall remain available until expended for the digital collections and educational curricula program: *Provided further*, That of the total amount appropriated, $1,300,000 shall remain available until expended for upgrade of the Legislative Branch Financial Management System: *Provided further*, That of the total amount appropriated, $4,039,000 shall remain available until September 30, 2019 to complete the first of three phases of the shelving replacement in the Law Library's collection storage areas.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For all necessary expenses of the Copyright Office, $68,825,000, of which not more than $33,619,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2017 under section 708(d) of title 17, United States Code: *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $5,929,000 shall be derived from collections during fiscal year 2017 under sections 111(d)(2), 119(b)(3), 803(e), 1005, and 1316 of such title: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $39,548,000: *Provided further*, That $6,179,000 shall be derived from prior year unobligated balances: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $6,500 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: *Provided further*, That, notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For all necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $107,945,234: *Provided*, That no part of such amount may be used to pay any salary or expense in connection

Advanced approval.

with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For all necessary expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $50,248,000: *Provided*, That of the total amount appropriated, $650,000 shall be available to contract to provide newspapers to blind and physically handicapped residents at no cost to the individual.

ADMINISTRATIVE PROVISIONS

REIMBURSABLE AND REVOLVING FUND ACTIVITIES

SEC. 1301. (a) IN GENERAL.—For fiscal year 2017, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $188,188,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

LIBRARY OF CONGRESS NATIONAL COLLECTION STEWARDSHIP FUND

2 USC 182e.

SEC. 1302. (a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States, as an account for the Librarian of Congress, the "Library of Congress National Collection Stewardship Fund" (hereafter in this section referred to as the "Fund").

(b) CONTENTS OF FUND.—The Fund shall consist of the following amounts:

(1) Such amounts as may be transferred by the Librarian from available amounts appropriated for any fiscal year for the Library of Congress under the heading "Salaries and Expenses".

(c) USE OF AMOUNTS.—Amounts in the Fund may be used by the Librarian as follows:

(1) The Librarian may use amounts directly for the purpose of preparing collection materials of the Library of Congress for long-term storage.

(2) The Librarian may transfer amounts to the Architect of the Capitol for the purpose of designing, constructing, altering, upgrading, and equipping collections preservation and storage facilities for the Library of Congress, or for the purpose of acquiring real property by lease for the preservation and storage of Library of Congress collections in accordance with section 1102 of the Legislative Branch Appropriations Act, 2009 (2 U.S.C. 1823a).

(d) CONTINUING AVAILABILITY OF FUNDS.—Any amounts in the Fund shall remain available until expended.

(e) ANNUAL REPORT.—Not later than 180 days after the end of each fiscal year, the Librarian shall submit a joint report on

the Fund to the Joint Committee on the Library and the Committees on Appropriations of the House of Representatives and Senate.

(f) INITIAL 5–YEAR PLAN.—Not later than 6 months after the date of the enactment of this Act, the Librarian shall submit to the Joint Committee on the Library and the Committees on Appropriations of the House of Representatives and Senate a report providing a plan for expenditures from the Fund for the first 5 fiscal years of the Fund's operation. Deadline.

(g) NOTIFICATION OF TRANSFERS.—Prior to any transfer into the Fund, the Librarian shall notify the Joint Committee on the Library and the Committees on Appropriations of the House and the Senate of the amount and origin of funds to be transferred.

(h) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2017 and each succeeding fiscal year.

GOVERNMENT PUBLISHING OFFICE

CONGRESSIONAL PUBLISHING

(INCLUDING TRANSFER OF FUNDS)

For authorized publishing of congressional information and the distribution of congressional information in any format; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); publishing of Government publications authorized by law to be distributed to Members of Congress; and publishing, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $79,736,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Publishing Office Business Operations Revolving Fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That notwithstanding sections 901, 902, and 906 of title 44, United States Code, this appropriation may be used to prepare indexes to the Congressional Record on only a monthly and session basis.

Time period. Effective date.

Approval.

PUBLIC INFORMATION PROGRAMS OF THE SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the public information programs of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $29,500,000: *Provided*, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2015 and 2016 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Publishing Office Business Operations Revolving Fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

Approval.

GOVERNMENT PUBLISHING OFFICE BUSINESS OPERATIONS REVOLVING FUND

For payment to the Government Publishing Office Business Operations Revolving Fund, $7,832,000, to remain available until expended, for information technology development and facilities repair: *Provided*, That the Government Publishing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Publishing Office Business Operations Revolving Fund: *Provided further*, That not more than $7,500 may be expended on the certification of the Director of the Government Publishing Office in connection with official representation and reception expenses: *Provided further*, That the Business Operations Revolving Fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Director of the Government Publishing Office shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the Business Operations Revolving Fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That activities financed through the Business Operations Revolving Fund may provide information in any format: *Provided further*, That the Business Operations Revolving Fund and the funds provided under the heading "Public Information Programs of the Superintendent of Documents" may

Contracts.

not be used for contracted security services at Government Publishing Office's passport facility in the District of Columbia.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $544,505,919: *Provided*, That, in addition, $23,350,000 of payments received under sections 782, 791, 3521, and 9105 of title 31, United States Code, shall be available without fiscal year limitation: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $5,600,000: *Provided*, That funds made available to support Russian participants shall only be used for those engaging in free market development, humanitarian activities, and civic engagement, and shall not be used for officials of the central government of Russia.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $430,000.

TITLE II

GENERAL PROVISIONS

MAINTENANCE AND CARE OF PRIVATE VEHICLES

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

FISCAL YEAR LIMITATION

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2017 unless expressly so provided in this Act.

RATES OF COMPENSATION AND DESIGNATION

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

CONSULTING SERVICES

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

COSTS OF LBFMC

SEC. 205. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

LIMITATION ON TRANSFERS

SEC. 206. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made

by, or transfer authority provided in, this Act or any other appropriation Act.

GUIDED TOURS OF THE CAPITOL

SEC. 207. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate or restrict guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate.

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

COMPUTER NETWORK ACTIVITY

SEC. 208. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography. Pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity to carry out criminal investigations, prosecution, or adjudication activities, or for any committee or other entity of Congress to carry out investigations or reports on any matter, or for the Library of Congress or the Copyright Office to carry out any of its responsibilities under law.

This division may be cited as the "Legislative Branch Appropriations Act, 2017".

DIVISION J—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2017

Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017.

TITLE I

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, $6,147,254,000, of which up to $637,166,000 may remain available until September 30, 2018, and of which up to $1,899,479,000 may remain available until expended for Worldwide Security Protection: *Provided*, That funds made available under this heading shall be allocated in accordance with paragraphs (1) through (4) as follows:

(1) HUMAN RESOURCES.—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification laws of persons on a temporary basis (not to exceed $700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, $2,529,387,000, of which up to $463,417,000 is for Worldwide Security Protection.

(2) OVERSEAS PROGRAMS.—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, $1,401,847,000.

(3) DIPLOMATIC POLICY AND SUPPORT.—For necessary expenses for the functional bureaus of the Department of State, including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation and disarmament activities as authorized, $757,713,000.

(4) SECURITY PROGRAMS.—For necessary expenses for security activities, $1,458,307,000, of which up to $1,436,062,000 is for Worldwide Security Protection.

(5) FEES AND PAYMENTS COLLECTED.—In addition to amounts otherwise made available under this heading—

(A) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

(B) not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

(6) TRANSFER OF FUNDS, REPROGRAMMING, AND OTHER MATTERS.—

(A) Notwithstanding any other provision of this Act, funds may be reprogrammed within and between paragraphs (1) through (4) under this heading subject to section 7015 of this Act.

(B) Of the amount made available under this heading, not to exceed $10,000,000 may be transferred to, and merged with, funds made available by this Act under the heading "Emergencies in the Diplomatic and Consular Service", to be available only for emergency evacuations and rewards, as authorized.

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to section 1108(g) of title 31, United States Code, for the field examination of programs and activities in the United States funded from any account contained in this title.

(D) Funds appropriated under this heading may be made available for Conflict Stabilization Operations and for related reconstruction and stabilization assistance to prevent or respond to conflict or civil strife in foreign

countries or regions, or to enable transition from such strife.

(E) Funds appropriated under this heading in this Act that are designated for Worldwide Security Protection shall continue to be made available for support of security-related training at sites in existence prior to the enactment of this Act.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, as authorized, $12,600,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $87,069,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections: *Provided*, That of the funds appropriated under this heading, $13,060,000 may remain available until September 30, 2018.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $634,143,000, to remain available until expended, of which not less than $240,000,000 shall be for the Fulbright Program and not less than $111,360,000 shall be for Citizen Exchange Program, including $4,125,000 for the Congress-Bundestag Youth Exchange: *Provided,* That fees or other payments received from, or in connection with, English teaching, educational advising and counseling programs, and exchange visitor programs as authorized may be credited to this account, to remain available until expended: *Provided further*, That a portion of the Fulbright awards from the Eurasia and Central Asia regions shall be designated as Edmund S. Muskie Fellowships, following consultation with the Committees on Appropriations: *Provided further*, That Department of State-designated sponsors may not issue a Form DS–2019 (Certificate of Eligibility for Exchange Visitor (J–1) Status) to place student participants in seafood product preparation or packaging positions in the Summer Work Travel program in fiscal year 2017 unless prior to issuing such Form the sponsor provides to the Secretary of State a description of such program and verifies in writing to the Secretary that such program fully complies with part 62 of title 22 of the Code of Federal Regulations, notwithstanding subsection 62.32(h)(16) of such part, and with the requirements specified in Senate Report 114–290: *Provided further*, That any substantive modifications from the prior fiscal year to programs funded by this Act under this heading shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Consultation.

Verification.

Consultation.
Notification.

REPRESENTATION EXPENSES

For representation expenses as authorized, $8,030,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $30,344,000, to remain available until September 30, 2018.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292 et seq.), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $759,161,000, to remain available until expended, of which not to exceed $25,000 may be used for domestic and overseas representation expenses as authorized: *Provided,* That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies of the United States Government.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $358,698,000, to remain available until expended: *Provided*, That not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations the proposed allocation of funds made available under this heading and the actual and anticipated proceeds of sales for all projects in fiscal year 2017.

Deadline.
Submission.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, as authorized, $7,900,000, to remain available until expended, of which not to exceed $1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading "Repatriation Loans Program Account", subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $1,300,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That such funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,433,545.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $31,963,000.

INTERNATIONAL CENTER, WASHINGTON, DISTRICT OF COLUMBIA

Not to exceed $1,806,600 shall be derived from fees collected from other executive agencies for lease or use of facilities at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553), and, in addition, as authorized by section 5 of such Act, $1,320,000, to be derived

from the reserve authorized by such section, to be used for the purposes set out in that section.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized, $158,900,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,262,966,000: *Provided*, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further*, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: *Provided further*, That not later than June 1, 2017, and 30 days after the end of fiscal year 2017, the Secretary of State shall report to the Committees on Appropriations any credits attributable to the United States, including from the United Nations Tax Equalization Fund, and provide updated fiscal year 2017 and fiscal year 2018 assessment costs including offsets from available credits and updated foreign currency exchange rates: *Provided further*, That any such credits shall only be available for United States assessed contributions to the United Nations regular budget, and the Committees on Appropriations shall be notified when such credits are applied to any assessed contribution, including any payment of arrearages: *Provided further*, That any notification regarding funds appropriated or otherwise made available under this heading in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs submitted pursuant to section 7015 of this Act, section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706), or any operating plan submitted pursuant to section 7076 of this Act, shall include an estimate of all known credits currently attributable to the United States and provide updated assessment costs including offsets from available credits and updated foreign currency exchange rates: *Provided further*, That any payment of arrearages under this heading shall be directed to activities that are mutually agreed upon by the United States and the respective international organization and shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds appropriated under this heading shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government

22 USC 269a note.

Biennial budget.

Notification. Time period.

Deadlines. Reports. Assessments.

Notification.

Notification. Operating plan. Estimates. Assessments.

Notification.

by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $552,904,000, of which 15 percent shall remain available until September 30, 2018: *Provided*, That none of the funds made available by this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for such mission in the United Nations Security Council (or in an emergency as far in advance as is practicable), the Committees on Appropriations are notified of: (1) the estimated cost and duration of the mission, the objectives of the mission, the national interest that will be served, and the exit strategy; and (2) the sources of funds, including any reprogrammings or transfers, that will be used to pay the cost of the new or expanded mission, and the estimated cost in future fiscal years: *Provided further*, That none of the funds appropriated under this heading may be made available for obligation unless the Secretary of State certifies and reports to the Committees on Appropriations on a peacekeeping mission-by-mission basis that the United Nations is implementing effective policies and procedures to prevent United Nations employees, contractor personnel, and peacekeeping troops serving in such mission from trafficking in persons, exploiting victims of trafficking, or committing acts of sexual exploitation and abuse or other violations of human rights, and to bring to justice individuals who engage in such acts while participating in such mission, including prosecution in their home countries and making information about such prosecutions publicly available on the Web site of the United Nations: *Provided further*, That the Secretary of State shall work with the United Nations and foreign governments contributing peacekeeping troops to implement effective vetting procedures to ensure that such troops have not violated human rights: *Provided further*, That funds shall be available for peacekeeping expenses unless the Secretary of State determines that United States manufacturers and suppliers are not being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds appropriated or otherwise made available under this heading may be used for any United Nations peacekeeping mission that will involve United States Armed Forces under the command or operational control of a foreign national, unless the President's military advisors have submitted to the President a recommendation that such involvement is in the national interest of the United States and the President has submitted to Congress such a recommendation: *Provided further*, That not later than June 1, 2017, and 30 days after the end of fiscal year 2017, the Secretary of State shall report to the Committees on Appropriations any credits attributable to the United States, including those resulting from United Nations peacekeeping missions or the United Nations Tax Equalization Fund, and provide updated fiscal year 2017 and fiscal year 2018 assessment costs including offsets from available credits: *Provided further*, That any such credits shall only be available

Time period.
Notification.
Cost estimates.
Certification.
Reports.
Human rights.
Public information.
Web posting.
Procedures.
Determination.
Recommendation.
Deadlines.
Reports.
Assessment.
Notification.

for United States assessed contributions to United Nations peacekeeping missions, and the Committees on Appropriations shall be notified when such credits are applied to any assessed contribution, including any payment of arrearages: *Provided further*, That any notification regarding funds appropriated or otherwise made available under this heading in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs submitted pursuant to section 7015 of this Act, section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706), or any operating plan submitted pursuant to section 7076 of this Act, shall include an estimate of all known credits currently attributable to the United States and provide updated assessment costs including offsets from available credits: *Provided further*, That any payment of arrearages with funds appropriated by this Act shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall work with the United Nations and members of the United Nations Security Council to evaluate and prioritize peacekeeping missions, and to consider a draw down when mission goals have been substantially achieved.

Notification. Operating plan. Estimate. Assessments.

Notification.

Evaluation.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

22 USC 269a note.

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation expenses; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $48,134,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $29,400,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and the Border Environment Cooperation Commission as authorized by the North American Free Trade Agreement Implementation Act (Public Law 103–182), $12,258,000: *Provided,* That of the amount provided under this heading for the International Joint Commission, up

to $500,000 may remain available until September 30, 2018, and $9,000 may be made available for representation expenses.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $37,502,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions pursuant to section 3324 of title 31, United States Code.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses to enable the Broadcasting Board of Governors (BBG), as authorized, to carry out international communication activities, and to make and supervise grants for radio, Internet, and television broadcasting to the Middle East, $772,108,000: *Provided*, That in addition to amounts otherwise available for such purposes, up to $32,501,000 of the amount appropriated under this heading may remain available until expended for satellite transmissions and Internet freedom programs, of which not less than $13,800,000 shall be for Internet freedom programs: *Provided further*, That of the total amount appropriated under this heading, not to exceed $35,000 may be used for representation expenses, of which $10,000 may be used for such expenses within the United States as authorized, and not to exceed $30,000 may be used for representation expenses of Radio Free Europe/Radio Liberty: *Provided further*, That the BBG shall notify the Committees on Appropriations within 15 days of any determination by the BBG that any of its broadcast entities, including its grantee organizations, provides an open platform for international terrorists or those who support international terrorism, or is in violation of the principles and standards set forth in subsections (a) and (b) of section 303 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6202) or the entity's journalistic code of ethics: *Provided further*, That significant modifications to BBG broadcast hours previously justified to Congress, including changes to transmission platforms (shortwave, medium wave, satellite, Internet, and television), for all BBG language services shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That in addition to funds made available under this heading, and notwithstanding any other provision of law, up to $5,000,000 in receipts from advertising and revenue from business ventures, up to $500,000 in receipts from cooperating international organizations, and up to $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, shall remain available until expended for carrying out authorized purposes.

Notification.
Deadline.
Determination.

Notification.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, repair, preservation, and improvement of facilities for radio, television, and digital transmission and reception; the purchase, rent, and installation of necessary equipment for radio, television, and digital transmission and reception, including to Cuba, as authorized; and physical security worldwide, in addition to amounts otherwise available for such purposes, $9,700,000, to remain available until expended, as authorized.

RELATED PROGRAMS

THE ASIA FOUNDATION

For a grant to The Asia Foundation, as authorized by The Asia Foundation Act (22 U.S.C. 4402), $17,000,000, to remain available until expended.

UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace, as authorized by the United States Institute of Peace Act (22 U.S.C. 4601 et seq.), $37,884,000, to remain available until September 30, 2018, which shall not be used for construction activities.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, as authorized by section 633 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (22 U.S.C. 2078), the total amount of the interest and earnings accruing to such Fund on or before September 30, 2017, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2017, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by section 5376 of title 5, United States Code; or for purposes which are not in accordance with section 200 of title 2 of the Code of Federal Regulations, including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program, as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2017, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $16,700,000.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act (22 U.S.C. 4412), $170,000,000, to remain available until expended, of which $117,500,000 shall be allocated in the traditional and customary manner, including for the core institutes, and $52,500,000 shall be for democracy programs.

OTHER COMMISSIONS

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, $888,000, as authorized by chapter 3123 of title 54, United States Code: *Provided*, That the Commission may procure temporary, intermittent, and other services notwithstanding paragraph (3) of section 312304(b) of such chapter: *Provided further*, That such authority shall terminate on October 1, 2017: *Provided further*, That the Commission shall notify the Committees on Appropriations prior to exercising such authority.

Termination date.
Notification.

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 et seq.), $3,500,000, to remain available until September 30, 2018, including not more than $4,000 for representation expenses.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $2,579,000, including not more than $4,000 for representation expenses, to remain available until September 30, 2018.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized by title III of the U.S.-China Relations Act of 2000 (22 U.S.C. 6911 et seq.), $2,000,000, including not more than $3,000 for representation expenses, to remain available until September 30, 2018.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, as authorized by section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), $3,500,000, including not more than $4,000 for representation expenses, to remain available until September 30, 2018: *Provided*, That the authorities, requirements, limitations, and conditions contained in the second through sixth provisos under this heading in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117) shall continue in effect during fiscal year 2017 and shall apply to funds appropriated under this heading as if included in this Act.

Continuance. Applicability.

TITLE II

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $1,204,609,000, of which up to $180,691,000 may remain available until September 30, 2018: *Provided*, That none of the funds appropriated under this heading and under the heading "Capital Investment Fund" in this title may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development, unless the USAID Administrator has identified such proposed use of funds in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of funds for such purposes: *Provided further*, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through the following fiscal year: *Provided further*, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to "Operating Expenses" in accordance with the provisions of those sections: *Provided further*, That of the funds appropriated or made available under this

Reports. Time period.

Contracts.

heading, not to exceed $250,000 may be available for representation and entertainment expenses, of which not to exceed $5,000 may be available for entertainment expenses, and not to exceed $100,500 shall be for official residence expenses, for USAID during the current fiscal year.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, $174,985,000, to remain available until expended: *Provided*, That this amount is in addition to funds otherwise available for such purposes: *Provided further*, That funds appropriated under this heading shall be available subject to the regular notification procedures of the Committees on Appropriations.

Notification.

OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $67,600,000, of which up to $10,140,000 may remain available until September 30, 2018, for the Office of Inspector General of the United States Agency for International Development.

TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For necessary expenses to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, as follows:

GLOBAL HEALTH PROGRAMS

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, $3,054,950,000, to remain available until September 30, 2018, and which shall be apportioned directly to the United States Agency for International Development: *Provided*, That this amount shall be made available for training, equipment, and technical assistance to build the capacity of public health institutions and organizations in developing countries, and for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases including neglected tropical diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; (6) disaster preparedness training for health crises; (7) programs to prevent,

Children and youth.
AIDS.
Diseases.

prepare for, and respond to, unanticipated and emerging global health threats; and (8) family planning/reproductive health: *Provided further*, That funds appropriated under this paragraph may be made available for a United States contribution to the GAVI Alliance: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That any determination made under the previous proviso must be made not later than 6 months after the date of enactment of this Act, and must be accompanied by the evidence and criteria utilized to make the determination: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the USAID Administrator determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action

Determination.
President.
Abortion.
Sterilization.

Deadline.
Evidence.
Criteria.

Abortion.

Family planning.
Deadline.
Determination.
Reports.

Discrimination. Compliance.

taken by the Agency: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for the Department of State, foreign operations, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

Definition.

Condoms.

In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, $5,670,000,000, to remain available until September 30, 2021, which shall be apportioned directly to the Department of State: *Provided*, That funds appropriated under this paragraph may be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25), as amended, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That the amount of such contribution should be $1,350,000,000: *Provided further*, That section 202(d)(4)(A)(i) and (vi) of Public Law 108–25, as amended, shall be applied with respect to such funds made available for fiscal years 2015 through 2017 by substituting "2004" for "2009": *Provided further*, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2017 may be made available to USAID for technical assistance related to the activities of the Global Fund, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this paragraph, up to $17,000,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the United States Global AIDS Coordinator.

Applicability.

Notification.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, 214, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, $2,995,465,000, to remain available until September 30, 2018.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, $498,483,000, to remain available until expended.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance administered by the Office of Transition Initiatives, United States Agency for International Development, pursuant to section 491 of the Foreign Assistance Act of 1961, $35,600,000, to remain available until expended, to support transition to democracy and long-term development of countries in crisis: *Provided*, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further*, That the USAID Administrator shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: *Provided further*, That if the Secretary of State determines that it is important to the national interest of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: *Provided further*, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

Reports.
Time period.

Determination.

Consultation.

COMPLEX CRISES FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 to support programs and activities to prevent or respond to emerging or unforeseen foreign challenges and complex crises overseas, $10,000,000, to remain available until expended: *Provided*, That funds appropriated under this heading may be made available on such terms and conditions as are appropriate and necessary for the purposes of preventing or responding to such challenges and crises, except that no funds shall be made available for lethal assistance or to respond to natural disasters: *Provided further*, That funds appropriated under this heading may be made available notwithstanding any other provision of law, except sections 7007, 7008, and 7018 of this Act and section 620M of the Foreign Assistance Act of 1961: *Provided further*, That funds appropriated under this heading may be used for administrative expenses, in addition to funds otherwise available for such purposes, except that such expenses may not exceed 5 percent of the funds appropriated under this heading: *Provided further*, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be transmitted at least 5 days prior to the obligation of funds.

Notification.
Time period.

DEVELOPMENT CREDIT AUTHORITY

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to $50,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading "Assistance for Europe, Eurasia and Central Asia": *Provided*, That funds provided under this paragraph and funds

provided as a gift that are used for purposes of this paragraph pursuant to section 635(d) of the Foreign Assistance Act of 1961 shall be made available only for micro- and small enterprise programs, urban programs, and other programs which further the purposes of part I of such Act: *Provided further*, That funds provided as a gift that are used for purposes of this paragraph shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided further*, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, and funds used for such cost, including if the cost results in a negative subsidy, shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading, except that the principal amount of loans made or guaranteed under this heading with respect to any single country shall not exceed $300,000,000: *Provided further*, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to $1,750,000,000.

Consultation.
Notification.
Notification.
Applicability.

In addition, for administrative expenses to carry out credit programs administered by USAID, $10,000,000, which may be transferred to, and merged with, funds made available under the heading "Operating Expenses" in title II of this Act: *Provided*, That funds made available under this heading shall remain available until September 30, 2019.

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $1,041,761,000, to remain available until September 30, 2018.

DEMOCRACY FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, including to carry out the purposes of section 502(b)(3) and (5) of Public Law 98–164 (22 U.S.C. 4411), $145,375,000, to remain available until September 30, 2018, which shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State: *Provided*, That funds appropriated under this heading that are made available to the National Endowment for Democracy and its core institutes are in addition to amounts otherwise available by this Act for such purposes: *Provided further*, That the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, shall consult with the Committees on Appropriations prior to the obligation of funds appropriated under this paragraph.

Consultation.

For an additional amount for such purposes, $65,125,000, to remain available until September 30, 2018, which shall be made available for the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act (Public Law 102–511), and the Support for Eastern European Democracy (SEED) Act of 1989 (Public Law 101–179), $291,638,000, to remain available until September 30, 2018, which shall be available, notwithstanding any other provision of law, except section 7070 of this Act, for assistance and related programs for countries identified in section 3 of Public Law 102–511 and section 3(c) of Public Law 101–179, in addition to funds otherwise available for such purposes: *Provided*, That funds appropriated by this Act under the headings "Global Health Programs" and "Economic Support Fund" that are made available for assistance for such countries shall be administered in accordance with the responsibilities of the coordinator designated pursuant to section 102 of Public Law 102–511 and section 601 of Public Law 101–179: *Provided further*, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For necessary expenses not otherwise provided for, to enable the Secretary of State to carry out the provisions of section 2(a) and (b) of the Migration and Refugee Assistance Act of 1962, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $912,802,000, to remain available until expended, of which not less than $35,000,000 shall be made available to respond to small-scale emergency humanitarian requirements, and $7,500,000 shall be made available for refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $10,000,000, to remain available until expended.

INDEPENDENT AGENCIES

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (22 U.S.C. 2501 et seq.), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, $410,000,000, of which $5,500,000 is for the Office of Inspector General, to remain available until September 30, 2018: *Provided*, That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by section 16 of the Peace Corps Act (22 U.S.C. 2515), an amount not to exceed $5,000,000: *Provided further*, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations: *Provided further*, That of the funds appropriated under this heading, not to exceed $104,000 may be available for representation expenses, of which not to exceed $4,000 may be made available for entertainment expenses: *Provided further*, That any decision to open, close, significantly reduce, or suspend a domestic or overseas office or country program shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that prior consultation and regular notification procedures may be waived when there is a substantial security risk to volunteers or other Peace Corps personnel, pursuant to section 7015(e) of this Act: *Provided further*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That notwithstanding the previous proviso, section 614 of division E of Public Law 113–76 shall apply to funds appropriated under this heading.

Consultation.
Notification.
Waiver authority.
Abortion.
Applicability.

MILLENNIUM CHALLENGE CORPORATION

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.) (MCA), $905,000,000, to remain available until expended: *Provided*, That of the funds appropriated under this heading, up to $105,000,000 may be available for administrative expenses of the Millennium Challenge Corporation (MCC): *Provided further*, That up to 5 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the MCA for fiscal year 2017: *Provided further*, That section 605(e) of the MCA shall apply to funds appropriated under this heading: *Provided further*, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the MCA only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: *Provided further*, That the MCC Chief Executive Officer shall notify the Committees on Appropriations not later than 15 days prior to commencing negotiations for any country compact or threshold country program; signing any such compact or threshold program; or terminating or suspending any such compact or threshold program: *Provided further*, That funds appropriated under this heading by this Act

Applicability.
Notification.
Deadline.
Notification.

and prior Acts making appropriations for the Department of State, foreign operations, and related programs that are available to implement section 609(g) of the MCA shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That no country should be eligible for a threshold program after such country has completed a country compact: *Provided further*, That any funds that are deobligated from a Millennium Challenge Compact shall be subject to the regular notification procedures of the Committees on Appropriations prior to re-obligation: *Provided further*, That notwithstanding section 606(a)(2) of the MCA, a country shall be a candidate country for purposes of eligibility for assistance for the fiscal year if the country has a per capita income equal to or below the World Bank's lower middle income country threshold for the fiscal year and is among the 75 lowest per capita income countries as identified by the World Bank; and the country meets the requirements of section 606(a)(1)(B) of the MCA: *Provided further*, That notwithstanding section 606(b)(1) of the MCA, in addition to countries described in the preceding proviso, a country shall be a candidate country for purposes of eligibility for assistance for the fiscal year if the country has a per capita income equal to or below the World Bank's lower middle income country threshold for the fiscal year and is not among the 75 lowest per capita income countries as identified by the World Bank; and the country meets the requirements of section 606(a)(1)(B) of the MCA: *Provided further*, That any MCC candidate country under section 606 of the MCA with a per capita income that changes in the fiscal year such that the country would be reclassified from a low income country to a lower middle income country or from a lower middle income country to a low income country shall retain its candidacy status in its former income classification for the fiscal year and the 2 subsequent fiscal years: *Provided further*, That publication in the Federal Register of a notice of availability of a copy of a Compact on the MCC Web site shall be deemed to satisfy the requirements of section 610(b)(2) of the MCA for such Compact: *Provided further*, That none of the funds made available by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be available for a threshold program in a country that is not currently a candidate country: *Provided further*, That of the funds appropriated under this heading, not to exceed $100,000 may be available for representation and entertainment expenses, of which not to exceed $5,000 may be available for entertainment expenses.

Notification.

Time period.

Federal Register, publication.
Notice.

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $22,500,000, to remain available until September 30, 2018: *Provided*, That of the funds appropriated under this heading, not to exceed $2,000 may be available for representation expenses.

UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533), $30,000,000, to remain available until September 30, 2018,

of which not to exceed $2,000 may be available for representation expenses: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the United States African Development Foundation (USADF): *Provided further,* That interest earned shall be used only for the purposes for which the grant was made: *Provided further,* That notwithstanding section 505(a)(2) of the African Development Foundation Act (22 U.S.C. 290h–3(a)(2)), in exceptional circumstances the Board of Directors of the USADF may waive the $250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to 10 percent if the increase is due solely to foreign currency fluctuation: *Provided further,* That the USADF shall submit a report to the Committees on Appropriations after each time such waiver authority is exercised: *Provided further*, That the USADF may make rent or lease payments in advance from appropriations available for such purpose for offices, buildings, grounds, and quarters in Africa as may be necessary to carry out its functions: *Provided further*, That the USADF may maintain bank accounts outside the United States Treasury and retain any interest earned on such accounts, in furtherance of the purposes of the African Development Foundation Act: *Provided further*, That the USADF may not withdraw any appropriation from the Treasury prior to the need of spending such funds for program purposes.

Waiver authority.

Reports.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, $30,000,000, to remain available until September 30, 2019, which shall be available notwithstanding any other provision of law.

TITLE IV

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $889,664,000, to remain available until September 30, 2018: *Provided*, That the Department of State may use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing such property to a foreign country or international organization under chapter 8 of part I of such Act, subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading, except that any funds made available notwithstanding such section shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated under this heading shall be made available to support training and technical assistance for foreign law enforcement,

Notifications.

corrections, and other judicial authorities, utilizing regional partners: *Provided further*, That not less than $72,565,000 of the funds appropriated under this heading shall be transferred to, and merged with, funds appropriated by this Act under the heading "Assistance for Europe, Eurasia and Central Asia", which shall be available for the same purposes as funds appropriated under this heading: *Provided further*, That of the funds appropriated under this heading, not less than $7,000,000 shall be made available, on a competitive basis, for rule of law programs for transitional and post-conflict states, and for activities to coordinate rule of law programs among foreign governments, international and nongovernmental organizations, and other United States Government agencies: *Provided further*, That funds made available under this heading that are transferred to another department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of $5,000,000, and any agreement made pursuant to section 632(a) of such Act, shall be subject to the regular notification procedures of the Committees on Appropriations.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $500,696,000, to remain available until September 30, 2018, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act, or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission, and for a voluntary contribution to the International Atomic Energy Agency (IAEA): *Provided*, That the Secretary of State shall inform the appropriate congressional committees of information regarding any separate arrangements relating to the "Road-map for the Clarification of Past and Present Outstanding Issues Regarding Iran's Nuclear Program" between the IAEA and the Islamic Republic of Iran, in classified form if necessary, if such information becomes known to the Department of State: *Provided further*, That for the clearance of unexploded ordnance, the Secretary of State should prioritize those areas where such ordnance was caused by the United States: *Provided further,* That funds made available under this heading for the Nonproliferation and Disarmament Fund shall be made available, notwithstanding any other provision of law and subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, to promote bilateral and multilateral activities relating to nonproliferation, disarmament, and weapons destruction, and shall remain available until expended: *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the

Notification.
Iran.

Consultation.
Notification.

Determination.

Notification.

national security interest of the United States to do so: *Provided further*, That funds appropriated under this heading may be made available for the IAEA unless the Secretary of State determines that Israel is being denied its right to participate in the activities of that Agency: *Provided further*, That funds made available for conventional weapons destruction programs, including demining and related activities, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of such programs and activities, subject to the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $135,041,000: *Provided*, That funds appropriated under this heading may be used, notwithstanding section 660 of such Act, to provide assistance to enhance the capacity of foreign civilian security forces, including gendarmes, to participate in peacekeeping operations: *Provided further*, That of the funds appropriated under this heading, not less than $34,500,000 shall be made available for a United States contribution to the Multinational Force and Observers mission in the Sinai: *Provided further*, That none of the funds appropriated under this heading shall be obligated except as provided through the regular notification procedures of the Committees on Appropriations.

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $110,300,000, of which up to $6,000,000 may remain available until September 30, 2018: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That of the funds appropriated under this heading, not to exceed $55,000 may be available for entertainment expenses.

FOREIGN MILITARY FINANCING PROGRAM

Consultation.
Notification.

For necessary expenses for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,785,805,000: *Provided*, That to expedite the provision of assistance to foreign countries and international organizations, the Secretary of State, following consultation with the Committees on Appropriations and subject to the regular notification procedures of such Committees, may use the funds appropriated under this heading to procure defense articles and services to enhance the capacity of foreign security forces: *Provided further*, That of the funds appropriated under this heading, not less than $3,100,000,000 shall be available for grants only for Israel: *Provided further*, That funds appropriated under this heading for grants only for Israel in fiscal year 2017 shall be disbursed within 30 days of enactment

Grants.
Israel.
Deadline.

of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel under this heading shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which not less than $815,300,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That none of the funds made available under this heading shall be made available to support or continue any program initially funded under the authority of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), section 2282 of title 10, United States Code, section 333 of title 10, United States Code, as added by section 1241 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), or any successor authorities, unless the Secretary of State, in coordination with the Secretary of Defense, has justified such program to the Committees on Appropriations: *Provided further*, That funds appropriated or otherwise made available under this heading shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of section 1501(a) of title 31, United States Code.

Coordination.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurement has first signed an agreement with the United States Government specifying the conditions under which such procurement may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 7015 of this Act: *Provided further,* That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than $80,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds made available under this heading for general costs of administering military assistance and sales, not to exceed $4,000 may be available for entertainment expenses and not to exceed $130,000 may be

Notification.

available for representation expenses: *Provided further*, That not more than $920,200,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2017 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

TITLE V

MULTILATERAL ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $339,000,000: *Provided*, That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to contributions to the United Nations Democracy Fund.

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For payment to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility by the Secretary of the Treasury, $146,563,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,197,128,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury for the United States share of the paid-in portion of the increases in capital stock, $5,963,421, to remain available until expended.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $21,939,727, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For payment to the Asian Development Bank's Asian Development Fund by the Secretary of the Treasury, $99,233,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $32,418,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $507,860,808.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $214,332,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For payment to the International Fund for Agricultural Development by the Secretary of the Treasury, $30,000,000, to remain available until expended.

GLOBAL AGRICULTURE AND FOOD SECURITY PROGRAM

For payment to the Global Agriculture and Food Security Program by the Secretary of the Treasury, $23,000,000, to remain available until expended.

TITLE VI

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $5,700,000, to remain available until September 30, 2018.

PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided,* That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Contracts.

Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, not to exceed $110,000,000: *Provided*, That the Export-Import Bank (the Bank) may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That the Bank shall charge fees for necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Bank, repossession or sale of pledged collateral or other assets acquired by the Bank in satisfaction of moneys owed the Bank, or the investigation or appraisal of any property, or the evaluation of the legal, financial, or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, or systems infrastructure directly supporting transactions: *Provided further*, That in addition to other funds appropriated for administrative expenses, such fees shall be credited to this account for such purposes, to remain available until expended.

Fees.

RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945, as amended, and the Federal Credit Reform Act of 1990, as amended, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: *Provided*, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at $0: *Provided further*, That amounts collected in fiscal year 2017 in excess of obligations, up to $10,000,000 shall become available on September 1, 2017, and shall remain available until September 30, 2020.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided,* That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $70,000,000: *Provided further,* That project-specific transaction costs, including direct and indirect costs incurred in

claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $20,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2017, 2018, and 2019: *Provided further,* That funds so obligated in fiscal year 2017 remain available for disbursement through 2025; funds obligated in fiscal year 2018 remain available for disbursement through 2026; and funds obligated in fiscal year 2019 remain available for disbursement through 2027: *Provided further,* That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 in Iraq: *Provided further,* That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations. Notification.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $75,000,000, to remain available until September 30, 2018: *Provided*, That of the amounts made available under this heading, up to $2,500,000 may be made available to provide comprehensive procurement advice to foreign governments to support local procurements funded by the United States Agency for International Development, the Millennium Challenge Corporation, and the Department of State: *Provided further*, That of the funds appropriated under this heading, not more than $5,000 may be available for representation and entertainment expenses.

TITLE VII

GENERAL PROVISIONS

ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by section 3109 of such title and

for hire of passenger transportation pursuant to section 1343(b) of title 31, United States Code.

UNOBLIGATED BALANCES REPORT

SEC. 7002. Any department or agency of the United States Government to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative unobligated balances and obligated, but unexpended, balances by program, project, and activity, and Treasury Account Fund Symbol of all funds received by such department or agency in fiscal year 2017 or any previous fiscal year, disaggregated by fiscal year: *Provided*, That the report required by this section shall be submitted not later than 30 days after the end of each fiscal quarter and should specify by account the amount of funds obligated pursuant to bilateral agreements which have not been further sub-obligated.

CONSULTING SERVICES

Contracts.

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

DIPLOMATIC FACILITIES

Notification.

SEC. 7004. (a) CAPITAL SECURITY COST SHARING INFORMATION.—The Secretary of State shall promptly inform the Committees on Appropriations of each instance in which a Federal department or agency is delinquent in providing the full amount of funding required by section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note).

(b) EXCEPTION.—Notwithstanding paragraph (2) of section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act), as amended by section 111 of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323), a project to construct a facility of the United States may include office space or other accommodations for members of the United States Marine Corps.

Consultation.
Determination.

(c) NEW DIPLOMATIC FACILITIES.—For the purposes of calculating the fiscal year 2017 costs of providing new United States diplomatic facilities in accordance with section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note), the Secretary of State, in consultation with the Director of the Office of Management and Budget, shall determine the annual program level and agency shares in a manner that is proportional to the contribution of the Department of State for this purpose.

(d) CONSULTATION AND NOTIFICATION REQUIREMENTS.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, which may be made available for the acquisition of property or award of construction contracts for overseas United States diplomatic facilities during fiscal year 2017, shall be subject to prior

consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That notifications pursuant to this subsection shall include the information enumerated under the heading "Embassy Security, Construction, and Maintenance" in House Report 114–693 and Senate Report 114–290: *Provided further*, That any such notification for a new diplomatic facility justified to the Committees on Appropriations in Appendix 1 of the Congressional Budget Justification, Department of State, Diplomatic Engagement, Fiscal Year 2017, or not previously justified to such Committees, shall also include confirmation that the Department of State has completed the requisite value engineering studies required pursuant to OMB Circular A–131, Value Engineering December 31, 2013 and the Bureau of Overseas Building Operations Policy and Procedure Directive, P&PD, Cost 02: Value Engineering.

(e) INTERIM AND TEMPORARY FACILITIES ABROAD.— Consultation.

(1) Funds appropriated by this Act under the heading "Embassy Security, Construction, and Maintenance" may be made available to address security vulnerabilities at interim and temporary United States diplomatic facilities abroad, including physical security upgrades and local guard staffing, except that the amount of funds made available for such purposes from this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be a minimum of $25,000,000: *Provided*, That the uses of such funds should be the responsibility of the Assistant Secretary for Diplomatic Security, Department of State, in consultation with the Director of the Bureau of Overseas Buildings Operations, Department of State: *Provided further*, That such funds shall be subject to prior consultation with the Committees on Appropriations.

(2) Notwithstanding any other provision of law, the opening, closure, or any significant modification to an interim or temporary United States diplomatic facility shall be subject to prior consultation with the appropriate congressional committees and the regular notification procedures of the Committees on Appropriations, except that such consultation and notification may be waived if there is a security risk to personnel. Notification. Waiver authority.

(f) TRANSFER OF FUNDS AUTHORITY.—Funds appropriated under the heading "Diplomatic and Consular Programs", including for Worldwide Security Protection, and under the heading "Embassy Security, Construction, and Maintenance" in titles I and VIII of this Act may be transferred to, and merged with, funds appropriated by such titles under such headings if the Secretary of State determines and reports to the Committees on Appropriations that to do so is necessary to implement the recommendations of the Benghazi Accountability Review Board, or to prevent or respond to security situations and requirements, following consultation with, and subject to the regular notification procedures of, such Committees: *Provided*, That such transfer authority is in addition to any transfer authority otherwise available under any other provision of law. Determination. Reports. Consultation. Notification.

(g) SOFT TARGETS.—Funds appropriated by this Act under the heading "Embassy Security, Construction, and Maintenance" may be made available for security upgrades to soft targets, including schools, recreational facilities, and residences used by United States

diplomatic personnel and their dependents, except that the amount made available for such purposes shall be a minimum of $10,000,000: *Provided*, That the uses of such funds should be the responsibility of the Assistant Secretary for Diplomatic Security, Department of State, in consultation with the Director of the Bureau of Overseas Building Operations.

Consultation.

(h) REPORTS.—

(1) None of the funds appropriated under the heading "Embassy Security, Construction, and Maintenance" in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, made available through Federal agency Capital Security Cost Sharing contributions and reimbursements, or generated from the proceeds of real property sales, other than from real property sales located in London, United Kingdom, may be made available for site acquisition and mitigation, planning, design, or construction of the New London Embassy: *Provided*, That the reporting requirement contained in section 7004(f)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74) shall remain in effect during fiscal year 2017.

Termination date.

(2) Within 45 days of enactment of this Act and every 4 months thereafter until September 30, 2018, the Secretary of State shall submit to the Committees on Appropriations a report on the new Mexico City Embassy and Beirut Embassy projects: *Provided*, That such report shall include, for each of the projects—

(A) a detailed breakout of the project factors that formed the basis of the initial cost estimate used to justify such project to the Committees on Appropriations, as described under the heading "Embassy Security Construction and Maintenance" in House Report 114–693;

(B) a comparison of the current project factors as compared to the project factors submitted pursuant to subparagraph (A) of this subsection, and an explanation of any changes; and

(C) the impact of currency exchange rate fluctuations on project costs.

22 USC 4864 note.

(i) STRENGTHENING OVERSIGHT.—Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading "Diplomatic and Consular Programs" for Worldwide Security Protection shall be made available to strengthen oversight of the local guard force at a critical post abroad through the use of United States Government employees or contractors who are United States citizens: *Provided*, That such funds are in addition to funds otherwise made available by such Acts for such purposes: *Provided further*, That the total annual operating costs associated with providing such oversight in fiscal year 2017 and subsequent fiscal years shall be shared among agencies through the International Cooperative Administrative Support Services program: *Provided further*, That not later than 45 days after enactment of this Act, and prior to the obligation of funds for such purposes, the Secretary of State shall consult with the Committees on Appropriations on plans to carry out the requirement of this subsection: *Provided further*, That amounts made available pursuant to this subsection from prior Acts making appropriations for the Department of State,

Deadline. Consultation.

foreign operations, and related programs that were previously designated by the Congress for Overseas Contingency Operation/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of such Act.

PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available under title I to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 7015 of this Act.

DEPARTMENT OF STATE MANAGEMENT

SEC. 7006. (a) FINANCIAL SYSTEMS IMPROVEMENT.—Funds appropriated by this Act for the operations of the Department of State under the headings "Diplomatic and Consular Programs" and "Capital Investment Fund" shall be made available to implement the recommendations contained in the Foreign Assistance Data Review Findings Report (FADR) and the Office of Inspector General (OIG) report entitled "Department Financial Systems Are Insufficient to Track and Report on Foreign Assistance Funds": *Provided*, That not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a plan, including timeline and costs, for implementing the FADR and OIG recommendations: *Provided further*, That such funds may not be obligated for enhancements to, or expansions of, the Budget System Modernization Financial System, Central Resource Management System, Joint Financial Management System, or Foreign Assistance Coordination and Tracking System until such plan is submitted to the Committees on Appropriations: *Provided further*, That such funds may not be obligated for new, or expansion of existing, ad hoc electronic systems to track commitments, obligations or expenditures of funds unless the Secretary of State, following consultation with the Chief Information Officer of the Department of State, has reviewed and certified that such new system or expansion is consistent with the FADR and OIG recommendations.

Deadline.
Implementation plan.

Consultation.
Review.
Certification.

(b) WORKING CAPITAL FUND.—Funds appropriated by this Act or otherwise made available to the Department of State for payments to the Working Capital Fund may only be used for the service centers included in Appendix 1 of the Congressional Budget Justification, Department of State, Diplomatic Engagement, Fiscal Year 2017: *Provided*, That the amounts for such service centers shall be the amounts included in such budget justification, except as provided in section 7015(b) of this Act: *Provided further*, That Federal agency components shall be charged only for their direct usage of each Working Capital Fund service: *Provided further*, That prior to increasing the percentage charged to Department

Contracts.
Time period.
Assessment.

of State bureaus and offices for procurement-related activities, the Secretary of State shall include the proposed increase in the Department of State budget justification or, at least 60 days prior to the increase, provide the Committees on Appropriations a justification for such increase, including a detailed assessment of the cost and benefit of the services provided by the procurement fee: *Provided further*, That Federal agency components may only pay for Working Capital Fund services that are consistent with the purpose and authorities of such components: *Provided further*, That the Working Capital Fund shall be paid in advance or reimbursed at rates which will return the full cost of each service.

Deadline. Reports.

(c) CERTIFICATION REQUIREMENT.—Not later than 45 days after the initial obligation of funds appropriated under titles III and IV of this Act that are made available to a Department of State bureau or office with responsibility for the oversight or management of such funds, the Secretary of State shall certify and report to the Committees on Appropriations, on an individual bureau or office basis, that such bureau or office is in compliance with Department and Federal financial management policies, procedures and regulations, as appropriate: *Provided*, That if the Secretary is unable to make such certification for an individual bureau or office, the Secretary shall submit a plan and timeline to such Committees detailing the steps to be taken to ensure such compliance.

Plan. Timeline.

(d) REPORT ON SOLE SOURCE AWARDS.—Not later than December 31, 2017, the Secretary of State shall submit a report to the appropriate congressional committees detailing all sole-source awards made by the Department of State during the previous fiscal year in excess of $2,000,000: *Provided*, That such report should be posted on the Department of State Web site.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 7007. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance, and guarantees of the Export-Import Bank or its agents.

COUPS D'ÉTAT

SEC. 7008. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup d'état or decree or, after the date of enactment of this Act, a coup d'état or decree in which the military plays a decisive role: *Provided*, That assistance may be resumed to such government if the Secretary of State certifies and reports to the appropriate congressional committees that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further*, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided further*, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

Certification. Reports.

Notification.

TRANSFER OF FUNDS AUTHORITY

SEC. 7009. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—

(1) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of this Act may be transferred between, and merged with, such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers, and no such transfer may be made to increase the appropriation under the heading "Representation Expenses".

(2) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors under title I of this Act may be transferred between, and merged with, such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(3) Any transfer pursuant to this subsection shall be treated as a reprogramming of funds under section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) TITLE VI AGENCIES.—Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2017, for programs under title VI of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided,* That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations. Notification.

(c) LIMITATION ON TRANSFERS OF FUNDS BETWEEN AGENCIES.—

(1) None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(3) Any agreement entered into by the United States Agency for International Development or the Department of State with any department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of $1,000,000 and any agreement made pursuant to section 632(a) of such Act, with funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Global Health Programs", "Development Assistance", "Economic Support Fund", and "Assistance for Europe, Eurasia and Central Asia" shall Notification.

be subject to the regular notification procedures of the Committees on Appropriations: *Provided*, That the requirement in the previous sentence shall not apply to agreements entered into between USAID and the Department of State.

President. Time period. Consultation.

(d) TRANSFER OF FUNDS BETWEEN ACCOUNTS.—None of the funds made available under titles II through V of this Act may be obligated under an appropriations account to which such funds were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

(e) AUDIT OF INTER-AGENCY TRANSFERS OF FUNDS.—Any agreement for the transfer or allocation of funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations and related programs, entered into between the Department of State or USAID and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Inspector General (IG) for the agency receiving the transfer or allocation of such funds, or other entity with audit responsibility if the receiving agency does not have an IG, shall perform periodic program and financial audits of the use of such funds and report to the Department of State or USAID, as appropriate, upon completion of such audits: *Provided*, That such audits shall be transmitted to the Committees on Appropriations by the Department of State or USAID, as appropriate: *Provided further*, That funds transferred under such authority may be made available for the cost of such audits.

(f) REPORT.—Not later than 90 days after enactment of this Act, the Secretary of State and the USAID Administrator shall each submit a report to the Committees on Appropriations detailing all transfers to another agency of the United States Government made pursuant to sections 632(a) and 632(b) of the Foreign Assistance Act of 1961 with funds provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016 (division K of Public Law 114–113) as of the date of enactment of this Act: *Provided*, That such reports shall include a list of each transfer made pursuant to such sections with the respective funding level, appropriation account, and the receiving agency.

Lists.

PROHIBITION ON CERTAIN OPERATIONAL EXPENSES

SEC. 7010. (a) FIRST-CLASS TRAVEL.—None of the funds made available by this Act may be used for first-class travel by employees of United States Government departments and agencies funded by this Act in contravention of section 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

Pornography.

(b) COMPUTER NETWORKS.—None of the funds made available by this Act for the operating expenses of any United States Government department or agency may be used to establish or maintain a computer network for use by such department or agency unless such network has filters designed to block access to sexually explicit Web sites: *Provided*, That nothing in this subsection shall limit the use of funds necessary for any Federal, State, tribal, or local

law enforcement agency, or any other entity carrying out the following activities: criminal investigations, prosecutions, and adjudications; administrative discipline; and the monitoring of such Web sites undertaken as part of official business.

(c) PROHIBITION ON PROMOTION OF TOBACCO.—None of the funds made available by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

AVAILABILITY OF FUNDS

SEC. 7011. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided by this Act: *Provided,* That funds appropriated for the purposes of chapters 1 and 8 of part I, section 661, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the headings "Development Credit Authority" and "Assistance for Europe, Eurasia and Central Asia" shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further,* That notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially allocated or obligated before the expiration of their respective periods of availability contained in this Act: *Provided further,* That the Secretary of State shall provide a report to the Committees on Appropriations not later than October 30, 2017, detailing by account and source year, the use of this authority during the previous fiscal year.

Extension.

Reports.
Deadline.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 7012. No part of any appropriation provided under titles III through VI in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance for such country is in the national interest of the United States.

President.
Determination.
Consultation.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 7013. (a) PROHIBITION ON TAXATION.—None of the funds appropriated under titles III through VI of this Act may be made

available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State and the Administrator of the United States Agency for International Development shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

Deadline.

(b) NOTIFICATION AND REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2017 on funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs by a foreign government or entity against United States assistance programs, either directly or through grantees, contractors, and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2018 and for prior fiscal years and allocated for the central government of such country or for the West Bank and Gaza program if, not later than September 30, 2018, such taxes have not been reimbursed: *Provided*, That the Secretary of State shall report to the Committees on Appropriations by such date on the foreign governments and entities that have not reimbursed such taxes, including any amount of funds withheld pursuant to this subsection.

Reports.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each foreign government or entity pursuant to subsection (b) shall be reprogrammed for assistance for countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes, and that can reasonably accommodate such assistance in a programmatically responsible manner.

(e) DETERMINATIONS.—

Reports.

(1) The provisions of this section shall not apply to any foreign government or entity that assesses such taxes if the Secretary of State reports to the Committees on Appropriations that—

(A) such foreign government or entity has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

Consultation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any foreign government or entity.

Regulations.
Guidance.

(f) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section—

(1) the term "bilateral agreement" refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance

that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement; and

(2) the term "taxes and taxation" shall include value added taxes and customs duties but shall not include individual income taxes assessed to local staff.

(h) REPORT.—The Secretary of State, in consultation with the heads of other relevant departments or agencies of the United States Government, shall submit a report to the Committees on Appropriations, not later than 90 days after the enactment of this Act, detailing steps taken by such departments or agencies to comply with the requirements of this section, including rules, regulations, and policy guidance issued pursuant to subsection (f).

RESERVATIONS OF FUNDS

SEC. 7014. (a) REPROGRAMMING.—Funds appropriated under titles III through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided. Notification.

(b) EXTENSION OF AVAILABILITY.—In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Department of State or the United States Agency for International Development that are specifically designated for particular programs or activities by this or any other Act may be extended for an additional fiscal year if the Secretary of State or the USAID Administrator, as appropriate, determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: *Provided*, That such designated funds that continue to be available for an additional fiscal year shall be obligated only for the purpose of such designation. Determination. Reports.

(c) OTHER ACTS.—Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: *Provided*, That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

NOTIFICATION REQUIREMENTS

SEC. 7015. (a) NOTIFICATION OF CHANGES IN PROGRAMS, PROJECTS, AND ACTIVITIES.—None of the funds made available in titles I and II of this Act or prior Acts making appropriations Time period.

for the Department of State, foreign operations, and related programs to the departments and agencies funded by this Act that remain available for obligation in fiscal year 2017, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the departments and agencies funded by this Act, shall be available for obligation to—

(1) create new programs;

(2) eliminate a program, project, or activity;

(3) close, suspend, open, or reopen a mission or post;

(4) create, close, reorganize, or rename bureaus, centers, or offices; or

(5) contract out or privatize any functions or activities presently performed by Federal employees;

unless previously justified to the Committees on Appropriations or such Committees are notified 15 days in advance of such obligation.

(b) NOTIFICATION OF REPROGRAMMING OF FUNDS.—None of the funds provided under titles I and II of this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, to the departments and agencies funded under titles I and II of this Act that remain available for obligation in fiscal year 2017, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the department and agency funded under title I of this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less, that—

(1) augments or changes existing programs, projects, or activities;

(2) relocates an existing office or employees;

(3) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(4) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) NOTIFICATION REQUIREMENT.—None of the funds made available by this Act under the headings "Global Health Programs", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Economic Support Fund", "Democracy Fund", "Assistance for Europe, Eurasia and Central Asia", "Peacekeeping Operations", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Millennium Challenge Corporation", "Foreign Military Financing Program", "International Military Education and Training", and "Peace Corps", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are notified 15 days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export

President.

Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That requirements of this subsection or any similar provision of this or any other Act shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles III through VI of this Act of less than 10 percent of the amount previously justified to Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That any notification submitted pursuant to subsection (f) of this section shall include information (if known on the date of transmittal of such notification) on the use of notwithstanding authority: *Provided further*, That if subsequent to the notification of assistance it becomes necessary to rely on notwithstanding authority, the Committees on Appropriations should be informed at the earliest opportunity and to the extent practicable.

(d) NOTIFICATION OF TRANSFER OF FUNDS.—Notwithstanding any other provision of law, with the exception of funds transferred to, and merged with, funds appropriated under title I of this Act, funds transferred by the Department of Defense to the Department of State and the United States Agency for International Development for assistance for foreign countries and international organizations, and funds made available for programs previously authorized under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), section 2282 of title 10, United States Code, section 333 of title 10, United States Code, as added by section 1241 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), or any successor authorities, shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) WAIVER.—The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided*, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances. Deadline.

(f) COUNTRY NOTIFICATION REQUIREMENTS.—None of the funds appropriated under titles III through VI of this Act may be obligated or expended for assistance for Afghanistan, Bahrain, Bolivia, Burma, Cambodia, Colombia, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iran, Iraq, Lebanon, Libya, Mexico, Pakistan, Philippines, the Russian Federation, Somalia, South Sudan, Sri Lanka, Sudan, Syria, Uzbekistan, Venezuela, Yemen, and Zimbabwe except as provided through the regular notification procedures of the Committees on Appropriations.

(g) TRUST FUNDS.—Funds appropriated or otherwise made available in title III of this Act and prior Acts making funds

available for the Department of State, foreign operations, and related programs that are made available for a trust fund held by an international financial institution as defined by section 7034(r)(3) of this Act shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided*, That such notification shall include the information specified under this section in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act).

Consultation.

(h) PILOT PROGRAM NOTIFICATION REQUIREMENT.—Funds appropriated under Title I of this Act under the heading "Diplomatic and Consular Programs" that are made available for a pilot program for lateral entry into the Foreign Service shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(i) WITHHOLDING OF FUNDS.—Funds appropriated by this Act under titles III and IV that are withheld from obligation or otherwise not programmed as a result of application of a provision of law in this or any other Act shall, if reprogrammed, be subject to the regular notification procedures of the Committees on Appropriations.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 7016. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

Notification.

SEC. 7017. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under titles I and III through V of this Act, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2019: *Provided*, That the requirement to withhold funds for programs in Burma under section 307(a) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated by this Act.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 7018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

President. Certification.

ALLOCATIONS

SEC. 7019. (a) ALLOCATION TABLES.—Subject to subsection (b), funds appropriated by this Act under titles III through V shall be made available in the amounts specifically designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act): *Provided*, That such designated amounts for foreign countries and international organizations shall serve as the amounts for such countries and international organizations transmitted to Congress in the report required by section 653(a) of the Foreign Assistance Act of 1961.

(b) AUTHORIZED DEVIATIONS.—Unless otherwise provided for by this Act, the Secretary of State and the Administrator of the United States Agency for International Development, as applicable, may only deviate up to 5 percent from the amounts specifically designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act): *Provided*, That such percentage may be exceeded only to respond to significant, exigent, or unforeseen events, or to address other exceptional circumstances directly related to the national interest: *Provided further*, That deviations pursuant to the previous proviso shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Consultation. Notification.

(c) LIMITATION.—For specifically designated amounts that are included, pursuant to subsection (a), in the report required by section 653(a) of the Foreign Assistance Act of 1961, no deviations authorized by subsection (b) may take place until submission of such report.

(d) EXCEPTIONS.—

(1) Subsections (a) and (b) shall not apply to—

(A) amounts designated for "International Military Education and Training" in the respective tables included in the explanatory statement described in section 4 (in

the matter preceding division A of this Consolidated Act); and

(B) funds for which the initial period of availability has expired.

(2) The authority in subsection (b) to deviate below amounts designated in the respective tables included in the joint explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act) shall not apply to the table included under the heading "Global Health Programs" in such joint explanatory statement.

REPRESENTATION AND ENTERTAINMENT EXPENSES

SEC. 7020. (a) USES OF FUNDS.—Each Federal department, agency, or entity funded in titles I or II of this Act, and the Department of the Treasury and independent agencies funded in titles III or VI of this Act, shall take steps to ensure that domestic and overseas representation and entertainment expenses further official agency business and United States foreign policy interests—

(1) are primarily for fostering relations outside of the Executive Branch;

(2) are principally for meals and events of a protocol nature;

(3) are not for employee-only events; and

(4) do not include activities that are substantially of a recreational character.

(b) LIMITATIONS.—None of the funds appropriated or otherwise made available by this Act under the headings "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Global Health Programs", "Development Assistance", "Economic Support Fund", and "Assistance for Europe, Eurasia and Central Asia" may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

PROHIBITION ON ASSISTANCE TO GOVERNMENTS SUPPORTING INTERNATIONAL TERRORISM

President.

SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EXPORTS.—

(1) PROHIBITION.—None of the funds appropriated or otherwise made available by titles III through VI of this Act may be made available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined supports international terrorism for purposes of section 6(j) of the Export Administration Act of 1979 as continued in effect pursuant to the International Emergency Economic Powers Act: *Provided*, That the prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment: *Provided further*, That this section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

Termination date.

Applicability.

(2) DETERMINATION.—Assistance restricted by paragraph (1) or any other similar provision of law, may be furnished

if the President determines that to do so is important to the national interest of the United States.

(3) REPORT.—Whenever the President makes a determination pursuant to paragraph (2), the President shall submit to the Committees on Appropriations a report with respect to the furnishing of such assistance, including a detailed explanation of the assistance to be provided, the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interest.

(b) BILATERAL ASSISTANCE.— Determination.

(1) LIMITATIONS.—Funds appropriated for bilateral assistance in titles III through VI of this Act and funds appropriated under any such title in prior Acts making appropriations for the Department of State, foreign operations, and related programs, shall not be made available to any foreign government which the President determines—

(A) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism;

(B) otherwise supports international terrorism; or

(C) is controlled by an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(2) WAIVER.—The President may waive the application of paragraph (1) to a government if the President determines that national security or humanitarian reasons justify such waiver: *Provided*, That the President shall publish each such waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations. Federal Register, publication. Time period. Notification.

AUTHORIZATION REQUIREMENTS

SEC. 7022. Funds appropriated by this Act, except funds appropriated under the heading "Trade and Development Agency", may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 7023. For the purpose of titles II through VI of this Act "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the following accounts: "Economic Support Fund", "Assistance for Europe, Eurasia and Central Asia", and "Foreign Military Financing Program", "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; and for the development assistance accounts of the United States Agency for International Development, "program, project, and activity" shall

also be considered to include central, country, regional, and program level funding, either as—

(1) justified to Congress; or

Reports.
Deadline.

(2) allocated by the Executive Branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961 or as modified pursuant to section 7019 of this Act.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

SEC. 7024. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act: *Provided*, That prior to conducting activities in a country for which assistance is prohibited, the agency shall consult with the Committees on Appropriations and report to such Committees within 15 days of taking such action.

Consultation.
Reports.
Deadline.

COMMERCE, TRADE AND SURPLUS COMMODITIES

SEC. 7025. (a) WORLD MARKETS.—None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance, or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations: *Provided further*, That this subsection shall not prohibit—

Notification.

(1) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

President.
Determination.

(2) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

(b) EXPORTS.—None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or

production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States;

(2) research activities intended primarily to benefit United States producers;

(3) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(4) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

President. Determination.

(c) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions, as defined in section 7034(r)(3) of this Act, to use the voice and vote of the United States to oppose any assistance by such institutions, using funds appropriated or made available by this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

22 USC 262h note.

SEPARATE ACCOUNTS

SEC. 7026. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

22 USC 2362 note.

(1) AGREEMENTS.—If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of USAID and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—USAID shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The USAID Administrator shall report as part of the congressional budget justification submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) IN GENERAL.—If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

Time period. President.

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by such assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of paragraph (1) only through the regular notification procedures of the Committees on Appropriations.

ELIGIBILITY FOR ASSISTANCE

SEC. 7027. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 and from funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia": *Provided*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations pursuant to the regular notification procedures, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

President. Notification.

Abortion. Sterilization.

(b) PUBLIC LAW 480.—During fiscal year 2017, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Food for Peace Act (Public Law 83–480): *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

LOCAL COMPETITION

SEC. 7028. (a) REQUIREMENTS FOR EXCEPTIONS TO COMPETITION FOR LOCAL ENTITIES.—Funds appropriated by this Act that are made available to the United States Agency for International Development may only be made available for limited competitions through local entities if—

(1) prior to the determination to limit competition to local entities, USAID has—

(A) assessed the level of local capacity to effectively implement, manage, and account for programs included in such competition; and

(B) documented the written results of the assessment and decisions made; and

(2) prior to making an award after limiting competition to local entities—

(A) each successful local entity has been determined to be responsible in accordance with USAID guidelines; and

(B) effective monitoring and evaluation systems are in place to ensure that award funding is used for its intended purposes; and

(3) no level of acceptable fraud is assumed.

(b) REPORTING REQUIREMENT.—In addition to the requirements of subsection (a)(1), the USAID Administrator shall report to the appropriate congressional committees not later than 45 days after the end of fiscal year 2017 on all awards subject to limited or no competition for local entities: *Provided*, That such report should be posted on the USAID Web site: *Provided further*, That the requirements of this subsection shall only apply to awards in excess of $3,000,000 and sole source awards to local entities in excess of $2,000,000.

Web posting. Applicability.

(c) EXTENSION OF PROCUREMENT AUTHORITY.—Section 7077 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74), as amended, shall continue in effect during fiscal year 2017.

INTERNATIONAL FINANCIAL INSTITUTIONS

Public information.

SEC. 7029. (a) EVALUATIONS AND REPORT.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to seek to require that such institution adopts and implements a publicly available policy, including the strategic use of peer reviews and external experts, to conduct independent, in-depth evaluations of the effectiveness of at least 25 percent of all loans, grants, programs, and significant analytical non-lending activities in advancing the institution's goals of reducing poverty and promoting equitable economic growth, consistent with relevant safeguards, to ensure that decisions to support such loans, grants, programs, and activities are based on accurate data and objective analysis: *Provided*, That not later than 45 days after enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations on steps taken by the United States executive directors and the international financial institutions consistent with this subsection.

(b) SAFEGUARDS.—

(1) The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development and the International Development Association to vote against any loan, grant, policy, or strategy if such institution has adopted and is implementing any social or environmental safeguard relevant to such loan, grant, policy, or strategy that provides less protection than World Bank safeguards in effect on September 30, 2015.

(2) The Secretary of the Treasury should instruct the United States executive director of each international financial institution to vote against loans or other financing for projects unless such projects—

(A) provide for accountability and transparency, including the collection, verification and publication of beneficial ownership information related to extractive industries and on-site monitoring during the life of the project;

(B) will be developed and carried out in accordance with best practices regarding environmental conservation; cultural protection; and empowerment of local populations,

including free, prior and informed consent of affected indigenous communities;

(C) do not provide incentives for, or facilitate, forced displacement; and

(D) do not partner with or otherwise involve enterprises owned or controlled by the armed forces.

(c) COMPENSATION.—None of the funds appropriated under title V of this Act may be made as payment to any international financial institution while the United States executive director to such institution is compensated by the institution at a rate which, together with whatever compensation such executive director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States executive director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) HUMAN RIGHTS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to seek to require that such institution conducts rigorous human rights due diligence and risk management, as appropriate, in connection with any loan, grant, policy, or strategy of such institution: *Provided*, That prior to voting on any such loan, grant, policy, or strategy the executive director shall consult with the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, if the executive director has reason to believe that such loan, grant, policy, or strategy could result in forced displacement or other violation of human rights.

Consultation.

(e) FRAUD AND CORRUPTION.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to promote in loan, grant, and other financing agreements improvements in borrowing countries' financial management and judicial capacity to investigate, prosecute, and punish fraud and corruption.

(f) BENEFICIAL OWNERSHIP INFORMATION.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to seek to require that such institution collects, verifies, and publishes, to the maximum extent practicable, beneficial ownership information (excluding proprietary information) for any corporation or limited liability company, other than a publicly listed company, that receives funds from any such financial institution: *Provided*, That not later than 45 days after enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations on steps taken by the United States executive directors and the international financial institutions consistent with this subsection.

Deadline.
Reports.

(g) WHISTLEBLOWER PROTECTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to seek to require that each such institution is effectively implementing and enforcing policies and procedures which reflect best practices for the protection of whistleblowers from retaliation, including best practices for—

(1) protection against retaliation for internal and lawful public disclosure;

(2) legal burdens of proof;

(3) statutes of limitation for reporting retaliation;

(4) access to independent adjudicative bodies, including external arbitration; and

(5) results that eliminate the effects of proven retaliation.

DEBT-FOR-DEVELOPMENT

Notification.

SEC. 7030. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

FINANCIAL MANAGEMENT AND BUDGET TRANSPARENCY

SEC. 7031. (a) LIMITATION ON DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.—

(1) REQUIREMENTS.—Funds appropriated by this Act may be made available for direct government-to-government assistance only if—

(A)(i) each implementing agency or ministry to receive assistance has been assessed and is considered to have the systems required to manage such assistance and any identified vulnerabilities or weaknesses of such agency or ministry have been addressed;

(ii) the recipient agency or ministry employs and utilizes staff with the necessary technical, financial, and management capabilities;

(iii) the recipient agency or ministry has adopted competitive procurement policies and systems;

(iv) effective monitoring and evaluation systems are in place to ensure that such assistance is used for its intended purposes;

(v) no level of acceptable fraud is assumed; and

(vi) the government of the recipient country is taking steps to publicly disclose on an annual basis its national budget, to include income and expenditures;

(B) the recipient government is in compliance with the principles set forth in section 7013 of this Act;

(C) the recipient agency or ministry is not headed or controlled by an organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189);

(D) the Government of the United States and the government of the recipient country have agreed, in writing, on clear and achievable objectives for the use of such assistance, which should be made available on a cost-reimbursable basis; and

(E) the recipient government is taking steps to protect the rights of civil society, including freedoms of expression, association, and assembly.

(2) CONSULTATION AND NOTIFICATION.—In addition to the requirements in paragraph (1), no funds may be made available

for direct government-to-government assistance without prior consultation with, and notification of, the Committees on Appropriations: *Provided*, That such notification shall contain an explanation of how the proposed activity meets the requirements of paragraph (1): *Provided further*, That the requirements of this paragraph shall only apply to direct government-to-government assistance in excess of $10,000,000 and all funds available for cash transfer, budget support, and cash payments to individuals. Applicability.

(3) SUSPENSION OF ASSISTANCE.—The Administrator of the United States Agency for International Development or the Secretary of State, as appropriate, shall suspend any direct government-to-government assistance if the Administrator or the Secretary has credible information of material misuse of such assistance, unless the Administrator or the Secretary reports to the Committees on Appropriations that it is in the national interest of the United States to continue such assistance, including a justification, or that such misuse has been appropriately addressed. Reports.

(4) SUBMISSION OF INFORMATION.—The Secretary of State shall submit to the Committees on Appropriations, concurrent with the fiscal year 2018 congressional budget justification materials, amounts planned for assistance described in paragraph (1) by country, proposed funding amount, source of funds, and type of assistance.

(5) REPORT.—Not later than 90 days after the enactment of this Act and 6 months thereafter until September 30, 2018, the USAID Administrator shall submit to the Committees on Appropriations a report that— Termination date.

(A) details all assistance described in paragraph (1) provided during the previous 6-month period by country, funding amount, source of funds, and type of such assistance; and

(B) the type of procurement instrument or mechanism utilized and whether the assistance was provided on a reimbursable basis.

(6) DEBT SERVICE PAYMENT PROHIBITION.—None of the funds made available by this Act may be used by the government of any foreign country for debt service payments owed by any country to any international financial institution: *Provided*, That for purposes of this paragraph, the term "international financial institution" has the meaning given the term in section 7034(r)(3) of this Act. Definition.

(b) NATIONAL BUDGET AND CONTRACT TRANSPARENCY.—

(1) MINIMUM REQUIREMENTS OF FISCAL TRANSPARENCY.—The Secretary of State shall continue to update and strengthen the "minimum requirements of fiscal transparency" for each government receiving assistance appropriated by this Act, as identified in the report required by section 7031(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76).

(2) DEFINITION.—For purposes of paragraph (1), "minimum requirements of fiscal transparency" are requirements consistent with those in subsection (a)(1), and the public disclosure of national budget documentation (to include receipts and expenditures by ministry) and government contracts and

licenses for natural resource extraction (to include bidding and concession allocation practices).

Public information. Web posting.

(3) DETERMINATION AND REPORT.—For each government identified pursuant to paragraph (1), the Secretary of State, not later than 180 days after enactment of this Act, shall make or update any determination of "significant progress" or "no significant progress" in meeting the minimum requirements of fiscal transparency, and make such determinations publicly available in an annual "Fiscal Transparency Report" to be posted on the Department of State Web site: *Provided*, That the Secretary shall identify the significant progress made by each such government to publicly disclose national budget documentation, contracts, and licenses which are additional to such information disclosed in previous fiscal years, and include specific recommendations of short- and long-term steps such government should take to improve fiscal transparency: *Provided further*, That the annual report shall include a detailed description of how funds appropriated by this Act are being used to improve fiscal transparency, and identify benchmarks for measuring progress.

(4) ASSISTANCE.—Funds appropriated under title III of this Act shall be made available for programs and activities to assist governments identified pursuant to paragraph (1) to improve budget transparency and to support civil society organizations in such countries that promote budget transparency: *Provided,* That such sums shall be in addition to funds otherwise available for such purposes: *Provided further*, That a description of the uses of such funds shall be included in the annual "Fiscal Transparency Report" required by paragraph (3).

8 USC 1182 note.

(c) ANTI-KLEPTOCRACY AND HUMAN RIGHTS.—

(1)(A) INELIGIBILITY.—Officials of foreign governments and their immediate family members about whom the Secretary of State has credible information have been involved in significant corruption, including corruption related to the extraction of natural resources, or a gross violation of human rights shall be ineligible for entry into the United States.

(B) The Secretary shall also publicly or privately designate or identify officials of foreign governments and their immediate family members about whom the Secretary has such credible information without regard to whether the individual has applied for a visa.

(2) EXCEPTION.—Individuals shall not be ineligible if entry into the United States would further important United States law enforcement objectives or is necessary to permit the United States to fulfill its obligations under the United Nations Headquarters Agreement: *Provided*, That nothing in paragraph (1) shall be construed to derogate from United States Government obligations under applicable international agreements.

Determination.

(3) WAIVER.—The Secretary may waive the application of paragraph (1) if the Secretary determines that the waiver would serve a compelling national interest or that the circumstances which caused the individual to be ineligible have changed sufficiently.

(4) REPORT.—Not later than 6 months after enactment of this Act, the Secretary of State shall submit a report, including a classified annex if necessary, to the Committees

on Appropriations and the Committees on the Judiciary describing the information related to corruption or violation of human rights concerning each of the individuals found ineligible in the previous 12 months pursuant to paragraph (1)(A) as well as the individuals who the Secretary designated or identified pursuant to paragraph (1)(B), or who would be ineligible but for the application of paragraph (2), a list of any waivers provided under paragraph (3), and the justification for each waiver.

(5) POSTING OF REPORT.—Any unclassified portion of the report required under paragraph (4) shall be posted on the Department of State Web site.

(6) CLARIFICATION.—For purposes of paragraphs (1)(B), (4), and (5), the records of the Department of State and of diplomatic and consular offices of the United States pertaining to the issuance or refusal of visas or permits to enter the United States shall not be considered confidential.

(d) NETWORKS OF CORRUPTION.—If the Secretary of State has credible information of networks of corruption involving the participation of, or support from, a senior official in a country that receives assistance funded by this Act under titles III or IV, the Secretary shall submit a report to the Committees on Appropriations describing such networks, which shall include the information required under the heading "Economic Support Fund" in Senate Report 114–290. Reports.

(e) EXTRACTION OF NATURAL RESOURCES.—

(1) ASSISTANCE.—Funds appropriated by this Act shall be made available to promote and support transparency and accountability of expenditures and revenues related to the extraction of natural resources, including by strengthening implementation and monitoring of the Extractive Industries Transparency Initiative, implementing and enforcing section 8204 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2052) and to prevent the sale of conflict diamonds, and provide technical assistance to promote independent audit mechanisms and support civil society participation in natural resource management. Conflict diamonds.

(2) UNITED STATES POLICY.—

(A) The Secretary of the Treasury shall inform the management of the international financial institutions, and post on the Department of the Treasury Web site, that it is the policy of the United States to vote against any assistance by such institutions (including any loan, credit, grant, or guarantee) to any country for the extraction and export of a natural resource if the government of such country has in place laws, regulations, or procedures to prevent or limit the public disclosure of company payments as required by United States law, and unless such government has adopted laws, regulations, or procedures in the sector in which assistance is being considered for— Notification. Web posting.

(i) accurately accounting for and public disclosure of payments to the host government by companies involved in the extraction and export of natural resources;

(ii) the independent auditing of accounts receiving such payments and public disclosure of the findings of such audits; and

(iii) public disclosure of such documents as Host Government Agreements, Concession Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

(B) The requirements of subparagraph (A) shall not apply to assistance for the purpose of building the capacity of such government to meet the requirements of this subparagraph.

(f) FOREIGN ASSISTANCE WEB SITE.—Funds appropriated by this Act under titles I and II, and funds made available for any independent agency in title III, as appropriate, shall be made available to support the provision of additional information on United States Government foreign assistance on the Department of State foreign assistance Web site: *Provided*, That all Federal agencies funded under this Act shall provide such information on foreign assistance, upon request, to the Department of State.

DEMOCRACY PROGRAMS

SEC. 7032. (a) FUNDING AND STRATEGY.—

(1) Of the funds appropriated by this Act under the headings "Development Assistance", "Economic Support Fund", "Democracy Fund", "Assistance for Europe, Eurasia and Central Asia", and "International Narcotics Control and Law Enforcement", not less than $2,308,517,000 shall be made available for democracy programs.

Deadline. Consultation.

(2) Not later than 180 days after enactment of this Act, the Secretary of State, in consultation with the relevant heads of other United States Government agencies, shall submit to the appropriate congressional committees a comprehensive, multi-year strategy for the promotion of democracy abroad, to include the identification of the national interest served by such activity, and the specific roles and responsibilities of such agencies in implementing the strategy.

(b) AUTHORITY.—Funds made available by this Act for democracy programs may be made available notwithstanding any other provision of law, and with regard to the National Endowment for Democracy (NED), any regulation.

(c) DEFINITION OF DEMOCRACY PROGRAMS.—For purposes of funds appropriated by this Act, the term "democracy programs" means programs that support good governance, credible and competitive elections, freedom of expression, association, assembly, and religion, human rights, labor rights, independent media, and the rule of law, and that otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to support the development of democratic states, and institutions that are responsive and accountable to citizens.

(d) PROGRAM PRIORITIZATION.—Funds made available pursuant to this section that are made available for programs to strengthen government institutions shall be prioritized for those institutions that demonstrate a commitment to democracy and the rule of law, as determined by the Secretary of State or the USAID Administrator, as appropriate.

(e) RESTRICTION ON PRIOR APPROVAL.—With respect to the provision of assistance for democracy programs in this Act, the organizations implementing such assistance, the specific nature of that assistance, and the participants in such programs shall not be subject to the prior approval by the government of any foreign country: *Provided*, That the Secretary of State, in coordination with the USAID Administrator, shall report to the Committees on Appropriations, not later than 120 days after enactment of this Act, detailing steps taken by the Department of State and USAID to comply with the requirements of this subsection.

Coordination.
Reports.
Deadline.

(f) CONTINUATION OF CURRENT PRACTICES.—USAID shall continue to implement civil society and political competition and consensus building programs abroad with funds appropriated by this Act in a manner that recognizes the unique benefits of grants and cooperative agreements in implementing such programs: *Provided*, That nothing in this paragraph shall be construed to affect the ability of any entity, including United States small businesses, from competing for proposals for USAID-funded civil society and political competition and consensus building programs.

(g) COUNTRY STRATEGY STRATEGIC REVIEWS.—Prior to the obligation of funds made available by this Act for Department of State and USAID democracy programs for a nondemocratic or democratic transitioning country for which a country strategy has been concluded after the date of enactment of this Act, as required by section 2111(c)(1) of the ADVANCE Democracy Act of 2007 (title XXI of Public Law 110–53; 22 U.S.C. 8211) or similar provision of law or regulation, the Under Secretary for Civilian Security, Democracy and Human Rights, Department of State, in consultation with the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, and the Assistant Administrator for Democracy, Conflict, and Humanitarian Assistance, USAID, shall review such strategy to ensure that it includes—

Consultation.

(1) specific goals and objectives for such program, including a specific plan and timeline to measure impacts;

(2) an assessment of the risks associated with the conduct of such program to intended beneficiaries and implementers, including steps to support and protect such individuals; and

(3) the funding requirements to initiate and sustain such program in fiscal year 2017 and subsequent fiscal years, as appropriate:

Provided, That for the purposes of this subsection, the term "nondemocratic or democratic transitioning country" shall have the same meaning as in section 2104(6) of Public Law 110–53.

Definition.

(h) COMMUNICATION AND REPORTING REQUIREMENTS.—

(1) INFORMING THE NATIONAL ENDOWMENT FOR DEMOCRACY.—The Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, and the Assistant Administrator for Democracy, Conflict, and Humanitarian Assistance, USAID, shall regularly inform the National Endowment for Democracy of democracy programs that are planned and supported by funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

(2) REPORT ON FUNDING INSTRUMENTS.—Not later than September 30, 2017, the Secretary of State and USAID Administrator shall each submit to the Committees on Appropriations a report detailing the use of contracts, grants, and cooperative

agreements in the conduct of democracy programs with funds made available by the Department of State, Foreign Operations, and Related Programs Act, 2016 (division K of Public Law 114–113), which shall include funding level, account, program sector and subsector, and a brief summary of purpose.

(3) REPORT ON PROGRAM CHANGES.—The Secretary of State or the USAID Administrator, as appropriate, shall report to the Committees on Appropriations within 30 days of a decision to significantly change the objectives or the content of a democracy program or to close such a program due to the increasingly repressive nature of the host country government: *Provided*, That the report shall also include a strategy for continuing support for democracy promotion, if such programming is feasible, and may be submitted in classified form, if necessary.

INTERNATIONAL RELIGIOUS FREEDOM

SEC. 7033. (a) INTERNATIONAL RELIGIOUS FREEDOM OFFICE AND SPECIAL ENVOY TO PROMOTE RELIGIOUS FREEDOM.—

(1) Funds appropriated by this Act under the heading "Diplomatic and Consular Programs" shall be made available for the Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, Department of State, the Office of the Ambassador-at-Large for International Religious Freedom, and the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia, as authorized in the Near East and South Central Asia Religious Freedom Act of 2014 (Public Law 113–161), including for support staff at not less than the amounts specified for such offices in the table under such heading in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act).

(2) Funds appropriated under the heading "Diplomatic and Consular Programs" and designated for the Office of International Religious Freedom shall be made available for the development and implementation of an international religious freedom curriculum in accordance with the criteria specified under such heading in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act).

(b) ASSISTANCE.—

(1) INTERNATIONAL RELIGIOUS FREEDOM PROGRAMS.—Of the funds appropriated by this Act under the heading "Democracy Fund" and available for the Human Rights and Democracy Fund (HRDF), not less than $10,000,000 shall be made available for international religious freedom programs: *Provided*, That the Ambassador-at-Large for International Religious Freedom shall consult with the Committees on Appropriations on the uses of such funds.

Consultation.

(2) PROTECTION AND INVESTIGATION PROGRAMS.—Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $10,000,000 shall be made available for programs to protect vulnerable and persecuted religious minorities: *Provided*, That a portion of such funds shall be made available for programs to investigate the persecution of such minorities by governments and non-state actors and

for the public dissemination of information collected on such persecution, including on the Department of State Web site.

(3) HUMANITARIAN PROGRAMS.—Funds appropriated by this Act under the headings "International Disaster Assistance" and "Migration and Refugee Assistance" shall be made available for humanitarian assistance for vulnerable and persecuted religious minorities, including victims of genocide designated by the Secretary of State and other groups that have suffered crimes against humanity and ethnic cleansing, to—

(A) accelerate the implementation of an immediate, coordinated, and sustained response to provide humanitarian assistance;

(B) enhance protection of conflict victims, including those facing a dire humanitarian crisis and severe persecution because of their faith or ethnicity; and

(C) improve access to secure locations for obtaining humanitarian and resettlement services.

(4) TRANSITIONAL JUSTICE, RECONCILIATION, AND REINTEGRATION PROGRAMS IN THE MIDDLE EAST AND NORTH AFRICA REGIONS.—

(A) Not later than 90 days after enactment of this Act and after consultation with relevant central governments in the Middle East and North Africa regions, the Secretary of State shall submit to the Committees on Appropriations a plan for transitional justice, reconciliation, and reintegration programs for vulnerable and persecuted religious minorities in such regions: *Provided*, That such plan shall include a description of actions to be taken by such governments to safeguard and promote the political and economic rights of such minorities, including the return, rehabilitation, and protection of property in areas of conflict. Deadline. Consultation. Plan.

(B) Of the funds appropriated by this Act under the heading "Economic Support Fund" that are made available for assistance for Iraq and Syria, not less than $5,000,000 shall be made available to support the implementation of the plan required by subparagraph (A): *Provided*, That such funds shall be matched, to the maximum extent practicable, from sources other than the United States Government.

(5) RESPONSIBILITY OF FUNDS.—Funds made available by paragraphs (1), (2), and (4) shall be the responsibility of the Ambassador-at-Large for International Religious Freedom, in consultation with other relevant United States Government officials. Consultation.

(c) INTERNATIONAL BROADCASTING.—Funds appropriated by this Act under the heading "Broadcasting Board of Governors, International Broadcasting Operations" shall be made available for programs related to international religious freedom, including reporting on the condition of vulnerable and persecuted religious groups.

(d) ATROCITIES PREVENTION.—Funds appropriated by this Act under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" shall be made available for programs to prevent atrocities and to implement the recommendations of the Atrocities Prevention Board, including with

respect to the evaluation required by section 7033(d) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016 (division K of Public Law 114–113): *Provided*, That the Under Secretary for Civilian Security, Democracy, and Human Rights, Department of State, shall be responsible for providing the strategic policy direction for, and policy oversight of, funds made available pursuant to this subsection to the Bureaus of International Narcotics Control and Law Enforcement and Democracy, Human Rights, and Labor, Department of State: *Provided further*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

Notification.

President. Review.

(e) DESIGNATION OF NON-STATE ACTORS.—The President shall, concurrent with the annual foreign country review required by section 402(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)(1)), review and identify any non-state actors in such countries that have engaged in particularly severe violations of religious freedom, and designate, in a manner consistent with such Act, each such group as a non-state actor of particular concern for religious freedom operating in such reviewed country or surrounding region: *Provided*, That whenever the President designates such a non-state actor under this subsection, the President shall, as soon as practicable after the designation is made, submit a report to the appropriate congressional committees detailing the reasons for such designation.

Reports.

(f) FUNDING CLARIFICATION.—Funds made available pursuant to subsections (b) and (d) are in addition to amounts otherwise made available for such purposes.

SPECIAL PROVISIONS

Human trafficking.

SEC. 7034. (a) VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated in titles III and VI of this Act that are made available for victims of war, displaced children, displaced Burmese, and to combat trafficking in persons and assist victims of such trafficking, may be made available notwithstanding any other provision of law.

(b) LAW ENFORCEMENT AND SECURITY.—

(1) CHILD SOLDIERS.—Funds appropriated by this Act should not be used to support any military training or operations that include child soldiers.

(2) CROWD CONTROL ITEMS.—Funds appropriated by this Act should not be used for tear gas, small arms, light weapons, ammunition, or other items for crowd control purposes for foreign security forces that use excessive force to repress peaceful expression, association, or assembly in countries undergoing democratic transition.

Extension.

(3) DISARMAMENT, DEMOBILIZATION, AND REINTEGRATION.—Section 7034(d) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) shall continue in effect during fiscal year 2017.

(4) FORENSIC ASSISTANCE.—

(A) Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $6,500,000 shall be made available for forensic anthropology assistance related to the exhumation of mass graves and the identification of victims of war crimes, genocide, and crimes

against humanity, including in Iraq, Guatemala, Colombia, El Salvador, Syria, and Sri Lanka, which shall be administered by the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State.

(B) Of the funds appropriated by this Act under the heading "International Narcotics Control and Law Enforcement", not less than $6,000,000 shall be made available for DNA forensic technology programs to combat human trafficking in Central America and Mexico.

(5) INTERNATIONAL PRISON CONDITIONS.—Section 7065 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) shall continue in effect during fiscal year 2017. Extension.

(6) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(7) SECURITY ASSISTANCE REPORT.—Not later than 120 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report on funds obligated and expended during fiscal year 2016, by country and purpose of assistance, under the headings "Peacekeeping Operations", "International Military Education and Training", and "Foreign Military Financing Program".

(8) FOREIGN MILITARY SALES AND FOREIGN MILITARY FINANCING PROGRAM.—

(A) AVAILABILITY.—Funds appropriated by this Act under the heading "Foreign Military Financing Program" for the general costs of administering military assistance and sales shall be made available to increase the efficiency and effectiveness of programs authorized by Chapter 2 of the Arms Export Control Act: *Provided*, That prior to the obligation of funds for such purposes, the Secretary of State shall consult with the Committees on Appropriations. Consultation.

(B) REVIEW AND REPORT.—The Secretary of State, in coordination with the Secretary of Defense, shall review the resources, personnel, and practices of the Departments of State and Defense that are associated with administering military assistance and sales programs and, not later than 120 days after enactment of this Act, submit to the appropriate congressional committees a report on steps taken or planned to be taken to increase the efficiency and effectiveness of such programs. Coordination.

(C) QUARTERLY STATUS REPORT.—Following the submission of the quarterly report required by section 36 of Public Law 90–629 (22 U.S.C. 2776), the Secretary of State, in coordination with the Secretary of Defense, shall submit to the Committees on Appropriations a status report that contains the information described under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act). Coordination.

(D) FOREIGN MILITARY FINANCING PROGRAM LOANS.—Not later than 60 days after enactment of this Act, the Deadline. Coordination. Reports. Assessment.

Secretary of State, in coordination with the Secretary of Defense, shall submit to the Committees on Appropriations a report assessing the potential impact of transitioning assistance made available by this Act under the heading "Foreign Military Financing Program" from grants to loans, including the budgetary and diplomatic impacts, and the extent to which such transition would affect the foreign policy interest of the United States: *Provided*, That such report shall also include an assessment of the impact of proposals included in the fiscal year 2018 congressional budget justification that would transition such assistance from grants to loans.

(9) VETTING REPORT.—

Time period.

(A) Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees on foreign assistance cases submitted for vetting for purposes of section 620M of the Foreign Assistance Act of 1961 during the preceding fiscal year, including—

(i) the total number of cases submitted, approved, suspended, or rejected for human rights reasons; and

(ii) for cases rejected, a description of the steps taken to assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice, in accordance with section 620M(c) of the Foreign Assistance Act of 1961.

(B) The report required by this paragraph shall be submitted in unclassified form, but may be accompanied by a classified annex.

Definition.

(10) ANNUAL FOREIGN MILITARY TRAINING REPORT.—For the purposes of implementing section 656 of the Foreign Assistance Act of 1961, the term "military training provided to foreign military personnel by the Department of Defense and the Department of State" shall be deemed to include all military training provided by foreign governments with funds appropriated to the Department of Defense or the Department of State, except for training provided by the government of a country designated by section 517(b) of such Act as a major non-NATO ally.

(11) PROLIFERATION SECURITY INITIATIVE.—Funds appropriated by this Act under the heading "Nonproliferation, Antiterrorism, Demining and Related Programs" shall be made available for programs to increase international participation in the Proliferation Security Initiative (PSI) and endorsement of the PSI Statement of Interdiction Principles: *Provided*, That not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing steps to be taken to implement the requirements of this paragraph.

Deadline.
Reports.

(12) AUTHORITY TO COUNTER EXTREMISM.—Funds made available by this Act under the heading "Economic Support Fund" to counter extremism may be made available notwithstanding any other provision of law restricting assistance to foreign countries, except sections 502B and 620A of the Foreign Assistance Act of 1961: *Provided*, That the Secretary of State, or the USAID Administrator, as appropriate, shall consult with

Consultation.

the Committees on Appropriations prior to exercising the authority of this paragraph.

(c) WORLD FOOD PROGRAMME.—Funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development, from this or any other Act, may be made available as a general contribution to the World Food Programme, notwithstanding any other provision of law.

(d) DIRECTIVES AND AUTHORITIES.—

(1) RESEARCH AND TRAINING.—Funds appropriated by this Act under the heading "Assistance for Europe, Eurasia and Central Asia" shall be made available to carry out the Program for Research and Training on Eastern Europe and the Independent States of the Former Soviet Union as authorized by the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4501 et seq.).

(2) GENOCIDE VICTIMS MEMORIAL SITES AND TRIBUNALS.—

(A) Funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Economic Support Fund" and "Assistance for Europe, Eurasia and Central Asia" may be made available as contributions to establish and maintain memorial sites of genocide, subject to the regular notification procedures of the Committees on Appropriations. Notification.

(B) Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $3,500,000 shall be made available, on a competitive basis, for reimbursement of costs related to research and documentation in support of the activities of international tribunals established to try cases of war crimes, genocide, and crimes against humanity.

(3) ADDITIONAL AUTHORITIES.—Of the amounts made available by title I of this Act under the heading "Diplomatic and Consular Programs", up to $500,000 may be made available for grants pursuant to section 504 of Public Law 95–426 (22 U.S.C. 2656d), including to facilitate collaboration with indigenous communities, and up to $1,000,000 may be made available for grants to carry out the activities of the Cultural Antiquities Task Force.

(4) AUTHORITY.—The USAID Administrator may use funds appropriated by this Act under title III to make innovation incentive awards: *Provided*, That each individual award may not exceed $100,000: *Provided further*, That no more than 10 such awards may be made during fiscal year 2017: *Provided further*, That for purposes of this paragraph the term "innovation incentive award" means the provision of funding on a competitive basis that— Definition.

(A) encourages and rewards the development of solutions for a particular, well-defined problem related to the alleviation of poverty; or

(B) helps identify and promote a broad range of ideas and practices facilitating further development of an idea or practice by third parties.

(e) PARTNER VETTING.—

(1) In lieu of the requirements in the second and third provisos of section 7034(e) of the Department of State, Foreign Deadline. Reports. Recommendations.

Operations, and Related Programs Appropriations Act, 2016 (division K of Public Law 114–113), not later than 60 days after enactment of this Act, the Secretary of State and the USAID Administrator shall jointly submit a report to the Committees on Appropriations, in classified form if necessary, detailing the findings, conclusions, and recommendations of the evaluation of the Partner Vetting System pilot program and recommendations for any new partner vetting program: *Provided*, That prior to the submission of the report, the Secretary and Administrator shall jointly consult with the Committees on Appropriations, and also consult with representatives of implementing organizations, on such findings, conclusions, and recommendations.

Consultation.

(2) The Secretary of State and USAID Administrator may initiate a partner vetting program to mitigate the risk of diversion of foreign assistance, or make significant modifications to any existing partner vetting program, only following consultation with the Committees on Appropriations: *Provided*, That the Secretary and Administrator should provide a direct vetting option for prime awardees in any partner vetting program initiated after the date of the enactment of this Act.

Consultation.

Time period.

(f) CONTINGENCIES.—During fiscal year 2017, the President may use up to $125,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

(g) INTERNATIONAL CHILD ABDUCTIONS.—The Secretary of State should withhold funds appropriated under title III of this Act for assistance for the central government of any country that is not taking appropriate steps to comply with the Convention on the Civil Aspects of International Child Abductions, done at the Hague on October 25, 1980: *Provided*, That the Secretary shall report to the Committees on Appropriations within 15 days of withholding funds under this subsection.

Reports.
Deadline.

Reports.

(h) CULTURAL PRESERVATION PROJECT DETERMINATION.—None of the funds appropriated in titles I and III of this Act may be used for the preservation of religious sites unless the Secretary of State or the USAID Administrator, as appropriate, determines and reports to the Committees on Appropriations that such sites are historically, artistically, or culturally significant, that the purpose of the project is neither to advance nor to inhibit the free exercise of religion, and that the project is in the national interest of the United States.

Deadline.
Time period.

(i) TRANSFER OF FUNDS FOR EXTRAORDINARY PROTECTION.—The Secretary of State may transfer to, and merge with, funds under the heading "Protection of Foreign Missions and Officials" unobligated balances of expired funds appropriated under the heading "Diplomatic and Consular Programs" for fiscal year 2017, except for funds designated for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, at no later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated: *Provided*, That not more than $50,000,000 may be transferred.

Extension.
Time period.

(j) PROTECTIONS AND REMEDIES FOR EMPLOYEES OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS.—Section 7034(k) of the Department of State, Foreign Operations, and Related Programs

Appropriations Act, 2015 (division J of Public Law 113–235) shall continue in effect during fiscal year 2017.

(k) EXTENSION OF AUTHORITIES.— Applicability.

(1) PASSPORT FEES.—Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by substituting "September 30, 2017" for "September 30, 2010".

(2) INCENTIVES FOR CRITICAL POSTS.—The authority contained in section 1115(d) of the Supplemental Appropriations Act, 2009 (Public Law 111–32) shall remain in effect through September 30, 2017.

(3) USAID CIVIL SERVICE ANNUITANT WAIVER.—Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting "September 30, 2017" for "October 1, 2010" in subparagraph (B).

(4) OVERSEAS PAY COMPARABILITY AND LIMITATION.—

(A) Subject to the limitation described in subparagraph (B), the authority provided by section 1113 of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1904) shall remain in effect through September 30, 2017.

(B) The authority described in subparagraph (A) may not be used to pay an eligible member of the Foreign Service (as defined in section 1113(b) of the Supplemental Appropriations Act, 2009) a locality-based comparability payment (stated as a percentage) that exceeds two-thirds of the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such member under section 5304 of title 5, United States Code, if such member's official duty station were in the District of Columbia.

(5) CATEGORICAL ELIGIBILITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(A) in section 599D (8 U.S.C. 1157 note)—

(i) in subsection (b)(3), by striking "and 2016" and inserting "2016, and 2017"; and

(ii) in subsection (e), by striking "2016" each place it appears and inserting "2017"; and

(B) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "2016" and inserting "2017".

(6) INSPECTOR GENERAL ANNUITANT WAIVER.—The authorities provided in section 1015(b) of the Supplemental Appropriations Act, 2010 (Public Law 111–212) shall remain in effect through September 30, 2017.

(7) EXTENSION OF WAR RESERVES STOCKPILE AUTHORITY.—

(A) Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1011) is amended by striking "2017" and inserting "2018".

(B) Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking "and 2017" and inserting "2017, and 2018".

(8) MODIFICATION OF LIFE INSURANCE SUPPLEMENT.—Section 415(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3975(a)(1)) is amended by adding—"The group life insurance supplement employee benefit paid or scheduled to be paid pursuant to this section should not be used to reduce any

other payment to which a recipient is otherwise eligible under Federal law.".

Reports.

(l) DEPARTMENT OF STATE AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—Prior to implementing any reorganization of the Department of State or the United States Agency for International Development, including any action taken pursuant to the March 31, 2017 Executive Order 13781 on a Comprehensive Plan for Reorganizing the Executive Branch, the Secretary of State shall submit a report to the Committees on Appropriations on such reorganization: *Provided,* That such report shall include a detailed justification and analysis containing—

Analysis.

(1) the impact on personnel, both foreign service and civil service;

(2) the process used to identify the merger, closing or termination of any operating unit, including the process used to assess the impact of such action on programs, projects, and activities funded by this Act;

(3) the impact any such merger, closing or termination would have on the ability to conduct adequate monitoring and oversight of foreign assistance programs; and

Determination.

(4) the national security interest served by each such merger, closing or termination, including a determination that such merger, closing or termination will not expand the influence of any adversary or competitor of the United States, including foreign terrorist organizations.

(m) HUMANITARIAN ASSISTANCE.—Funds appropriated by this Act that are available for monitoring and evaluation of assistance under the headings "International Disaster Assistance" and "Migration and Refugee Assistance" shall, as appropriate, be made available for the regular collection of feedback obtained directly from beneficiaries on the quality and relevance of such assistance: *Provided*, That the Department of State and USAID shall conduct regular oversight to ensure that such feedback is collected and used by implementing partners to maximize the cost-effectiveness and utility of such assistance, and require such partners that receive funds under such headings to establish procedures for collecting and responding to such feedback and inform the Department of State or USAID, as appropriate, of such procedures.

Oversight.
Procedures.
Notification.

(n) HIV/AIDS WORKING CAPITAL FUND.—Funds available in the HIV/AIDS Working Capital Fund established pursuant to section 525(b)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Public Law 108–477) may be made available for pharmaceuticals and other products for child survival, malaria, and tuberculosis to the same extent as HIV/AIDS pharmaceuticals and other products, subject to the terms and conditions in such section: *Provided*, That the authority in section 525(b)(5) of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 2005 (Public Law 108–477) shall be exercised by the Assistant Administrator for Global Health, USAID, with respect to funds deposited for such non-HIV/AIDS pharmaceuticals and other products, and shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall include in the congressional budget justification an accounting of budgetary resources, disbursements, balances, and reimbursements related to such fund.

Notification.

(o) LOANS AND ENTERPRISE FUNDS.—

(1) LOAN GUARANTEES.—Funds appropriated under the headings "Economic Support Fund" and "Assistance for Europe, Eurasia and Central Asia" by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of loan guarantees for Jordan, Ukraine, Iraq, Egypt, and Tunisia, which are authorized to be provided: *Provided*, That amounts made available under this paragraph for the costs of such guarantees shall not be considered assistance for the purposes of provisions of law limiting assistance to a country.

(2) ENTERPRISE FUNDS.—Funds appropriated under the heading "Economic Support Fund" in this Act may be made available to establish and operate one or more enterprise funds for Egypt and Tunisia: *Provided*, That the first, third and fifth provisos under section 7041(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74) shall apply to funds appropriated by this Act under the heading "Economic Support Fund" for an enterprise fund or funds to the same extent and in the same manner as such provision of law applied to funds made available under such section (except that the clause excluding subsection (d)(3) of section 201 of the SEED Act shall not apply): *Provided further*, That in addition to the previous proviso, the authorities in the matter preceding the first proviso of such section may apply to any such enterprise fund or funds: *Provided further*, That the authority of any such enterprise fund or funds to provide assistance shall cease to be effective on December 31, 2027.

Applicability.

Termination date.

(3) DESIGNATION REQUIREMENT.—Funds made available pursuant to paragraph (1) from prior Acts making appropriations for the Department of State, foreign operations, and related programs that were previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of such Act.

(4) CONSULTATION AND NOTIFICATION.—Funds made available pursuant to the authorities of this subsection shall be subject to prior consultation with the appropriate congressional committees, and subject to the regular notification procedures of the Committees on Appropriations.

(p) SMALL GRANTS AND ENTITIES.—

(1) Of the funds appropriated by this Act under the headings "Development Assistance", "Economic Support Fund", and "Assistance for Europe, Eurasia and Central Asia", not less than $47,000,000 shall be made available for the Small Grants Program pursuant to section 7080 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235), which may remain available until September 30, 2021.

(2) For the purposes of section 7080 of division J of Public Law 113–235, "eligible entities" shall be defined as small local, international, and United States-based nongovernmental

Definition. Time period. 22 USC 2152i note.

organizations, educational institutions, and other small entities that have received less than a total of $5,000,000 from USAID over the previous 5 fiscal years: *Provided*, That departments or centers of such educational institutions may be considered individually in determining such eligibility.

(q) EXCEPTION.—Notwithstanding section 201 of the Security Assistance Appropriations Act, 2017 (division B of Public Law 114–254), funds appropriated or otherwise made available by title II of such Act are in addition to amounts specifically designated by this Act or in the respective tables in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act).

(r) DEFINITIONS.—

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Unless otherwise defined in this Act, for purposes of this Act the term "appropriate congressional committees" means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

(2) FUNDS APPROPRIATED BY THIS ACT AND PRIOR ACTS.—Unless otherwise defined in this Act, for purposes of this Act the term "funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs" means funds that remain available for obligation, and have not expired.

22 USC 262h note.

(3) INTERNATIONAL FINANCIAL INSTITUTIONS.—In this Act "international financial institutions" means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Asian Development Fund, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, the African Development Fund, and the Multilateral Investment Guarantee Agency.

(4) SOUTHERN KORDOFAN REFERENCE.—Any reference to Southern Kordofan in this or any other Act making appropriations for the Department of State, foreign operations, and related programs shall be deemed to include portions of Western Kordofan that were previously part of Southern Kordofan prior to the 2013 division of Southern Kordofan.

22 USC 2152i note.

(5) USAID.—In this Act, the term "USAID" means the United States Agency for International Development.

22 USC 3948 note.

(6) CLARIFICATION.—Unless otherwise provided for in this Act, for the purposes of this Act the terms "under this heading", "under the heading", "under the headings", or similar phrases mean funds appropriated or otherwise made available under such heading or headings in all titles of this Act: *Provided*, That the term "under the heading in this title" or similar phrases means funds appropriated or otherwise made available only in such title.

(7) SPEND PLAN.—In this Act, the term "spend plan" means a plan for the uses of funds appropriated for a particular entity, country, program, purpose, or account and which shall include, at a minimum, a description of—

(A) realistic and sustainable goals, and a timeline for achieving such goals;

(B) amounts and sources of funds by account;

(C) criteria for measuring progress in achieving such goals;

(D) how such funds will complement other ongoing or planned programs; and

(E) implementing partners, to the maximum extent practicable.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 7035. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

PALESTINIAN STATEHOOD

SEC. 7036. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated under titles III through VI of this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that— Determination. Certification.

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel; and

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist

within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgment of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

President. Determination.

(c) WAIVER.—The President may waive subsection (a) if the President determines that it is important to the national security interest of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 7040 of this Act ("Limitation on Assistance for the Palestinian Authority").

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 7037. None of the funds appropriated under titles II through VI of this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem: *Provided further*, That as has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 7038. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

ASSISTANCE FOR THE WEST BANK AND GAZA

SEC. 7039. (a) OVERSIGHT.—For fiscal year 2017, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza. Deadline. Certification.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading "Economic Support Fund" for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have as a principal officer of the entity's governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization: *Provided*, That the Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which the Secretary has determined to be involved in or advocating terrorist activity. Procedures. Determination.

(c) PROHIBITION.—

(1) RECOGNITION OF ACTS OF TERRORISM.—None of the funds appropriated under titles III through VI of this Act for assistance under the West Bank and Gaza Program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism.

(2) SECURITY ASSISTANCE AND REPORTING REQUIREMENT.—Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations Acts, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks.

(d) AUDITS BY THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act up to $500,000 may be used by the Office of Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements

of this subsection: *Provided*, That such funds are in addition to funds otherwise available for such purposes.

Investigation.

(e) COMPTROLLER GENERAL OF THE UNITED STATES AUDIT.—Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2017 under the heading "Economic Support Fund", and such audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c); and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) NOTIFICATION PROCEDURES.—Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations.

(g) REPORT.—Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations updating the report contained in section 2106 of chapter 2 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13).

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

SEC. 7040. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

President. Certification.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interest of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

President.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed: *Provided*, That the report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

President.

(e) CERTIFICATION.—If the President exercises the waiver authority under subsection (b), the Secretary of State must certify and report to the Committees on Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority

treasury account, and there is a single comprehensive civil service roster and payroll, and the Palestinian Authority is acting to counter incitement of violence against Israelis and is supporting activities aimed at promoting peace, coexistence, and security cooperation with Israel.

(f) PROHIBITION TO HAMAS AND THE PALESTINE LIBERATION ORGANIZATION.—

(1) None of the funds appropriated in titles III through VI of this Act may be obligated for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas, any power-sharing government of which Hamas is a member, or that results from an agreement with Hamas and over which Hamas exercises undue influence.

(2) Notwithstanding the limitation of paragraph (1), assistance may be provided to a power-sharing government only if the President certifies and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1) (A) and (B) of the Foreign Assistance Act of 1961, as amended.

President. Certification. Reports.

(3) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act of 1961, as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446) with respect to this subsection.

(4) Whenever the certification pursuant to paragraph (2) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent are continuing to comply with the principles contained in section 620K(b)(1) (A) and (B) of the Foreign Assistance Act of 1961, as amended: *Provided*, That the report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

Reports. Deadline.

(5) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

MIDDLE EAST AND NORTH AFRICA

SEC. 7041. (a) EGYPT.—

(1) CERTIFICATION AND REPORT.—Funds appropriated by this Act that are available for assistance for Egypt may be made available notwithstanding any other provision of law restricting assistance for Egypt, except for this subsection and section 620M of the Foreign Assistance Act of 1961, and may only be made available for assistance for the Government of Egypt if the Secretary of State certifies and reports to the Committees on Appropriations that such government is—

(A) sustaining the strategic relationship with the United States; and

(B) meeting its obligations under the 1979 Egypt-Israel Peace Treaty.

(2) ECONOMIC SUPPORT FUND.—

(A) FUNDING.—Of the funds appropriated by this Act under the heading "Economic Support Fund", up to $112,500,000 may be made available for assistance for Egypt, of which not less than $35,000,000 should be made available for higher education programs including not less than $10,000,000 for scholarships for Egyptian students with high financial need to attend not-for-profit institutions of higher education: *Provided*, That such funds may be made available for democracy programs and for development programs in the Sinai: *Provided further*, That such funds may not be made available for cash transfer assistance or budget support unless the Secretary of State certifies and reports to the appropriate congressional committees that the Government of Egypt is taking consistent and effective steps to stabilize the economy and implement market-based economic reforms.

Certification.
Reports.

(B) WITHHOLDING.—The Secretary of State shall withhold from obligation funds appropriated by this Act under the heading "Economic Support Fund" for assistance for Egypt, an amount of such funds that the Secretary determines to be equivalent to that expended by the United States Government for bail, and by nongovernmental organizations for legal and court fees, associated with democracy-related trials in Egypt until the Secretary certifies and reports to the Committees on Appropriations that the Government of Egypt has dismissed the convictions issued by the Cairo Criminal Court on June 4, 2013, in "Public Prosecution Case No. 1110 for the Year 2012".

Determination.
Certification.
Reports.

(3) FOREIGN MILITARY FINANCING PROGRAM.—

(A) CERTIFICATION.—Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", $1,300,000,000, to remain available until September 30, 2018, may be made available for assistance for Egypt: *Provided*, That 15 percent of such funds shall be withheld from obligation until the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Egypt is taking effective steps to—

Reports.

(i) advance democracy and human rights in Egypt, including to govern democratically and protect religious minorities and the rights of women, which are in addition to steps taken during the previous calendar year for such purposes;

(ii) implement reforms that protect freedoms of expression, association, and peaceful assembly, including the ability of civil society organizations and the media to function without interference;

(iii) release political prisoners and provide detainees with due process of law;

(iv) hold Egyptian security forces accountable, including officers credibly alleged to have violated human rights; and

(v) provide regular access for United States officials to monitor such assistance in areas where the assistance is used:

Transfer authority.
Consultation.

Provided further, That such funds may be transferred to an interest bearing account in the Federal Reserve Bank of New York, following consultation with the Committees

on Appropriations: *Provided further*, That the certification requirement of this paragraph shall not apply to funds appropriated by this Act under such heading for counterterrorism, border security, and nonproliferation programs for Egypt.

(B) WAIVER.—The Secretary of State may waive the certification requirement in subparagraph (A) if the Secretary determines and reports to the Committees on Appropriations that to do so is important to the national security interest of the United States, and submits a report to such Committees containing a detailed justification for the use of such waiver and the reasons why any of the requirements of subparagraph (A) cannot be met. Determination. Reports.

(4) OVERSIGHT AND CONSULTATION REQUIREMENTS.—

(A) The Secretary of State shall take all practicable steps to ensure that mechanisms are in place for monitoring, oversight, and control of funds made available by this subsection for assistance for Egypt.

(B) Not later than 90 days after enactment of this Act, the Secretary shall submit a report to the Committees on Appropriations on any plan to restructure military assistance for Egypt, which should include an assessment of the potential benefits of such restructuring on the capabilities of the Egyptian military, and a description of any planned modifications regarding the procurement of military equipment. Deadline. Reports. Assessment.

(b) IRAN.—

(1) FUNDING.—Funds appropriated by this Act under the headings "Diplomatic and Consular Programs", "Economic Support Fund", and "Nonproliferation, Anti-terrorism, Demining and Related Programs" shall be used by the Secretary of State—

(A) to support the United States policy to prevent Iran from achieving the capability to produce or otherwise obtain a nuclear weapon;

(B) to support an expeditious response to any violation of the Joint Comprehensive Plan of Action or United Nations Security Council Resolution 2231;

(C) to support the implementation and enforcement of sanctions against Iran for support of terrorism, human rights abuses, and ballistic missile and weapons proliferation; and

(D) for democracy programs for Iran, to be administered by the Assistant Secretary for Near Eastern Affairs, Department of State, in consultation with the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State. Consultation.

(2) CONTINUATION OF PROHIBITION.—The terms and conditions of paragraph (2) of section 7041(c) in division I of Public Law 112–74 shall continue in effect during fiscal year 2017. Time period.

(3) REPORTS.—

(A) The Secretary of State shall submit to the Committees on Appropriations the semi-annual report required by section 2 of the Iran Nuclear Agreement Review Act of 2015 (42 U.S.C. 2160e(d)(4)).

(B) Not later than 180 days after the date of enactment of this Act, the Secretary of State, in consultation with Consultation.

the Secretary of the Treasury, shall submit to the appropriate congressional committees a report on the status of the implementation and enforcement of bilateral United States and multilateral sanctions against Iran and actions taken by the United States and the international community to enforce such sanctions against Iran: *Provided*, That the report shall also include any entities involved in providing significant support for the development of a ballistic missile by the Government of Iran after October 1, 2015, including shipping and financing, and note whether such entities are currently under United States sanctions: *Provided further*, That such report shall be submitted in an unclassified form, but may contain a classified annex if necessary.

Arms and munitions.

(C) The Secretary of State, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees the report on Iran contained in section 7041(b)(3)(C) of S. 3117, the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (as introduced in the Senate on June 29, 2016), in the manner described.

Consultation.

(c) IRAQ.—

(1) PURPOSES.—Funds appropriated by this Act shall be made available for assistance for Iraq to promote governance, security, and internal and regional stability, including in the Kurdistan Region of Iraq and other areas impacted by the conflict in Syria, and among religious and ethnic minority populations in Iraq.

(2) EXPLOSIVE ORDNANCE DISPOSAL PROGRAMS.—Funds appropriated by this Act under the heading "Nonproliferation, Anti-terrorism, Demining and Related Programs" shall be made available for explosive ordnance disposal programs in areas liberated from extremist organizations in Iraq.

(3) KURDISTAN REGIONAL GOVERNMENT.—

(A) Funds appropriated by this Act under the headings "International Narcotics Control and Law Enforcement" and "Foreign Military Financing Program" that are available for assistance for Iraq shall be made available to enhance the capacity of Kurdistan Regional Government security services and for security programs in the Kurdistan Region of Iraq to address requirements arising from the violence in Syria and Iraq: *Provided*, That the Secretary of State shall consult with the Committees on Appropriations prior to obligating such funds.

Consultation.

(B) Funds appropriated by this Act under the headings "International Disaster Assistance" and "Migration and Refugee Assistance" should be made available for assistance for the Kurdistan Region of Iraq to address the needs of internally displaced persons (IDPs) and refugees: *Provided*, That funds appropriated by this Act under the heading "Economic Support Fund" shall be made available for programs to mitigate the impact of such IDPs and refugees in such Region, including for assistance for communities hosting such persons.

(4) BASING RIGHTS AGREEMENT.—None of the funds appropriated or otherwise made available by this Act may be used

by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq.

(d) ISRAEL.—Title II of the Security Assistance Appropriations Act, 2017 (division B of Public Law 114–254), under the heading "Foreign Military Financing Program", is amended by inserting after "Middle East" and before the colon the following, ", of which $75,000,000 shall be made available for grants only for Israel in fiscal year 2017": *Provided*, That amounts that were previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of such Act.

(e) JORDAN.—

(1) FUNDING LEVELS.—Of the funds appropriated by this Act under titles III and IV, not less than $1,279,950,000 shall be made available for assistance for Jordan, of which not less than $475,000,000 shall be for budget support for the Government of Jordan.

(2) RESPONSE TO THE SYRIAN CRISIS.—Funds appropriated by this Act shall be made available for programs to implement the Jordan Compact Action Plan and the Jordan Response Plan for the Syria Crisis 2016–2018, including assistance for host communities in Jordan.

(f) LEBANON.—

(1) LIMITATION.—None of the funds appropriated by this Act may be made available for the Lebanese Internal Security Forces (ISF) or the Lebanese Armed Forces (LAF) if the ISF or the LAF is controlled by a foreign terrorist organization, as designated pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(2) CONSULTATION REQUIREMENT.—Funds appropriated by this Act under the headings "International Narcotics Control and Law Enforcement" and "Foreign Military Financing Program" that are available for assistance for Lebanon may be made available for programs and equipment for the ISF and the LAF to address security and stability requirements in areas affected by the conflict in Syria, following consultation with the appropriate congressional committees.

(3) ECONOMIC SUPPORT FUND.—Funds appropriated by this Act under the heading "Economic Support Fund" that are available for assistance for Lebanon may be made available notwithstanding section 1224 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2346 note).

(4) FOREIGN MILITARY FINANCING PROGRAM.—In addition to the activities described in paragraph (2), funds appropriated by this Act under the heading "Foreign Military Financing Program" for assistance for Lebanon may be made available only to professionalize the LAF and to strengthen border security and combat terrorism, including training and equipping the LAF to secure Lebanon's borders, interdicting arms shipments, preventing the use of Lebanon as a safe haven for terrorist groups, and to implement United Nations Security Council Resolution 1701: *Provided*, That funds may not be

Spend plan. Deadline.

obligated for assistance for the LAF until the Secretary of State submits to the Committees on Appropriations a spend plan, including actions to be taken to ensure equipment provided to the LAF is only used for the intended purposes, except such plan may not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961, and shall be submitted not later than September 1, 2017: *Provided further*, That any notification submitted pursuant to such sections shall include any funds specifically intended for lethal military equipment.

(g) LIBYA.—

(1) FUNDING.—

(A) Funds appropriated by titles III and IV of this Act shall be made available for assistance for Libya for programs to strengthen governing institutions and civil society, improve border security, and promote democracy and stability in Libya, and for activities to address the humanitarian needs of the people of Libya.

(B) Funds appropriated by this Act under the heading "Nonproliferation, Anti-terrorism, Demining and Related Programs" shall be made available for explosive ordnance disposal programs in areas liberated from extremist organizations in Libya.

Notification.

(C) The Secretary of State shall promptly inform the appropriate congressional committees of each instance in which assistance provided pursuant to this subsection has been diverted or destroyed, to include the type and amount of assistance, a description of the incident and parties involved, and an explanation of the response of the Department of State.

(2) LIMITATIONS.—

Certification.
Reports.

(A) COOPERATION ON THE SEPTEMBER 2012 ATTACK ON UNITED STATES PERSONNEL AND FACILITIES.—None of the funds appropriated by this Act may be made available for assistance for the central Government of Libya unless the Secretary of State certifies and reports to the Committees on Appropriations that such government is cooperating with United States Government efforts to investigate and bring to justice those responsible for the attack on United States personnel and facilities in Benghazi, Libya in September 2012: *Provided*, That the limitation in this paragraph shall not apply to funds made available for the purpose of protecting United States Government personnel or facilities.

Applicability.

(B) INFRASTRUCTURE PROJECTS.—The limitation on the uses of funds in section 7041(f)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76) shall apply to funds appropriated by this Act that are made available for assistance for Libya.

Reports.

(3) CERTIFICATION REQUIREMENT.—Prior to the initial obligation of funds made available by this Act for assistance for Libya, the Secretary of State shall certify and report to the Committees on Appropriations that all practicable steps have been taken to ensure that mechanisms are in place for

monitoring, oversight, and control of funds made available by this subsection for assistance for Libya.

(h) MOROCCO.—

(1) AVAILABILITY AND CONSULTATION REQUIREMENT.—Funds appropriated under title III of this Act shall be made available for assistance for the Western Sahara: *Provided*, That not later than 90 days after enactment of this Act and prior to the obligation of such funds, the Secretary of State, in consultation with the USAID Administrator, shall consult with the Committees on Appropriations on the proposed uses of such funds. Deadline.

(2) FOREIGN MILITARY FINANCING PROGRAM.—Funds appropriated by this Act under the heading "Foreign Military Financing Program" that are available for assistance for Morocco may only be used for the purposes requested in the Congressional Budget Justification, Foreign Operations, Fiscal Year 2017.

(i) REFUGEE ASSISTANCE IN NORTH AFRICA.—Not later than 45 days after enactment of this Act, the Secretary of State, after consultation with the United Nations High Commissioner for Refugees and the Executive Director of the World Food Programme, shall submit a report to the Committees on Appropriations describing steps taken to strengthen monitoring of the delivery of humanitarian assistance provided for refugees in North Africa, including any steps taken to ensure that all vulnerable refugees are receiving such assistance. Deadline. Consultation. Reports.

(j) SYRIA.—

(1) NON-LETHAL ASSISTANCE.—Funds appropriated by this Act under the headings "Economic Support Fund", "International Narcotics Control and Law Enforcement", and "Peacekeeping Operations" shall be made available, to the extent practicable and notwithstanding any other provision of law, for non-lethal assistance for programs to address the needs of civilians affected by conflict in Syria, and for programs that seek to—

(A) establish governance in Syria that is representative, inclusive, and accountable;

(B) empower women through political and economic programs, and address the psychosocial needs of women and their families in Syria and neighboring countries;

(C) develop and implement political processes that are democratic, transparent, and strengthen the rule of law;

(D) further the legitimacy and viability of the Syrian opposition through cross-border programs;

(E) develop and sustain civil society and independent media in Syria;

(F) promote stability and economic development in Syria;

(G) document, investigate, and prosecute human rights violations in Syria, including through transitional justice programs and support for nongovernmental organizations;

(H) expand the role of women in negotiations to end the violence and in any political transition in Syria;

(I) assist Syrian refugees whose education has been interrupted by the ongoing conflict to complete higher education requirements at universities and other academic institutions in the region, and through distance learning;

(J) assist vulnerable populations in Syria and in neighboring countries;

(K) protect and preserve the cultural identity of the people of Syria as a counterbalance to extremism, particularly those living in neighboring countries and among youth;

(L) protect and preserve cultural heritage sites in Syria, particularly those damaged and destroyed by extremists; and

(M) counter extremism in Syria.

(2) EXPLOSIVE ORDNANCE DISPOSAL PROGRAMS.—Funds appropriated by this Act under the heading "Nonproliferation, Anti-terrorism, Demining and Related Programs" shall be made available for explosive ordnance disposal programs in areas liberated from extremist organizations in Syria.

(3) SYRIAN ORGANIZATIONS.—Funds appropriated by this Act that are made available for assistance for Syria pursuant to the authority of this subsection shall be made available, on an open and competitive basis, to continue a program to strengthen the capability of Syrian civil society organizations to address the immediate and long-term needs of the Syrian people inside Syria in a manner that supports the sustainability of such organizations in implementing Syrian-led humanitarian and development programs and the comprehensive strategy required in section 7041(i)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76): *Provided*, That funds made available by this paragraph shall be the responsibility of the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State.

Consultation.

(4) STRATEGY UPDATE.—Funds appropriated by this Act that are made available for assistance for Syria pursuant to the authority of this subsection may only be made available after the Secretary of State, in consultation with the heads of relevant United States Government agencies, submits, in classified form if necessary, an update to the comprehensive strategy required in section 7041(i)(3) of Public Law 113–76.

(5) MONITORING AND OVERSIGHT.—Prior to the obligation of funds appropriated by this Act and made available for assistance for Syria, the Secretary of State shall take all practicable steps to ensure that mechanisms are in place for monitoring, oversight, and control of such assistance inside Syria: *Provided*,

Notification.

That the Secretary shall promptly inform the appropriate congressional committees of each instance in which assistance provided pursuant to this subsection has been diverted or destroyed, to include the type and amount of assistance, a description of the incident and parties involved, and an explanation of the response of the Department of State.

(6) CONSULTATION AND NOTIFICATION.—Funds made available pursuant to this subsection may only be made available following consultation with the appropriate congressional committees, and shall be subject to the regular notification procedures of the Committees on Appropriations.

(k) TUNISIA.—Of the funds appropriated under titles III and IV of this Act, not less than $165,400,000 shall be made available for assistance for Tunisia.

Israel.

(l) WEST BANK AND GAZA.—

(1) REPORT ON ASSISTANCE.—Prior to the initial obligation of funds made available by this Act under the heading "Economic Support Fund" for assistance for the West Bank and Gaza, the Secretary of State shall report to the Committees on Appropriations that the purpose of such assistance is to—

(A) advance Middle East peace;

(B) improve security in the region;

(C) continue support for transparent and accountable government institutions;

(D) promote a private sector economy; or

(E) address urgent humanitarian needs.

(2) LIMITATIONS.—

(A)(i) None of the funds appropriated under the heading "Economic Support Fund" in this Act may be made available for assistance for the Palestinian Authority, if after the date of enactment of this Act—

(I) the Palestinians obtain the same standing as member states or full membership as a state in the United Nations or any specialized agency thereof outside an agreement negotiated between Israel and the Palestinians; or

(II) the Palestinians initiate an International Criminal Court (ICC) judicially authorized investigation, or actively support such an investigation, that subjects Israeli nationals to an investigation for alleged crimes against Palestinians.

(ii) The Secretary of State may waive the restriction in clause (i) of this subparagraph resulting from the application of subclause (I) of such clause if the Secretary certifies to the Committees on Appropriations that to do so is in the national security interest of the United States, and submits a report to such Committees detailing how the waiver and the continuation of assistance would assist in furthering Middle East peace.

Waiver authority.
Applicability.
Certification.
Reports.

(B)(i) The President may waive the provisions of section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204) if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the appropriate congressional committees that the Palestinians have not, after the date of enactment of this Act—

President.
Waiver authority.
Determinations.
Certifications.

(I) obtained in the United Nations or any specialized agency thereof the same standing as member states or full membership as a state outside an agreement negotiated between Israel and the Palestinians; and

(II) taken any action with respect to the ICC that is intended to influence a determination by the ICC to initiate a judicially authorized investigation, or to actively support such an investigation, that subjects Israeli nationals to an investigation for alleged crimes against Palestinians.

(ii) Not less than 90 days after the President is unable to make the certification pursuant to clause (i) of this subparagraph, the President may waive section 1003 of

Deadline.

Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that the Palestinians have entered into direct and meaningful negotiations with Israel: *Provided*, That any waiver of the provisions of section 1003 of Public Law 100–204 under clause (i) of this subparagraph or under previous provisions of law must expire before the waiver under the preceding sentence may be exercised.

Time periods.

(iii) Any waiver pursuant to this subparagraph shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

Determination.
Time period.

(3) REDUCTION.—The Secretary of State shall reduce the amount of assistance made available by this Act under the heading "Economic Support Fund" for the Palestinian Authority by an amount the Secretary determines is equivalent to the amount expended by the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations with such entities as payments for acts of terrorism by individuals who are imprisoned after being fairly tried and convicted for acts of terrorism and by individuals who died committing acts of terrorism during the previous calendar year: *Provided*, That the Secretary shall report to the Committees on Appropriations on the amount reduced for fiscal year 2017 prior to the obligation of funds for the Palestinian Authority.

Reports.

Applicability.

(4) SECURITY REPORT.—The reporting requirements contained in section 1404 of the Supplemental Appropriations Act, 2008 (Public Law 110–252) shall apply to funds made available by this Act, including a description of modifications, if any, to the security strategy of the Palestinian Authority.

(5) INCITEMENT REPORT.—Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing steps taken by the Palestinian Authority to counter incitement of violence against Israelis and to promote peace and coexistence with Israel.

AFRICA

Determination.
Reports.

SEC. 7042. (a) AFRICAN GREAT LAKES REGION ASSISTANCE RESTRICTION.—Funds appropriated by this Act under the heading "International Military Education and Training" for the central government of a country in the African Great Lakes region may be made available only for Expanded International Military Education and Training and professional military education until the Secretary of State determines and reports to the Committees on Appropriations that such government is not facilitating or otherwise participating in destabilizing activities in a neighboring country, including aiding and abetting armed groups.

(b) BOKO HARAM.—Funds appropriated by this Act that are made available for assistance for Cameroon, Chad, Niger, and Nigeria—

(1) shall be made available for assistance for women and girls who are targeted by the terrorist organization Boko

Haram, consistent with the provisions of section 7059 of this Act, and for individuals displaced by Boko Haram violence; and

(2) may be made available for counterterrorism programs to combat Boko Haram.

(c) CENTRAL AFRICAN REPUBLIC.—Funds made available by this Act for assistance for the Central African Republic shall be made available for reconciliation and peacebuilding programs, including activities to promote inter-faith dialogue at the national and local levels, and for programs to prevent crimes against humanity.

(d) ETHIOPIA.—

(1) FORCED EVICTIONS.—

(A) Funds appropriated by this Act for assistance for Ethiopia may not be made available for any activity that supports forced evictions.

(B) The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support projects in Ethiopia only if such projects are developed and carried out in accordance with the requirements of section 7029(b)(2) of this Act.

(2) CONSULTATION REQUIREMENT.—Programs and activities to improve livelihoods shall include prior consultation with, and the participation of, affected communities, including in the South Omo and Gambella regions.

(3) FOREIGN MILITARY FINANCING PROGRAM.—Funds appropriated by this Act under the heading "Foreign Military Financing Program" for assistance for Ethiopia may only be made available for border security and counterterrorism programs, support for international peacekeeping efforts, and assistance for professional military education.

(e) LAKE CHAD BASIN COUNTRIES.—Funds appropriated by this Act for democracy and other development programs for Cameroon, Chad, Niger, and Nigeria should be made available, following consultation with the Committees on Appropriations, to protect freedoms of expression, association and religion, including support for journalists, civil society, and opposition political parties, and should be used to assist the governments of such countries to strengthen accountability and the rule of law, including within the security forces. Consultation.

(f) LORD'S RESISTANCE ARMY.—Funds appropriated by this Act shall be made available for programs and activities in areas affected by the Lord's Resistance Army (LRA) consistent with the goals of the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act (Public Law 111–172), including to improve physical access, telecommunications infrastructure, and early-warning mechanisms and to support the disarmament, demobilization, and reintegration of former LRA combatants, especially child soldiers. Child soldiers.

(g) MALAWI.—Of the funds appropriated by this Act under the heading "Development Assistance", not less than $56,000,000 shall be made available for assistance for Malawi, of which up to $10,000,000 shall be made available for higher education programs.

(h) POWER AFRICA INITIATIVE.—Funds appropriated by this Act that are made available for the Power Africa initiative shall be subject to the regular notification procedures of the Committees on Appropriations. Notification.

(i) SOUTH SUDAN.—

Deadline.
Consultation.

(1) STRATEGY REQUIREMENT.—Not later than 45 days after enactment of this Act and prior to the initial obligation of funds made available by this Act for assistance for the central Government of South Sudan, the Secretary of State, in consultation with the USAID Administrator, shall submit to the appropriate congressional committees a United States diplomatic and assistance strategy for South Sudan, consistent with the requirements under this section in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act): *Provided*, That such strategy shall include a description of how the cessation of hostilities and the delivery of humanitarian assistance and essential services will be prioritized: *Provided further*, That the Secretary of State shall consult with such committees prior to submitting such strategy.

Reports.

(2) CERTIFICATION.—None of the funds appropriated by this Act that are available for assistance for the central Government of South Sudan may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that such government is taking effective steps to—

(A) end hostilities and pursue good faith negotiations for a political settlement of the conflict;

(B) provide access for humanitarian organizations;

(C) end the recruitment and use of child soldiers;

(D) protect freedoms of expression, association, and assembly;

(E) reduce corruption related to the extraction and sale of oil and gas;

(F) establish democratic institutions;

(G) establish accountable military and police forces under civilian authority; and

Human rights.

(H) investigate and prosecute individuals credibly alleged to have committed gross violations of human rights, including at the Terrain compound in Juba, South Sudan on July 11, 2016.

(3) EXCLUSIONS.—The limitation of paragraph (2) shall not apply to—

(A) humanitarian assistance;

(B) assistance to support South Sudan peace negotiations or to advance or implement a peace agreement; and

(C) assistance to support implementation of outstanding issues of the Comprehensive Peace Agreement and mutual arrangements related to such Agreement.

(4) CONSULTATION.—Prior to the initial obligation of funds made available for the central Government of South Sudan pursuant to paragraphs (3)(B) and (C), the Secretary of State shall consult with the Committees on Appropriations on the intended uses of such funds, steps taken by such government to advance or implement a peace agreement, and progress made by the Government of South Sudan in meeting the requirements in paragraph (2).

(j) SUDAN.—

(1) LIMITATION.—Notwithstanding any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(2) LIMITATION ON LOANS.—None of the funds appropriated by this Act may be made available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(3) EXCLUSIONS.—The limitations of paragraphs (1) and (2) shall not apply to—

(A) humanitarian assistance;

(B) assistance for democracy programs;

(C) assistance for the Darfur region, Southern Kordofan State, Blue Nile State, other marginalized areas and populations in Sudan, and Abyei; and

(D) assistance to support implementation of outstanding issues of the Comprehensive Peace Agreement, mutual arrangements related to post-referendum issues associated with such Agreement, or any other internationally recognized viable peace agreement in Sudan.

(k) ZIMBABWE.—

Certifications. Reports. 22 USC 2151 note.

(1) INSTRUCTION.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any extension by the respective institution of any loan or grant to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State certifies and reports to the Committees on Appropriations that the rule of law has been restored, including respect for ownership and title to property, and freedoms of expression, association, and assembly.

(2) LIMITATIONS.—None of the funds appropriated by this Act shall be made available for assistance for the central Government of Zimbabwe, except for health and education, unless the Secretary of State certifies and reports as required in paragraph (1), and funds may be made available for macroeconomic growth assistance if the Secretary reports to the Committees on Appropriations that such government is implementing transparent fiscal policies, including public disclosure of revenues from the extraction of natural resources.

EAST ASIA AND THE PACIFIC

Extension. Time period.

SEC. 7043. (a) ASIA REBALANCING INITIATIVE.—Except for paragraphs (1)(C), (4), (5)(B) and (C), and 6(B), section 7043(a) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) shall continue in effect during fiscal year 2017: *Provided*, That section 7043(a)(8) of such Act shall be applied to funds appropriated by this Act by adding "East Asia," before "Southeast Asia".

Applicability.

(b) BURMA.—

(1) BILATERAL ECONOMIC ASSISTANCE.—

(A) Funds appropriated by this Act under the heading "Economic Support Fund" for assistance for Burma may be made available notwithstanding any other provision of law, except for this subsection, and following consultation with the appropriate congressional committees.

(B) Funds appropriated under title III of this Act for assistance for Burma—

(i) shall be made available to strengthen civil society organizations in Burma and for programs to strengthen independent media;

(ii) shall be made available for community-based organizations operating in Thailand to provide food, medical, and other humanitarian assistance to internally displaced persons in eastern Burma, in addition to assistance for Burmese refugees from funds appropriated by this Act under the heading "Migration and Refugee Assistance";

(iii) shall be made available for programs to promote ethnic and religious tolerance, including in Rakhine and Kachin states;

(iv) shall be made available to promote rural economic development in Burma, including through microfinance and sustainable power generation programs;

(v) shall be made available to increase opportunities for foreign direct investment by strengthening the rule of law, transparency, and accountability;

Human rights.

(vi) may not be made available to any individual or organization if the Secretary of State has credible information that such individual or organization has committed a gross violation of human rights, including against Rohingya and other minority groups, or that advocates violence against ethnic or religious groups and individuals in Burma;

(vii) may not be made available to any organization or entity controlled by the military of Burma; and

(viii) may be made available for programs administered by the Office of Transition Initiatives, United States Agency for International Development, for ethnic groups and civil society in Burma to help sustain ceasefire agreements and further prospects for reconciliation and peace, which may include support to representatives of ethnic armed groups for this purpose.

(2) INTERNATIONAL SECURITY ASSISTANCE.—None of the funds appropriated by this Act under the headings "International Military Education and Training" and "Foreign Military Financing Program" may be made available for assistance for Burma: *Provided*, That the Department of State may continue consultations with the armed forces of Burma only on human rights and disaster response in a manner consistent with the prior fiscal year, and following consultation with the appropriate congressional committees.

Consultations.

(3) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support projects in Burma only if such projects are developed and carried out in accordance with the requirements of section 7029(b)(2) of this Act.

(4) PROGRAMS, POSITION, AND RESPONSIBILITIES.—

Time period.
Consultation.

(A) Any new program or activity in Burma initiated in fiscal year 2017 shall be subject to prior consultation with the appropriate congressional committees.

(B) Section 7043(b)(7) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) shall continue in effect during fiscal year 2017. Extension. Time period.

(C) The United States Chief of Mission in Burma, in consultation with the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, shall be responsible for democracy and human rights programs in Burma. Consultation.

(c) CAMBODIA.—

(1) HUMAN RIGHTS CONDITIONS.—Of the funds appropriated in title IV of this Act that are made available for assistance for the central Government of Cambodia, 25 percent shall be withheld from obligation until the Secretary of State certifies and reports to the Committees on Appropriations that such government— Certification. Reports.

(A) is taking effective steps to strengthen regional security and stability, particularly regarding territorial disputes in the South China Sea;

(B) has ceased efforts to intimidate civil society and the political opposition in Cambodia, is credibly investigating the murder of social and political activists, and is taking actions to address the concerns detailed in the September 14, 2016 United Nations Human Rights Situation in Cambodia—Joint Statement; and

(C) is establishing conditions for the holding of free and fair elections in Cambodia in 2017 and 2018 through a non-partisan election commission; fair election processes; credible post-election dispute resolution mechanisms; open and inclusive participation, to include the return of exiled former opposition leaders; and respect for freedoms of assembly and speech.

(2) KHMER ROUGE TRIBUNAL.—Of the funds appropriated by this Act that are made available for assistance for Cambodia under the heading "Economic Support Fund", not more than $1,500,000 may be made available for a contribution to the Extraordinary Chambers in the Court of Cambodia (ECCC): *Provided*, That such funds may only be made available if the Secretary of State certifies and reports to the Committees on Appropriations that such contribution is in the national interest of the United States and will support the prosecution and punishment of individuals responsible for genocide in Cambodia in a credible manner: *Provided further*, That if the Secretary of State is unable to make the certification required by the previous proviso, such funds shall be made available for research and education programs associated with the Khmer Rouge genocide in Cambodia, which are in addition to funds otherwise made available under paragraph (3): *Provided further*, That such funds shall be subject to prior consultation with, and the regular notification procedures of, such Committees: *Provided further*, That the Secretary of State shall seek reimbursements from the Principal Donors Group for the Documentation Center of Cambodia for costs incurred in support of the ECCC. Genocide. Certification. Reports. Consultation. Reimbursements.

(3) RESEARCH AND EDUCATION.—Funds made available by this Act for democracy programs in Cambodia shall be made

available for research and education programs associated with the Khmer Rouge genocide in Cambodia.

(d) NORTH KOREA.—

(1) BROADCASTS.—Funds appropriated by this Act under the heading "International Broadcasting Operations" shall be made available to maintain broadcasting hours into North Korea at levels not less than the prior fiscal year.

(2) REFUGEES.—Funds appropriated by this Act under the heading "Migration and Refugee Assistance" should be made available for assistance for refugees from North Korea, including protection activities in the People's Republic of China and other countries in Asia.

(3) DATABASE AND REPORT.—Funds appropriated by this Act under title III shall be made available to maintain a database of prisons and gulags in North Korea, in accordance with section 7032(i) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76).

(4) LIMITATION ON USE OF FUNDS.—None of the funds made available by this Act under the heading "Economic Support Fund" may be made available for assistance for the Government of North Korea.

(e) PEOPLE'S REPUBLIC OF CHINA.—

Time period. Notification.

(1) LIMITATION ON USE OF FUNDS.—None of the funds appropriated under the heading "Diplomatic and Consular Programs" in this Act may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China (PRC) unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action.

Applicability.

(2) PEOPLE'S LIBERATION ARMY.—The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People's Liberation Army (PLA) of the PRC, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: *Provided*, That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

Consultation.

(3) COUNTER INFLUENCE PROGRAMS.—Funds appropriated by this Act for public diplomacy under title I and for assistance under titles III and IV shall be made available to counter the influence of the PRC, in accordance with the strategy required by section 7043(e)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76), following consultation with the Committees on Appropriations.

(4) AUTHORITY AND NOTIFICATION REQUIREMENT.—

(A) The uses of funds made available by this Act for the promotion of democracy in the PRC, except for funds made available under subsection (g), shall be the responsibility of the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State.

(B) Funds appropriated by this Act that are made available for trilateral programs conducted with the PRC shall be subject to the regular notification procedures of the Committees on Appropriations.

(f) PHILIPPINES.—Prior to the initial obligation of funds appropriated by this Act for assistance for the Philippines, but not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations, which shall include the information required under this section in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act). Deadline. Reports.

(g) TIBET.—

(1) FINANCING OF PROJECTS IN TIBET.—The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support financing of projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans, are based on a thorough needs-assessment, foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions, and are subject to effective monitoring.

(2) PROGRAMS FOR TIBETAN COMMUNITIES.—

(A) Notwithstanding any other provision of law, funds appropriated by this Act under the heading "Economic Support Fund" shall be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development, education, and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China.

(B) Funds appropriated by this Act under the heading "Economic Support Fund" shall be made available for programs to promote and preserve Tibetan culture, development, and the resilience of Tibetan communities in India and Nepal, and to assist in the education and development of the next generation of Tibetan leaders from such communities: *Provided*, That such funds are in addition to amounts made available in subparagraph (A) for programs inside Tibet.

(h) VIETNAM.—

(1) DIOXIN REMEDIATION.—Notwithstanding any other provision of law, of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $20,000,000 shall be made available for activities related to the remediation of dioxin contaminated sites in Vietnam and may be made available for assistance for the Government of Vietnam, including the military, for such purposes.

(2) HEALTH AND DISABILITY PROGRAMS.—Of the funds appropriated by this Act under the heading "Development Assistance", not less than $10,000,000 shall be made available for health and disability programs in areas sprayed with Agent Orange and otherwise contaminated with dioxin, to assist individuals with severe upper or lower body mobility impairment and/or cognitive or developmental disabilities.

SOUTH AND CENTRAL ASIA

SEC. 7044. (a) AFGHANISTAN.—

(1) STRATEGY AND PERSONNEL.—

Deadline.
Consultation.

(A) STRATEGY.—Not later than 90 days after enactment of this Act and prior to the initial obligation of funds made available for assistance for Afghanistan by this Act under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement", the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees a revised strategy for United States engagement in Afghanistan: *Provided*, That such strategy shall include detailed information on the roles and responsibilities of the Department of State, the United States Agency for International Development, and other non-defense United States Government agencies in Afghanistan, including the anticipated number of government and contractor personnel to be assigned in Afghanistan in fiscal years 2018 and 2019: *Provided further*, That such strategy shall also include detailed information on development programs to be supported by funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, including a description of specific safeguards to ensure that any such funds supporting projects in areas under the control of the Taliban or other extremist organizations do not further the legitimacy of such organizations: *Provided further*, That such strategy shall also include detailed information, in classified form if necessary, on specific steps to be taken to encourage a negotiated political resolution of the conflict in Afghanistan.

Time period.
Termination date.

(B) PERSONNEL REPORT.—Not later than 30 days after enactment of this Act and every 120 days thereafter until September 30, 2018, the Secretary of State shall submit a report, in classified form if necessary, to the appropriate congressional committees detailing by agency the number of personnel present in Afghanistan under Chief of Mission authority per section 3927 of title 22, United States Code, at the end of the 120 day period preceding the submission of such report: *Provided*, That such report shall also include the number of locally employed staff and contractors supporting United States Embassy operations in Afghanistan during the reporting period.

(2) ASSISTANCE AND CONDITIONS.—

(A) FUNDING AND LIMITATIONS.—Funds appropriated by this Act under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" may be made available for assistance for Afghanistan: *Provided*, That such funds may not be obligated for any project or activity that—

Determination.
Drugs and drug abuse.
Human rights.

(i) includes the participation of any Afghan individual or organization, including government entity, that the Secretary of State determines to be involved in corrupt practices, illicit narcotics production or trafficking, or a violation of human rights;

(ii) cannot be sustained, as appropriate, by the Government of Afghanistan or another Afghan entity;

(iii) is not regularly accessible for the purposes of conducting effective oversight in accordance with applicable Federal statutes and regulations;

(iv) initiates any new, major infrastructure development; or

(v) legitimizes the Taliban or other extremist organizations in areas not under the control of the Government of Afghanistan.

(B) CERTIFICATION AND REPORT.—Prior to the initial obligation of funds made available by this Act under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" for assistance for the central Government of Afghanistan, the Secretary of State shall certify and report to the Committees on Appropriations, after consultation with the Government of Afghanistan, that—

(i) goals and benchmarks for the specific uses of such funds have been established by the Governments of the United States and Afghanistan;

(ii) conditions are in place that increase the transparency and accountability of the Government of Afghanistan for funds obligated under the New Development Partnership;

(iii) the Government of Afghanistan is implementing laws and policies to govern democratically and protect the rights of individuals, civil society, and the media;

(iv) the Government of Afghanistan is taking consistent steps to protect and advance the rights of women and girls in Afghanistan;

(v) the Government of Afghanistan is effectively implementing a whole-of-government, anti-corruption strategy that has been endorsed by the High Council on Rule of Law and Anti-Corruption, as agreed to at the Brussels Conference on Afghanistan in October 2016, and is prosecuting individuals alleged to be involved in corrupt or illegal activities in Afghanistan;

(vi) monitoring and oversight frameworks for programs implemented with such funds are in accordance with all applicable audit policies of the Department of State and USAID, including in areas under the control of the Taliban or other extremist organizations;

(vii) the necessary policies and procedures are in place to ensure Government of Afghanistan compliance with section 7013 of this Act, "Prohibition on Taxation of United States Assistance"; and

(viii) the Government of Afghanistan is publicly reporting its national budget, including revenues and expenditures.

Determination. Reports.

(C) WAIVER.—The Secretary of State may waive the certification requirement of subparagraph (B) if the Secretary determines that to do so is important to the national security interest of the United States and the Secretary submits a report to the Committees on Appropriations, in classified form if necessary, on the justification for the

waiver and the reasons why any of the requirements of subparagraph (B) cannot be met.

(D) PROGRAMS.—Funds appropriated by this Act that are made available for assistance for Afghanistan shall be made available in the following manner—

Grants.

(i) for programs that protect and strengthen the rights of women and girls and promote the political and economic empowerment of women, including their meaningful inclusion in political processes: *Provided*, That such assistance to promote economic empowerment of women shall be made available as grants to Afghan and international organizations, to the maximum extent practicable;

Notification.

(ii) for programs in South and Central Asia to expand linkages between Afghanistan and countries in the region, subject to the regular notification procedures of the Committees on Appropriations; and

(iii) to assist the Government of Afghanistan to increase revenue collection and expenditure.

Certification.
Reports.

(E) TAXATION.—None of the funds appropriated by this Act for assistance for Afghanistan may be made available for direct government-to-government assistance unless the Secretary of State certifies and reports to the Committees on Appropriations that United States companies and organizations that are implementing United States foreign assistance programs in Afghanistan in a manner consistent with United States laws and regulations are not subjected by such government to taxes or other fees in contravention of diplomatic and other agreements between the Governments of the United States and Afghanistan, or to retaliation for the nonpayment of taxes or fees imposed in the past: *Provided*, That not later than 90 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations an assessment of the dollar value of improper taxes or fees levied by such government against such companies and organizations in fiscal years 2014, 2015, and 2016.

Deadline.
Assessment.
Time periods.

Deadlines.
Reports.

(3) GOALS AND BENCHMARKS.—Not later than 90 days after enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report describing the goals and benchmarks required in paragraph (2)(B)(i): *Provided*, That not later than 6 months after the submission of such report and every 6 months thereafter until September 30, 2018, the Secretary of State shall submit a report to such committees on the status of achieving such goals and benchmarks: *Provided further*, That the Secretary of State should suspend assistance for the Government of Afghanistan if any report required by this paragraph indicates that such government is failing to make measurable progress in meeting such goals and benchmarks.

(4) AUTHORITIES.—

(A) Funds appropriated by this Act under title III through VI that are made available for assistance for Afghanistan may be made available—

(i) notwithstanding section 7012 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961;

(ii) for reconciliation programs and disarmament, demobilization, and reintegration activities for former combatants who have renounced violence against the Government of Afghanistan, in accordance with section 7046(a)(2)(B)(ii) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (division I of Public Law 112–74); and

(iii) for an endowment to empower women and girls.

(B) Section 7046(a)(2)(A) of division I of Public Law 112–74 shall apply to funds appropriated by this Act for assistance for Afghanistan. Applicability.

(C) Section 1102(c) of the Supplemental Appropriations Act, 2009 (title XI of Public Law 111–32) shall continue in effect during fiscal year 2017. Extension.

(5) BASING RIGHTS AGREEMENT.—None of the funds made available by this Act may be used by the United States Government to enter into a permanent basing rights agreement between the United States and Afghanistan.

(b) NEPAL.—

(1) ASSISTANCE.—Not less than $112,500,000 of the funds appropriated by this Act under the headings "Global Health Programs", "Economic Support Fund", "International Narcotics Control and Law Enforcement", and "Nonproliferation, Anti-terrorism, Demining and Related Programs" shall be made available for assistance for Nepal, including for earthquake recovery and reconstruction programs.

(2) FOREIGN MILITARY FINANCING PROGRAM.—Funds appropriated by this Act under the heading "Foreign Military Financing Program" shall only be made available for humanitarian and disaster relief and reconstruction activities in Nepal, and in support of international peacekeeping operations: *Provided*, That such funds may only be made available for any additional uses if the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Nepal is investigating and prosecuting violations of human rights and the laws of war, and the Nepal Army is cooperating fully with civilian judicial authorities in such cases. Certification. Reports. Human rights.

(c) PAKISTAN.—

(1) CERTIFICATION REQUIREMENT.—None of the funds appropriated or otherwise made available by this Act under the headings "Economic Support Fund", "International Narcotics Control and Law Enforcement", and "Foreign Military Financing Program" for assistance for the Government of Pakistan may be made available unless the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Pakistan is— Reports.

(A) cooperating with the United States in counterterrorism efforts against the Haqqani Network, the Quetta Shura Taliban, Lashkar e-Tayyiba, Jaish-e-Mohammed, Al-Qaeda, and other domestic and foreign terrorist organizations, including taking effective steps to end support for such groups and prevent them from basing and operating in Pakistan and carrying out cross border attacks into neighboring countries;

(B) not supporting terrorist activities against United States or coalition forces in Afghanistan, and Pakistan's

military and intelligence agencies are not intervening extra-judicially into political and judicial processes in Pakistan;

(C) not financing or otherwise supporting schools supported by, affiliated with, or run by the Taliban or any designated foreign terrorist organization;

(D) dismantling improvised explosive device (IED) networks and interdicting precursor chemicals used in the manufacture of IEDs;

(E) preventing the proliferation of nuclear-related material and expertise;

(F) issuing visas in a timely manner for United States visitors engaged in counterterrorism efforts and assistance programs in Pakistan; and

(G) providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by the conflict.

Determination.

(2) WAIVER AND REPORTS.—

(A) The Secretary of State may waive the certification requirement of paragraph (1) with respect to funds appropriated or otherwise made available by this Act under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" for assistance for the Government of Pakistan if the Secretary determines that to do so is important to the national security interest of the United States.

(B) The Secretary of State may waive the certification requirement of paragraph (1) with respect to 95 percent of the funds appropriated or otherwise made available by this Act under the heading "Foreign Military Financing Program" for assistance for the Government of Pakistan if the Secretary determines that to do so is important to the national security interest of the United States: *Provided*, That funds withheld by application of this subparagraph shall be withheld from obligation until the Secretary submits to the Committees on Appropriations the certification required by paragraph (1).

Certification.

(C) In exercising the authority of this paragraph, the Secretary of State shall submit a report to the Committees on Appropriations, in classified form if necessary, on the justification for any waivers in subparagraphs (A) and (B) and the reasons why any of the requirements of paragraph (1) cannot be met.

(3) ASSISTANCE.—

(A) Funds appropriated by this Act under the heading "Foreign Military Financing Program" for assistance for Pakistan may be made available only to support counterterrorism and counterinsurgency capabilities in Pakistan.

(B) Funds appropriated by this Act under the headings "Economic Support Fund" and "Nonproliferation, Anti-terrorism, Demining and Related Programs" that are available for assistance for Pakistan shall be made available to interdict precursor materials from Pakistan to Afghanistan that are used to manufacture IEDs, including calcium ammonium nitrate; to support programs to train border and

customs officials in Pakistan and Afghanistan; and for agricultural extension programs that encourage alternative fertilizer use among Pakistani farmers.

(C) Funds appropriated by this Act under the heading "Economic Support Fund" that are made available for assistance for infrastructure projects in Pakistan shall be implemented in a manner consistent with section 507(6) of the Trade Act of 1974 (19 U.S.C. 2467(6)).

(D) Funds appropriated by this Act under titles III and IV for assistance for Pakistan may be made available notwithstanding any other provision of law, except for section 620M of the Foreign Assistance Act of 1961.

Reports. Shakil Afridi.

(E) Of the funds appropriated under titles III and IV of this Act that are made available for assistance for Pakistan, $33,000,000 shall be withheld from obligation until the Secretary of State reports to the Committees on Appropriations that Dr. Shakil Afridi has been released from prison and cleared of all charges relating to the assistance provided to the United States in locating Osama bin Laden.

Applicability.

(4) SCHOLARSHIPS FOR WOMEN.—The authority and directives of section 7044(d)(4) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235) shall apply to funds appropriated by this Act that are made available for assistance for Pakistan: *Provided*, That prior to the obligation of funds for such purposes, the USAID Administrator shall consult with the Committees on Appropriations.

Consultation.

(5) REPORTS.—

Spend plan.

(A)(i) The spend plan required by section 7076 of this Act for assistance for Pakistan shall include achievable and sustainable goals, benchmarks for measuring progress, and expected results regarding combating poverty and furthering development in Pakistan, countering terrorism and extremism, and establishing conditions conducive to the rule of law and transparent and accountable governance: *Provided*, That not later than 6 months after submission of such spend plan, and each 6 months thereafter until September 30, 2018, the Secretary of State shall submit a report to the Committees on Appropriations on the status of achieving the goals and benchmarks in such plan.

(ii) The Secretary of State should suspend assistance for the Government of Pakistan if any report required by clause (i) indicates that Pakistan is failing to make measurable progress in meeting such goals or benchmarks.

(B) Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the costs and objectives associated with significant infrastructure projects supported by the United States in Pakistan, and an assessment of the extent to which such projects achieve such objectives.

(6) OVERSIGHT.—The Secretary of State shall take all practicable steps to ensure that mechanisms are in place for monitoring, oversight, and control of funds made available by this subsection for assistance for Pakistan.

(d) SRI LANKA.—

(1) BILATERAL ECONOMIC ASSISTANCE.—Funds appropriated by this Act under the heading "Economic Support Fund" shall be made available for assistance for Sri Lanka for democracy and economic development programs, particularly in areas recovering from ethnic and religious conflict: *Provided*, That such funds shall be made available for programs to assist in the identification and resolution of cases of missing persons.

Reports.

(2) CERTIFICATION.—Funds appropriated by this Act for assistance for the central Government of Sri Lanka may be made available only if the Secretary of State certifies and reports to the Committees on Appropriations that the Government of Sri Lanka is taking steps to—

(A) repeal laws that do not comply with international standards for arrest and detention, and to ensure that any successor legislation meets such standards;

(B) increase accountability and transparency in governance;

(C) support a credible justice mechanism in compliance with United Nations Human Rights Council Resolution (A/HCR/30/L.29) of October, 2015; and

(D) return land in former conflict zones to former owners or to compensate those whose land was confiscated without due process, which are in addition to steps taken during the previous calendar year.

(3) INTERNATIONAL SECURITY ASSISTANCE.—Funds appropriated under title IV of this Act that are available for assistance for Sri Lanka shall be subject to the following conditions—

(A) not to exceed $500,000 under the heading "Foreign Military Financing Program" may only be made available for programs to support humanitarian and disaster response efforts; to redeploy out of former conflict zones; and to restructure and reduce the size of the Sri Lankan armed forces; and

(B) funds under the heading "Peacekeeping Operations" may only be made available for training and equipment related to international peacekeeping operations.

(e) REGIONAL PROGRAMS.—

(1) CROSS BORDER PROGRAMS.—Funds appropriated by this Act under the heading "Economic Support Fund" for assistance for Afghanistan and Pakistan may be provided, notwithstanding any other provision of law that restricts assistance to foreign countries, for cross border stabilization and development programs between Afghanistan and Pakistan, or between either country and the Central Asian countries.

(2) SECURITY AND JUSTICE PROGRAMS.—Funds appropriated by this Act under the headings "Economic Support Fund", "International Narcotics Control and Law Enforcement", and "Assistance for Europe, Eurasia and Central Asia" that are available for assistance for countries in South and Central Asia shall be made available to enhance the recruitment, retention, and professionalism of women in the judiciary, police, and other security forces.

LATIN AMERICA AND THE CARIBBEAN

SEC. 7045. (a) CENTRAL AMERICA.—

(1) STRATEGY REVIEW AND UPDATE.—The Secretary of State, in consultation with the heads of other relevant United States Government agencies, shall review the United States Strategy for Engagement in Central America (the Strategy) and submit an updated Strategy to the appropriate congressional committees not later than 90 days after enactment of this Act: *Provided*, That such Strategy shall address the key factors in countries in Central America that contribute to the migration of undocumented Central Americans to the United States: *Provided further*, That such Strategy should support regional security and economic initiatives, including the Plan of the Alliance for Prosperity in the Northern Triangle in Central America (the Plan), to the extent the Secretary of State determines such initiatives are consistent with the national interest of the United States.

Consultation.
Deadline.

Determination.

(2) FUNDING.—Subject to the requirements of this subsection, of the funds appropriated under titles III and IV of this Act, $655,000,000 should be made available for assistance for countries in Central America to implement the United States Strategy for Engagement in Central America: *Provided further*, That such funds shall be made available to the maximum extent practicable on a cost-matching basis.

(3) PRE-OBLIGATION REQUIREMENTS.—Prior to the obligation of funds made available pursuant to paragraph (2) and following the submission of the Strategy as required in paragraph (1), the Secretary of State shall submit to the Committees on Appropriations a multi-year spend plan as described under this section in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act), including a description of how such funds shall prioritize addressing the key factors in countries in Central America that contribute to the migration of undocumented Central Americans to the United States.

Spend plan.

(4) ASSISTANCE FOR THE CENTRAL GOVERNMENTS OF EL SALVADOR, GUATEMALA, AND HONDURAS.—Of the funds made available pursuant to paragraph (2) that are available for assistance for each of the central governments of El Salvador, Guatemala, and Honduras, the following amounts shall be withheld from obligation and may only be made available as follows:

(A) 25 percent may only be obligated after the Secretary of State certifies and reports to the appropriate congressional committees that such government is taking effective steps, which are in addition to those steps taken since the certification and report submitted during the prior year, if applicable, to—

Certification.
Reports.
Human trafficking.
Immigration.

(i) inform its citizens of the dangers of the journey to the southwest border of the United States;

(ii) combat human smuggling and trafficking;

(iii) improve border security, including to prevent illegal migration, human smuggling and trafficking, and trafficking of illicit drugs and other contraband; and

(iv) cooperate with United States Government agencies and other governments in the region to facilitate the return, repatriation, and reintegration of illegal migrants arriving at the southwest border of

the United States who do not qualify for asylum, consistent with international law.

Certification. Reports.

(B) An additional 50 percent may only be obligated after the Secretary of State certifies and reports to the appropriate congressional committees that such government is taking effective steps, which are in addition to those steps taken since the certification and report submitted during the prior year, if applicable, to—

(i) work cooperatively with an autonomous, publicly accountable entity to provide oversight of the Plan;

(ii) combat corruption, including investigating and prosecuting current and former government officials credibly alleged to be corrupt;

(iii) implement reforms, policies, and programs to improve transparency and strengthen public institutions, including increasing the capacity and independence of the judiciary and the Office of the Attorney General;

(iv) implement a policy to ensure that local communities, civil society organizations (including indigenous and other marginalized groups), and local governments are consulted in the design, and participate in the implementation and evaluation of, activities of the Plan that affect such communities, organizations, and governments;

(v) counter the activities of criminal gangs, drug traffickers, and organized crime;

Human rights.

(vi) investigate and prosecute in the civilian justice system government personnel, including military and police personnel, who are credibly alleged to have violated human rights, and ensure that such personnel are cooperating in such cases;

(vii) cooperate with commissions against corruption and impunity and with regional human rights entities;

(viii) support programs to reduce poverty, expand education and vocational training for at-risk youth, create jobs, and promote equitable economic growth particularly in areas contributing to large numbers of migrants;

Plan.

(ix) implement a plan that includes goals, benchmarks and timelines to create a professional, accountable civilian police force and end the role of the military in internal policing, and make such plan available to the Department of State;

(x) protect the right of political opposition parties, journalists, trade unionists, human rights defenders, and other civil society activists to operate without interference;

(xi) increase government revenues, including by implementing tax reforms and strengthening customs agencies; and

(xii) resolve commercial disputes, including the confiscation of real property, between United States entities and such government.

Determination.

(5) SUSPENSION OF ASSISTANCE AND PERIODIC REVIEW.—

(A) The Secretary of State shall periodically review the progress of each of the central governments of El Salvador, Guatemala, and Honduras in meeting the requirements of paragraphs (4)(A) and (4)(B): *Provided*, That if the Secretary determines that sufficient progress has not been made by a central government, the Secretary shall suspend, in whole or in part, assistance for such government for programs supporting such requirement, and shall notify the appropriate congressional committees in writing of such action: *Provided further*, That the Secretary may resume funding for such programs only after the Secretary certifies to such committees that corrective measures have been taken.

Notification.

Certification.

(B) The Secretary of State shall, following a change of national government in El Salvador, Guatemala, or Honduras, determine and report to the appropriate congressional committees that any new government has committed to take the steps to meet the requirements of paragraphs (4)(A) and (4)(B): *Provided*, That if the Secretary is unable to make such a determination in a timely manner, assistance made available under this subsection for such central government shall be suspended, in whole or in part, until such time as such determination and report can be made.

Reports.

(6) TRANSFER OF FUNDS.—The Department of State and USAID may, following consultation with the Committees on Appropriations, transfer funds made available by this Act under the heading "Development Assistance" to the Inter-American Development Bank and the Inter-American Foundation to support the Strategy.

Consultation.

(b) COLOMBIA.—

(1) ASSISTANCE.—Of the funds appropriated by this Act under titles III and IV, not less than $391,253,000 shall be made available for assistance for Colombia, including to support the efforts of the Government of Colombia to—

(A) conduct a unified campaign against narcotics trafficking, organizations designated as foreign terrorist organizations pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), and other criminal or illegal armed groups: *Provided*, That aircraft supported by funds made available by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be used to transport personnel and supplies involved in drug eradication and interdiction, including security for such activities, and to provide transport in support of alternative development programs and investigations by civilian judicial authorities;

(B) enhance security and stability in Colombia and the region;

(C) strengthen and expand governance, the rule of law, and access to justice throughout Colombia;

(D) promote economic and social development, including by improving access to areas impacted by conflict through demining programs; and

(E) implement a peace agreement between the Government of Colombia and illegal armed groups, in accordance with constitutional and legal requirements in Colombia:

Consultation.
Notification.

Provided, That such funds shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(2) LIMITATION.—None of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for assistance for Colombia may be made available for payment of reparations to conflict victims or compensation to demobilized combatants associated with a peace agreement between the Government of Colombia and illegal armed groups.

Consultation.
Plan.

(3) PRE-OBLIGATION REQUIREMENTS.—Prior to the initial obligation of funds made available pursuant to paragraph (1), the Secretary of State, in consultation with the USAID Administrator, shall submit to the Committees on Appropriations a multi-year spend plan as described under section 7045 in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act).

(4) REFUGEES.—Funds made available by this Act under the heading "Economic Support Fund" for assistance for Colombia shall be apportioned directly to USAID, except that not less than $7,000,000 of such funds shall be transferred to, and merged with, funds appropriated by this Act under the heading "Migration and Refugee Assistance" for assistance for Colombian refugees in neighboring countries.

(5) COUNTERNARCOTICS.—Of the funds made available by this Act under the heading "International Narcotics Control and Law Enforcement" for assistance for Colombia, 20 percent may be obligated only in accordance with the conditions set forth under section 7045 in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act).

(6) HUMAN RIGHTS.—Of the funds made available by this Act under the heading "Foreign Military Financing Program" for assistance for Colombia, 20 percent may be obligated only in accordance with the conditions set forth under section 7045 in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act).

(7) EXCEPTIONS.—The limitations of paragraphs (5) and (6) shall not apply to funds made available for aviation instruction and maintenance, and maritime and riverine security programs.

(c) HAITI.—

(1) FUNDING.—Of the funds appropriated by this Act under the headings "Development Assistance" and "Economic Support Fund", not more than $45,000,000 may be made available for assistance for Haiti: *Provided*, That the funding limitation of this paragraph may be exceeded for food security and global health programs.

Reports.

(2) CERTIFICATION.—Funds appropriated by this Act under the headings "Development Assistance" and "Economic Support Fund" that are made available for assistance for Haiti may not be made available for assistance for the central Government of Haiti unless the Secretary of State certifies and reports to the Committees on Appropriations that such government is taking effective steps, which are in addition to steps taken

since the certification and report submitted during the prior year, if applicable, to—

(A) strengthen the rule of law in Haiti, including by—

(i) selecting judges in a transparent manner based on merit;

(ii) reducing pre-trial detention;

(iii) respecting the independence of the judiciary; and

(iv) improving governance by implementing reforms to increase transparency and accountability, including through the penal and criminal codes;

(B) combat corruption, including by implementing the anti-corruption law enacted in 2014 and prosecuting corrupt officials;

(C) increase government revenues, including by implementing tax reforms, and increase expenditures on public services; and

(D) resolve commercial disputes between United States entities and the Government of Haiti.

(3) HAITIAN COAST GUARD.—The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) for the Coast Guard.

EUROPE AND EURASIA

SEC. 7046. (a) ASSISTANCE FOR UKRAINE.—Of the funds appropriated by this Act under titles III and IV, not less than $410,465,000 shall be made available for assistance for Ukraine.

(b) LIMITATION.—None of the funds appropriated by this Act may be made available for assistance for a government of an Independent State of the former Soviet Union if such government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided*, That except as otherwise provided in section 7070(a) of this Act, funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States: *Provided further*, That prior to executing the authority contained in the previous proviso the Secretary of State shall consult with the Committees on Appropriations on how such assistance supports the national security interest of the United States.

President. Determination.

Consultation.

(c) SECTION 907 OF THE FREEDOM SUPPORT ACT.—Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2333) or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee, or other assistance provided by the Overseas Private Investment Corporation

under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

WAR CRIMES TRIBUNALS

President. Determination.

SEC. 7047. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided,* That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further,* That funds made available pursuant to this section shall be made available subject to the regular notification procedures of the Committees on Appropriations.

Notification.

UNITED NATIONS

Reports.

SEC. 7048. (a) TRANSPARENCY AND ACCOUNTABILITY.—

(1) Of the funds appropriated under title I and under the heading "International Organizations and Programs" in title V of this Act that are available for contributions to the United Nations (including the Department of Peacekeeping Operations), any United Nations agency, or the Organization of American States, 15 percent may not be obligated for such organization, department, or agency until the Secretary of State reports to the Committees on Appropriations that the organization, department, or agency is—

Web posting.

(A) posting on a publicly available Web site, consistent with privacy regulations and due process, regular financial and programmatic audits of such organization, department, or agency, and providing the United States Government with necessary access to such financial and performance audits; and

(B) effectively implementing and enforcing policies and procedures which reflect best practices for the protection of whistleblowers from retaliation, including best practices for—

(i) protection against retaliation for internal and lawful public disclosures;

(ii) legal burdens of proof;

(iii) statutes of limitation for reporting retaliation;

(iv) access to independent adjudicative bodies, including external arbitration; and

(v) results that eliminate the effects of proven retaliation.

Waiver authority. Determination.

(2) The restrictions imposed by or pursuant to paragraph (1) may be waived on a case-by-case basis if the Secretary

of State determines and reports to the Committees on Appropriations that such waiver is necessary to avert or respond to a humanitarian crisis.

(b) RESTRICTIONS ON UNITED NATIONS DELEGATIONS AND ORGANIZATIONS.—

(1) None of the funds made available by this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such agency, body, or commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. App. 2405(j)(1)), supports international terrorism.

(2) None of the funds made available by this Act may be used by the Secretary of State as a contribution to any organization, agency, commission, or program within the United Nations system if such organization, agency, commission, or program is chaired or presided over by a country the government of which the Secretary of State has determined, for purposes of section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, section 6(j)(1) of the Export Administration Act of 1979, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

Waiver authority. Determination.

(3) The Secretary of State may waive the restriction in this subsection if the Secretary determines and reports to the Committees on Appropriations that to do so is in the national interest of the United States, including a description of the national interest served.

Determination. Israel.

(c) UNITED NATIONS HUMAN RIGHTS COUNCIL.—None of the funds appropriated by this Act may be made available in support of the United Nations Human Rights Council unless the Secretary of State determines and reports to the Committees on Appropriations that participation in the Council is important to the national interest of the United States and that the Council is taking significant steps to remove Israel as a permanent agenda item: *Provided*, That such report shall include a description of the national interest served and the steps taken to remove Israel as a permanent agenda item: *Provided further*, That the Secretary of State shall report to the Committees on Appropriations not later than September 30, 2017, on the resolutions considered in the United Nations Human Rights Council during the previous 12 months, and on steps taken to remove Israel as a permanent agenda item.

Time period.

(d) UNITED NATIONS RELIEF AND WORKS AGENCY.—Prior to the initial obligation of funds for the United Nations Relief and Works Agency (UNRWA), and not later than 45 days after enactment of this Act, the Secretary of State shall submit a report in writing to the Committees on Appropriations on whether UNRWA is—

(1) utilizing Operations Support Officers in the West Bank, Gaza, and other fields of operation to inspect UNRWA installations and reporting any inappropriate use;

(2) acting promptly to address any staff or beneficiary violation of its own policies (including the policies on neutrality and impartiality of employees) and the legal requirements under section 301(c) of the Foreign Assistance Act of 1961;

(3) implementing procedures to maintain the neutrality of its facilities, including implementing a no-weapons policy, and conducting regular inspections of its installations, to ensure they are only used for humanitarian or other appropriate purposes;

(4) taking necessary and appropriate measures to ensure it is operating in compliance with the conditions of section 301(c) of the Foreign Assistance Act of 1961 and continuing regular reporting to the Department of State on actions it has taken to ensure conformance with such conditions;

(5) taking steps to ensure the content of all educational materials currently taught in UNRWA-administered schools and summer camps is consistent with the values of human rights, dignity, and tolerance and does not induce incitement;

(6) not engaging in operations with financial institutions or related entities in violation of relevant United States law, and is taking steps to improve the financial transparency of the organization; and

(7) in compliance with the United Nations Board of Auditors' biennial audit requirements and is implementing in a timely fashion the Board's recommendations.

(e) PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS.—None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

(f) UNITED NATIONS CAPITAL PROJECTS.—None of the funds made available by this Act may be used for the design, renovation, or construction of the United Nations Headquarters in New York: *Provided*, That any operating plan submitted pursuant to this Act for funds made available under the heading "Contributions to International Organizations" shall include information on capital projects, as described under this section in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act).

(g) WITHHOLDING REPORT.—Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amount of funds available for obligation or expenditure in fiscal year 2017 for contributions to any organization, department, agency, or program within the United Nations system or any international program that are withheld from obligation or expenditure due to any provision of law: *Provided*, That the Secretary of State shall update such report each time additional funds are withheld by operation of any provision of law: *Provided further*, That the reprogramming of any withheld funds identified in such report, including updates thereof, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Consultation.
Notification.

(h) SEXUAL EXPLOITATION AND ABUSE IN PEACEKEEPING OPERATIONS.—

(1) Funds appropriated by this Act shall be made available to implement section 301 of the Department of State Authorities

Act, Fiscal Year 2017 (Public Law 114–323): *Provided*, That the elements and objectives of subsection (c) of such section shall include the adoption of a United Nations policy requiring the mandatory repatriation from a United Nations peacekeeping operation of any personnel credibly alleged to have engaged in sexual exploitation or abuse, and a prohibition on the participation in such peacekeeping operations of personnel from any country the government of which is unwilling or unable to carry out its criminal or disciplinary responsibilities with respect to personnel credibly alleged to have engaged in sexual exploitation or abuse.

Determination.

(2) The Secretary of State should withhold assistance to any unit of the security forces of a foreign country if the Secretary has credible information that such unit has engaged in sexual exploitation or abuse, including while serving in a United Nations peacekeeping operation, until the Secretary determines that the government of such country is taking effective steps to bring the responsible members of such unit to justice and to prevent future incidents: *Provided*, That the Secretary shall promptly notify the government of each country subject to any withholding of assistance pursuant to this paragraph, and shall notify the appropriate congressional committees of such withholding not later than 10 days after a determination to withhold such assistance is made: *Provided further*, That the Secretary shall, to the maximum extent practicable, assist such government in bringing the responsible members of such unit to justice.

Notifications.

(i) ADDITIONAL AVAILABILITY.—Funds appropriated under title I of this Act which are returned or not made available due to the implementation of subsection (a) or the second proviso under the heading "Contributions for International Peacekeeping Activities" of such title shall remain available for obligation until September 30, 2018.

(j) REPORT ON ARREARS.—Not later than 30 days after enactment of this Act, and updated every 90 days thereafter until September 30, 2018, the Secretary of State shall submit a report to the appropriate congressional committees detailing—

(1) a description of the treaty or other obligation of the United States to pay assessed contributions at specified rates for the United Nations and other international organizations by organization or entity;

(2) a description of relevant United States laws regarding such assessed rates and contributions;

(3) a description of, and justification for, any deviation from payment of such assessed rates and contributions, to include the cumulative amount of arrears owed, or anticipated to be owed, by the United States to any organization or entity as a result of such deviation;

(4) a specific plan for payment of such arrears;

Analysis.

(5) an analysis of when the amount of arrears owed by the United States may trigger Article 19 of the United Nations Charter or similar provision in a treaty, convention or charter governing participation in an international organization, resulting in the loss of a vote by the United States in the United Nations General Assembly or other governing body of an international organization; and

Analysis.

(6) an analysis of the impact to the national interest of the United States in international organizations, including the United Nations, as a result of arrears owed, if any, including with respect to the loss of influence within such organizations.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 7049. (a) AUTHORITY.—Funds made available by titles III and IV of this Act to carry out the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance, including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.

DISABILITY PROGRAMS

SEC. 7050. (a) ASSISTANCE.—Funds appropriated by this Act under the heading "Economic Support Fund" shall be made available for programs and activities administered by the United States Agency for International Development to address the needs and protect and promote the rights of people with disabilities in developing countries, including initiatives that focus on independent living, economic self-sufficiency, advocacy, education, employment, transportation, sports, and integration of individuals with disabilities, including for the cost of translation.

(b) MANAGEMENT, OVERSIGHT, AND TECHNICAL SUPPORT.—Of the funds made available pursuant to this section, 5 percent may be used for USAID for management, oversight, and technical support.

INTERNATIONAL CONFERENCES

Reports.
Time period.

SEC. 7051. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State reports to the Committees on Appropriations at least 5 days in advance that such attendance is important to the national interest: *Provided*, That for purposes of this section the term "international conference" shall mean a conference attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

Definition.

AIRCRAFT TRANSFER, COORDINATION, AND USE

SEC. 7052. (a) TRANSFER AUTHORITY.—Notwithstanding any other provision of law or regulation, aircraft procured with funds appropriated by this Act and prior Acts making appropriations

for the Department of State, foreign operations, and related programs under the headings "Diplomatic and Consular Programs", "International Narcotics Control and Law Enforcement", "Andean Counterdrug Initiative", and "Andean Counterdrug Programs" may be used for any other program and in any region, including for the transportation of active and standby Civilian Response Corps personnel and equipment during a deployment: *Provided*, That the responsibility for policy decisions and justification for the use of such transfer authority shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

(b) PROPERTY DISPOSAL.—The authority provided in subsection (a) shall apply only after the Secretary of State determines and reports to the Committees on Appropriations that the equipment is no longer required to meet programmatic purposes in the designated country or region: *Provided*, That any such transfer shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Applicability.
Determination.
Reports.

Consultation.
Notification.

(c) AIRCRAFT COORDINATION.—

(1) The uses of aircraft purchased or leased by the Department of State and the United States Agency for International Development with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the appropriate Chief of Mission: *Provided*, That such aircraft may be used to transport, on a reimbursable or non-reimbursable basis, Federal and non-Federal personnel supporting Department of State and USAID programs and activities: *Provided further*, That official travel for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis: *Provided further*, That funds received by the Department of State for the use of aircraft owned, leased, or chartered by the Department of State may be credited to the Working Capital Fund of the Department and shall be available for expenses related to the purchase, lease, maintenance, chartering, or operation of such aircraft.

(2) The requirement and authorities of this subsection shall only apply to aircraft, the primary purpose of which is the transportation of personnel.

Applicability.

(d) AIRCRAFT OPERATIONS AND MAINTENANCE.—To the maximum extent practicable, the costs of operations and maintenance, including fuel, of aircraft funded by this Act shall be borne by the recipient country.

PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN GOVERNMENTS

SEC. 7053. The terms and conditions of section 7055 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2011 (division F of Public Law 111–117) shall apply to this Act: *Provided*, That the date "September 30, 2009" in subsection (f)(2)(B) of such section shall be deemed to be "September 30, 2016".

Applicability.

LANDMINES AND CLUSTER MUNITIONS

SEC. 7054. (a) LANDMINES.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the Secretary of State may prescribe.

(b) CLUSTER MUNITIONS.—No military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(1) the submunitions of the cluster munitions, after arming, do not result in more than 1 percent unexploded ordnance across the range of intended operational environments, and the agreement applicable to the assistance, transfer, or sale of such cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians; or

(2) such assistance, license, sale, or transfer is for the purpose of demilitarizing or permanently disposing of such cluster munitions.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7055. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by Congress: *Provided*, That not to exceed $25,000 may be made available to carry out the provisions of section 316 of the International Security and Development Cooperation Act of 1980 (Public Law 96–533).

CONTINUOUS SUPERVISION AND GENERAL DIRECTION OF ECONOMIC AND MILITARY ASSISTANCE

President.

SEC. 7056. (a) Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of economic assistance, law enforcement and justice sector assistance, military assistance, and military education and training programs, including but not limited to determining whether there shall be a military assistance (including civic action) or a military education and training program for a country and the value thereof, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.

Coordination.

(b) Consistent with section 481(b) of the Foreign Assistance Act of 1961, the Secretary of State shall be responsible for coordinating all assistance provided by the United States Government to support international efforts to combat illicit narcotics production or trafficking: *Provided*, That the provision of assistance by the Department of Defense which is comparable to assistance that may be made available by this Act under the heading "International Narcotics Control and Law Enforcement" shall be provided in a manner consistent with the requirements of section 333(b) of title

10, United States Code, as added by section 1241 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328).

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT

SEC. 7057. (a) AUTHORITY.—Up to $93,000,000 of the funds made available in title III of this Act pursuant to or to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia", may be used by the United States Agency for International Development to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980. 22 USC 3948 note.

(b) RESTRICTIONS.—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2018. Expiration date.

(c) CONDITIONS.—The authority of subsection (a) should only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other non-direct hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia", are eliminated.

(d) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which the responsibilities of such individual primarily relate: *Provided*, That funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading "Operating Expenses".

(e) FOREIGN SERVICE LIMITED EXTENSIONS.—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980, may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section. Time period.

(f) DISASTER SURGE CAPACITY.—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia", may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to natural disasters, or man-made disasters subject to the regular notification procedures of the Committees on Appropriations. Notification.

(g) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Food for Peace Act (Public Law 83–480), may be used

by USAID to employ up to 40 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 15 of such contractors shall be assigned to any bureau or office: *Provided further*, That such funds appropriated to carry out title II of the Food for Peace Act (Public Law 83–480), may be made available only for personal services contractors assigned to the Office of Food for Peace.

(h) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, USAID may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(i) SENIOR FOREIGN SERVICE LIMITED APPOINTMENTS.—Individuals hired pursuant to the authority provided by section 7059(o) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2011 (division F of Public Law 111–117) may be assigned to or support programs in Afghanistan or Pakistan with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

GLOBAL HEALTH ACTIVITIES

SEC. 7058. (a) IN GENERAL.—Funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for provisions under the heading "Global Health Programs" and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: *Provided*, That of the funds appropriated under title III of this Act, not less than $575,000,000 should be made available for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species.

Determination. Reports.

(b) GLOBAL FUND.—Of the funds appropriated by this Act that are available for a contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), 10 percent should be withheld from obligation until the Secretary of State determines and reports to the Committees on Appropriations that the Global Fund is—

(1) maintaining and implementing a policy of transparency, including the authority of the Global Fund Office of the Inspector General (OIG) to publish OIG reports on a public Web site;

(2) providing sufficient resources to maintain an independent OIG that—

(A) reports directly to the Board of the Global Fund;

(B) maintains a mandate to conduct thorough investigations and programmatic audits, free from undue interference; and

(C) compiles regular, publicly published audits and investigations of financial, programmatic, and reporting

aspects of the Global Fund, its grantees, recipients, sub-recipients, and Local Fund Agents;

(3) effectively implementing and enforcing policies and procedures which reflect best practices for the protection of whistleblowers from retaliation, including best practices for—

(A) protection against retaliation for internal and lawful public disclosures;

(B) legal burdens of proof;

(C) statutes of limitation for reporting retaliation;

(D) access to independent adjudicative bodies, including external arbitration; and

(E) results that eliminate the effects of proven retaliation; and

(4) implementing the recommendations contained in the Consolidated Transformation Plan approved by the Board of the Global Fund on November 21, 2011:

Provided, That such withholding shall not be in addition to funds that are withheld from the Global Fund in fiscal year 2017 pursuant to the application of any other provision contained in this or any other Act.

(c) CONTAGIOUS INFECTIOUS DISEASE OUTBREAKS.—

(1) EMERGENCY RESERVE FUND.—Of the funds appropriated by this Act under the heading "Global Health Programs", $70,000,000 shall be made available for an Emergency Reserve Fund to address emerging health threats, and shall remain available until expended: *Provided*, That such funds shall be in addition to funds otherwise available for such purposes, and may be transferred to, and merged with, funds appropriated by this Act under the heading "International Disaster Assistance" for the purposes of this paragraph: *Provided further*, That such funds may only be made available if the Secretary of State determines and reports to the Committees on Appropriations that it is in the national interest to respond to an emerging health threat that poses severe threats to human health.

Determination.
Reports.

(2) EXTRAORDINARY MEASURES.—If the Secretary of State determines and reports to the Committees on Appropriations that an international infectious disease outbreak is sustained, severe, and is spreading internationally, or that it is in the national interest to respond to a Public Health Emergency of International Concern, funds appropriated by this Act under the headings "Global Health Programs", "Development Assistance", "International Disaster Assistance", "Complex Crises Fund", "Economic Support Fund", "Democracy Fund", "Assistance for Europe, Eurasia and Central Asia", "Migration and Refugee Assistance", and "Millennium Challenge Corporation" may be made available to combat such infectious disease or public health emergency, and may be transferred to, and merged with, funds appropriated under such headings for the purposes of this paragraph.

(3) OVERSIGHT OF FUNDS.—Funds made available by this subsection shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Consultation.
Notification.

GENDER EQUALITY

SEC. 7059. (a) GENDER EQUALITY.—Funds appropriated by this Act shall be made available to promote gender equality in United States Government diplomatic and development efforts by raising the status, increasing the participation, and protecting the rights of women and girls worldwide.

(b) WOMEN'S LEADERSHIP.—Of the funds appropriated by title III of this Act, not less than $50,000,000 shall be made available to increase leadership opportunities for women in countries where women and girls suffer discrimination due to law, policy, or practice, by strengthening protections for women's political status, expanding women's participation in political parties and elections, and increasing women's opportunities for leadership positions in the public and private sectors at the local, provincial, and national levels.

(c) GENDER-BASED VIOLENCE.—

(1)(A) Of the funds appropriated by titles III and IV of this Act, not less than $150,000,000 shall be made available to implement a multi-year strategy to prevent and respond to gender-based violence in countries where it is common in conflict and non-conflict settings.

(B) Funds appropriated by titles III and IV of this Act that are available to train foreign police, judicial, and military personnel, including for international peacekeeping operations, shall address, where appropriate, prevention and response to gender-based violence and trafficking in persons, and shall promote the integration of women into the police and other security forces.

(2) Department of State and United States Agency for International Development gender programs shall incorporate coordinated efforts to combat a variety of forms of gender-based violence, including child marriage, rape, female genital cutting and mutilation, and domestic violence, among other forms of gender-based violence in conflict and non-conflict settings.

(d) WOMEN, PEACE, AND SECURITY.—Funds appropriated by this Act under the headings "Development Assistance", "Economic Support Fund", "Assistance for Europe, Eurasia and Central Asia", and "International Narcotics Control and Law Enforcement" should be made available to support a multi-year strategy to expand, and improve coordination of, United States Government efforts to empower women as equal partners in conflict prevention, peace building, transitional processes, and reconstruction efforts in countries affected by conflict or in political transition, and to ensure the equitable provision of relief and recovery assistance to women and girls.

(e) WOMEN AND GIRLS AT RISK FROM EXTREMISM.—

(1) ASSISTANCE.—Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $15,000,000 shall be made available to support women and girls who are at risk from extremism and conflict, and for activities to—

(A) empower women and girls to counter extremism;

(B) address the needs of women and girls adversely impacted by extremism and conflict;

(C) document crimes committed by extremists against women and girls, and support investigations and prosecutions of such crimes, as appropriate;

(D) increase the participation and influence of women in formal and informal political processes and institutions at the local level and within traditional governing structures;

(E) support reconciliation programs between impacted minority, religious, and ethnic groups and the broader community;

(F) develop and implement legal reforms and protections for women and girls at the national and local government levels; and

(G) create and sustain networks for women and girls to collectively safeguard their rights on a regional basis.

(2) STRATEGY REQUIREMENT.—Not later than 90 days after enactment of this Act, the Secretary of State, in consultation with the USAID Administrator, shall submit a comprehensive, inter-agency strategy to support women and girls who are at risk from extremism and conflict, including a description of monitoring and evaluation protocols. Deadline. Consultation.

(3) CLARIFICATION AND NOTIFICATION.—Funds made available pursuant to paragraph (1)—

(A) are in addition to amounts otherwise available by this Act for such purposes; and

(B) shall be made available following consultation with, and subject to the regular notification procedures of, the Committees on Appropriations. Consultation.

SECTOR ALLOCATIONS

SEC. 7060. (a) BASIC EDUCATION AND HIGHER EDUCATION.—

(1) BASIC EDUCATION.—

(A) Of the funds appropriated under title III of this Act, not less than $800,000,000 shall be made available for assistance for basic education, and such funds may be made available notwithstanding any other provision of law that restricts assistance to foreign countries: *Provided*, That such funds should be used to implement the objectives of basic education programs for each Country Development Cooperation Strategy or similar strategy regarding basic education established by the United States Agency for International Development: *Provided further*, That such funds may also be used for secondary education activities: *Provided further*, That the USAID Administrator, following consultation with the Committees on Appropriations, may reprogram such funds between countries. Consultation.

(B) Not later than 30 days after enactment of this Act, the USAID Administrator shall report to the Committees on Appropriations on the status of cumulative unobligated balances and obligated, but unexpended, balances in each country where USAID provides basic education assistance and such report shall also include details on the types of contracts and grants provided and the goals and objectives of such assistance: *Provided*, That the USAID Administrator shall update such report on a quarterly basis until September 30, 2018: *Provided further*, Deadline. Reports. Termination date.

Determination.

That if the USAID Administrator determines that any unobligated balances of funds specifically designated for assistance for basic education in prior Acts making appropriations for the Department of State, foreign operations, and related programs are in excess of the absorptive capacity of recipient countries, such funds may be made available for other programs authorized under chapter 1 of part I of the Foreign Assistance Act of 1961, notwithstanding such funding designation: *Provided further*, That the authority of the previous proviso shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Consultation.
Notification.

(C) Of the funds appropriated under title III of this Act for assistance for basic education programs, not less than $75,000,000 shall be made available for a contribution to multilateral partnerships that support education.

(2) HIGHER EDUCATION.—Of the funds appropriated by title III of this Act, not less than $235,000,000 shall be made available for assistance for higher education, including not less than $35,000,000 for new and ongoing partnerships for human and institutional capacity building between higher education institutions in the United States and developing countries: *Provided*, That such funds may be made available notwithstanding any other provision of law that restricts assistance to foreign countries, and shall be subject to the regular notification procedures of the Committees on Appropriations.

Notification.

(b) DEVELOPMENT PROGRAMS.—Of the funds appropriated by this Act under the heading "Development Assistance", not less than $26,000,000 shall be made available for the American Schools and Hospitals Abroad program, and not less than $12,000,000 shall be made available for cooperative development programs of USAID.

(c) ENVIRONMENT PROGRAMS.—

(1) AUTHORITY AND NOTIFICATION REQUIREMENT.—

(A) Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, except for the provisions of this subsection, to support environment programs.

(B) No funds are appropriated or otherwise made available by this Act for a contribution, grant, or other payment to the Green Climate Fund.

(C) Funds made available pursuant to this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(2) CONSERVATION PROGRAMS AND LIMITATIONS.—

(A) Of the funds appropriated under title III of this Act, not less than $265,000,000 shall be made available for biodiversity conservation programs.

(B) Not less than $90,664,000 of the funds appropriated under titles III and IV of this Act shall be made available to combat the transnational threat of wildlife poaching and trafficking.

(C) None of the funds appropriated under title IV of this Act may be made available for training or other assistance for any military unit or personnel that the Secretary of State determines has been credibly alleged to have

participated in wildlife poaching or trafficking, unless the Secretary reports to the Committees on Appropriations that to do so is in the national security interest of the United States.

(D) Funds appropriated by this Act for biodiversity programs shall not be used to support the expansion of industrial scale logging or any other industrial scale extractive activity into areas that were primary/intact tropical forests as of December 30, 2013, and the Secretary of the Treasury shall instruct the United States executive directors of each international financial institutions (IFI) to vote against any financing of any such activity.

(3) LARGE DAMS.—The Secretary of the Treasury shall instruct the United States executive director of each IFI that it is the policy of the United States to vote in relation to any loan, grant, strategy, or policy of such institution to support the construction of any large dam consistent with the criteria set forth in Senate Report 114–79, while also considering whether the project involves important foreign policy objectives.

(4) SUSTAINABLE LANDSCAPES.—Of the funds appropriated under title III of this Act, not less than $123,500,000 shall be made available for sustainable landscapes programs.

(d) FOOD SECURITY AND AGRICULTURAL DEVELOPMENT.—Of the funds appropriated by title III of this Act, not less than $1,000,600,000 should be made available for food security and agricultural development programs, of which not less than $50,000,000 shall be made available for the Feed the Future Innovation Labs: *Provided*, That such funds may be made available for a United States contribution to the endowment of the Global Crop Diversity Trust.

(e) MICROENTERPRISE AND MICROFINANCE.—Of the funds appropriated by this Act, not less than $265,000,000 should be made available for microenterprise and microfinance development programs for the poor, especially women.

(f) PROGRAMS TO COMBAT TRAFFICKING IN PERSONS AND MODERN SLAVERY.—

(1) TRAFFICKING IN PERSONS.—Of the funds appropriated by this Act under the headings "Development Assistance", "Economic Support Fund", "Assistance for Europe, Eurasia and Central Asia", and "International Narcotics Control and Law Enforcement", not less than $64,800,000 shall be made available for activities to combat trafficking in persons internationally, of which not less than $40,000,000 shall be from funds made available under the heading "International Narcotics Control and Law Enforcement": *Provided*, That funds made available pursuant to this paragraph shall be made available to support a multifaceted approach to combat human trafficking in Guatemala: *Provided further*, That not later than 120 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations on the requirements enumerated under this section in House Report 114–693.

Deadline.
Reports.

(2) MODERN SLAVERY.—Funds appropriated by this Act under the heading "International Narcotics Control and Law Enforcement" shall be made available for the purposes authorized by section 1298 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328): *Provided*, That

Notification.

such funds are in addition to funds made available pursuant to paragraph (1), and shall be made available on an open and competitive basis: *Provided further*, That funds made available pursuant to this paragraph shall be made available subject to the regular notification procedures of the Committees on Appropriations.

Guidelines.

(3) COORDINATION.—The Secretary of State and the USAID Administrator, as appropriate, shall establish and implement guidelines to ensure that programs funded by paragraphs (1) and (2) to combat trafficking in persons and modern slavery are coordinated and complementary, and not duplicative.

(g) RECONCILIATION PROGRAMS.—Of the funds appropriated by this Act under the headings "Economic Support Fund", "Assistance for Europe, Eurasia and Central Asia", and "Development Assistance", not less than $26,000,000 shall be made available to support people-to-people reconciliation programs which bring together individuals of different ethnic, religious, and political backgrounds from areas of civil strife and war: *Provided*, That the USAID Administrator shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the uses of such funds, and such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That to the maximum extent practicable, such funds shall be matched by sources other than the United States Government.

Consultation.
Notification.

(h) WATER AND SANITATION.—Of the funds appropriated by this Act, not less than $400,000,000 shall be made available for water supply and sanitation projects pursuant to the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121), of which not less than $145,000,000 shall be for programs in sub-Saharan Africa, and of which not less than $14,000,000 shall be made available for programs to design and build safe, public latrines in Africa and Asia.

OVERSEAS PRIVATE INVESTMENT CORPORATION

President.
Determination.

SEC. 7061. (a) TRANSFER OF FUNDS.—Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of $20,000,000 of the funds appropriated under title III of this Act may be transferred to, and merged with, funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: *Provided,* That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: *Provided further,* That designated funding levels in this Act shall not be transferred pursuant to this section: *Provided further,* That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

Notification.

22 USC 2194 note.

(b) AUTHORITY.—Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961, the authority of subsections (a) through (c) of section 234 of such Act shall remain in effect until September 30, 2017.

ARMS TRADE TREATY

SEC. 7062. None of the funds appropriated by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

INSPECTORS GENERAL

SEC. 7063. (a) PROHIBITION ON USE OF FUNDS.—None of the funds appropriated by this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency of the United States Government over which such Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede the access of such Inspector General to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to such Inspector General and expressly limits the right of access of such Inspector General.

(b) TIMELY ACCESS.—A department or agency of the United States Government covered by this section shall provide its Inspector General access to all records, documents, and other materials in a timely manner.

(c) COMPLIANCE.—Each Inspector General covered by this section shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.).

(d) REPORT REQUIREMENT.—Each Inspector General covered by this section shall report to the Committees on Appropriations within 5 calendar days of any failure by any department or agency of the United States Government to provide its Inspector General access to all requested records, documents, and other materials.

REPORTING REQUIREMENTS CONCERNING INDIVIDUALS DETAINED AT NAVAL STATION, GUANTÁNAMO BAY, CUBA

SEC. 7064. Not later than 5 days after the conclusion of an agreement with a country, including a state with a compact of free association with the United States, to receive by transfer or release individuals detained at United States Naval Station, Guantánamo Bay, Cuba, the Secretary of State shall notify the Committees on Appropriations in writing of the terms of the agreement, including whether funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs will be made available for assistance for such country pursuant to such agreement. Notification.

MULTI-YEAR PLEDGES

SEC. 7065. None of the funds appropriated by this Act may be used to make any pledge for future year funding for any multilateral or bilateral program funded in titles III through VI of this Act unless such pledge was—

(1) previously justified, including the projected future year costs, in a congressional budget justification;

(2) included in an Act making appropriations for the Department of State, foreign operations, and related programs or previously authorized by an Act of Congress;

(3) notified in accordance with the regular notification procedures of the Committees on Appropriations, including the projected future year costs; or Notification.

Consultation.
Time period.

(4) the subject of prior consultation with the Committees on Appropriations and such consultation was conducted at least 7 days in advance of the pledge.

PROHIBITION ON USE OF TORTURE

SEC. 7066. (a) LIMITATION.—None of the funds made available in this Act may be used to support or justify the use of torture, cruel, or inhumane treatment by any official or contract employee of the United States Government.

Consultation.

(b) ASSISTANCE TO ELIMINATE TORTURE.—Funds appropriated under titles III and IV of this Act shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961 and following consultation with the Committees on Appropriations, for assistance to eliminate torture by foreign police, military or other security forces in countries receiving assistance from funds appropriated by this Act.

EXTRADITION

SEC. 7067. (a) LIMITATION.—None of the funds appropriated in this Act may be used to provide assistance (other than funds provided under the headings "International Disaster Assistance", "Complex Crises Fund", "International Narcotics Control and Law Enforcement", "Migration and Refugee Assistance", "United States Emergency Refugee and Migration Assistance Fund", and "Nonproliferation, Anti-terrorism, Demining and Related Assistance") for the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

Applicability.

(b) CLARIFICATION.—Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty.

Certification.

(c) WAIVER.—The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interests of the United States.

COMMERCIAL LEASING OF DEFENSE ARTICLES

Notification.
President.
Determination.

SEC. 7068. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt, and the North Atlantic Treaty Organization (NATO), and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COUNTRY TRANSITION PLAN

SEC. 7069. Any bilateral country assistance strategy developed after the date of enactment of this Act for the provision of assistance for a foreign country in this fiscal year shall include a transition plan identifying end goals and options for winding down, within a targeted period of years, such bilateral assistance: *Provided*, That such transition plan shall be developed by the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, the heads of other relevant Federal agencies, and officials of such foreign government and representatives of civil society, as appropriate. Consultation.

COUNTERING RUSSIAN INFLUENCE AND AGGRESSION

SEC. 7070. (a) LIMITATION.—None of the funds appropriated by this Act may be made available for assistance for the central Government of the Russian Federation.

(b) ANNEXATION OF CRIMEA.—

(1) None of the funds appropriated by this Act may be made available for assistance for the central government of a country that the Secretary of State determines and reports to the Committees on Appropriations has taken affirmative steps intended to support or be supportive of the Russian Federation annexation of Crimea: *Provided*, That except as otherwise provided in subsection (a), the Secretary may waive the restriction on assistance required by this paragraph if the Secretary determines and reports to such Committees that to do so is in the national interest of the United States, and includes a justification for such interest. Determinations. Reports. Waiver authority. Determination. Reports.

(2) None of the funds appropriated by this Act may be made available for—

(A) the implementation of any action or policy that recognizes the sovereignty of the Russian Federation over Crimea;

(B) the facilitation, financing, or guarantee of United States Government investments in Crimea, if such activity includes the participation of Russian Government officials, or other Russian owned or controlled financial entities; or

(C) assistance for Crimea, if such assistance includes the participation of Russian Government officials, or other Russian owned or controlled financial entities.

(3) The Secretary of the Treasury shall instruct the United States executive directors of each international financial institution to vote against any assistance by such institution (including any loan, credit, or guarantee) for any program that violates the sovereignty or territorial integrity of Ukraine.

(4) The requirements and limitations of this subsection shall cease to be in effect if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Ukraine has reestablished sovereignty over Crimea. Determination. Reports.

(c) OCCUPATION OF THE GEORGIAN TERRITORIES OF ABKHAZIA AND TSKHINVALI REGION/SOUTH OSSETIA.—

(1) None of the funds appropriated by this Act may be made available for assistance for the central government of a country that the Secretary of State determines and reports Determination. Reports.

to the Committees on Appropriations has recognized the independence of, or has established diplomatic relations with, the Russian occupied Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia: *Provided*, That the Secretary shall publish on the Department of State Web site a list of any such central governments in a timely manner: *Provided further*, That the Secretary may waive the restriction on assistance required by this paragraph if the Secretary determines and reports to the Committees on Appropriations that to do so is in the national interest of the United States, and includes a justification for such interest.

Web posting.
Lists.

Waiver authority.

(2) None of the funds appropriated by this Act may be made available to support the Russian occupation of the Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia.

(3) The Secretary of the Treasury shall instruct the United States executive directors of each international financial institution to vote against any assistance by such institution (including any loan, credit, or guarantee) for any program that violates the sovereignty and territorial integrity of Georgia.

Deadline.
Reports.

(4) Not later than 90 days after enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on actions taken by the Russian Federation to further consolidate the occupation of the Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia, including the estimated annual costs of such occupation.

(d) ASSISTANCE TO COUNTER INFLUENCE AND AGGRESSION.—

(1) Of the funds appropriated by this Act under the headings "Assistance for Europe, Eurasia and Central Asia", "International Narcotics Control and Law Enforcement", and "Foreign Military Financing Program", not less than $100,000,000 shall be made available for assistance to counter Russian influence and aggression in countries in Europe and Eurasia: *Provided*, That such funds shall be referred to as the Countering Russian Influence Fund (the Fund), and be made available to civil society organizations and other entities in such countries for rule of law, media, cyber, and other programs that strengthen democratic institutions and processes, and counter Russian influence and aggression: *Provided further*, That not later than 45 days after enactment of this Act, the Secretary of State, in consultation with the USAID Administrator, shall submit a spend plan to the Committees on Appropriations detailing the proposed uses of the Fund on a country-by-country basis: *Provided further*, That such funds shall be in addition to amounts made available for bilateral assistance for such countries.

Deadline.
Consultation.
Plan.

(2) Funds appropriated by this Act and made available for assistance for the Eastern Partnership countries shall be made available to advance the implementation of Association Agreements and trade agreements with the European Union, and to reduce their vulnerability to external economic and political pressure from the Russian Federation.

(e) DEMOCRACY PROGRAMS.—Funds appropriated by this Act shall be made available to support democracy programs in the Russian Federation, including to promote Internet freedom, and shall also be made available to support the democracy and rule of law strategy required by section 7071(d) of the Department

of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76).

(f) REPORTS.—Not later than 45 days after enactment of this Act, the Secretary of State shall update the reports required by section 7071(b)(2), (c), and (e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76).

INTERNATIONAL MONETARY FUND

SEC. 7071. (a) EXTENSIONS.—The terms and conditions of sections 7086(b) (1) and (2) and 7090(a) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117) shall apply to this Act. Applicability.

(b) REPAYMENT.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (IMF) to seek to ensure that any loan will be repaid to the IMF before other private creditors.

SPECIAL DEFENSE ACQUISITION FUND

SEC. 7072. Not to exceed $900,000,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act for the purposes of the Special Defense Acquisition Fund (the Fund), to remain available for obligation until September 30, 2019: *Provided,* That the provision of defense articles and defense services to foreign countries or international organizations from the Fund shall be subject to the concurrence of the Secretary of State.

STABILITY AND DEVELOPMENT IN REGIONS IMPACTED BY EXTREMISM AND CONFLICT

SEC. 7073. (a) COUNTERING FOREIGN FIGHTERS AND EXTREMIST ORGANIZATIONS, AND STRENGTHENING THE STATE SYSTEM.—

(1) Not later than 30 days after enactment of this Act and prior to the initial obligation of funds made available by this Act for the purposes of this subsection, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development and the heads of relevant United States Government agencies, shall submit to the appropriate congressional committees a joint strategy to counter and defeat violent extremism and foreign fighters abroad, which shall include components to— Deadline. Consultation. Strategy.

(A) counter the recruitment, radicalization, movement, and financing of such extremists and foreign fighters;

(B) secure borders of countries impacted by extremism;

(C) assist countries impacted by extremism to implement and establish criminal laws and policies to counter extremists and foreign fighters; and

(D) promote and strengthen democratic institutions and practices in countries impacted by extremism:

Provided, That such strategy shall include a detailed description of proposed monitoring, oversight, and vetting procedures.

(2) Funds appropriated under titles III and IV of this Act shall be made available for programs and activities to implement the strategy required in paragraph (1) in a manner consistent with all applicable laws, regulations, and policies regarding the use of foreign assistance funds: *Provided*, That Notification.

the Secretary of State shall promptly inform the appropriate congressional committees of each instance in which assistance provided pursuant to this subsection has been diverted or destroyed, to include the type and amount of assistance, a description of the incident and parties involved, and an explanation of the response of the Department of State or USAID, as appropriate: *Provided further*, That the Secretary of State shall ensure such programs are coordinated with and complement the efforts of other United States Government agencies and international partners: *Provided further*, That the Secretary shall also ensure that information gained through the conduct of such programs is shared in a timely manner with relevant United States Government agencies and other international partners, as appropriate.

Coordination.

(3) Funds made available pursuant to this subsection are subject to the regular notification procedures of the Committees on Appropriations.

Notification.

(b) COUNTRIES IMPACTED BY SIGNIFICANT REFUGEE POPULATIONS OR INTERNALLY DISPLACED PERSONS.—Funds appropriated by this Act under the headings "Development Assistance" and "Economic Support Fund" shall be made available for programs in countries affected by significant populations of internally displaced persons or refugees to—

(1) expand and improve host government social services and basic infrastructure to accommodate the needs of such populations and persons;

(2) alleviate the social and economic strains placed on host communities, including through programs to promote livelihoods, vocational training, and formal and informal education;

(3) improve coordination of such assistance in a more effective and sustainable manner; and

(4) leverage increased assistance from donors other than the United States Government for central governments and local communities in such countries:

Notification.

Provided, That the Secretary of State shall periodically inform the Committees on Appropriations of the amount and specific uses of funds made available for the purposes of this subsection.

ENTERPRISE FUNDS

Time period. President.

SEC. 7074. (a) NOTIFICATION REQUIREMENT.—None of the funds made available under titles III through VI of this Act may be made available for Enterprise Funds unless the appropriate congressional committees are notified at least 15 days in advance.

(b) DISTRIBUTION OF ASSETS PLAN.—Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the appropriate congressional committees a plan for the distribution of the assets of the Enterprise Fund.

(c) TRANSITION OR OPERATING PLAN.—Prior to a transition to and operation of any private equity fund or other parallel investment fund under an existing Enterprise Fund, the President shall submit such transition or operating plan to the appropriate congressional committees.

USE OF FUNDS IN CONTRAVENTION OF THIS ACT

SEC. 7075. If the President makes a determination not to comply with any provision of this Act on constitutional grounds, the head of the relevant Federal agency shall notify the Committees on Appropriations in writing within 5 days of such determination, the basis for such determination and any resulting changes to program and policy.

President.
Determination.
Notification.
Deadline.

BUDGET DOCUMENTS

SEC. 7076. (a) OPERATING AND REORGANIZATION PLANS.—

(1) Not later than 45 days after the date of enactment of this Act, each department, agency, or organization funded in titles I, II, and VI of this Act, and the Department of the Treasury and Independent Agencies funded in title III of this Act, including the Inter-American Foundation and the United States African Development Foundation, shall submit to the Committees on Appropriations an operating plan for funds appropriated to such department, agency, or organization in such titles of this Act, or funds otherwise available for obligation in fiscal year 2017, that provides details of the uses of such funds at the program, project, and activity level: *Provided*, That such plans shall include, as applicable, a comparison between the congressional budget justification funding levels, the most recent congressional directives or approved funding levels, and the funding levels proposed by the department or agency; and a clear, concise, and informative description/justification: *Provided further*, That if such department, agency, or organization receives an additional amount under the same heading in title VIII of this Act, operating plans required by this subsection shall include consolidated information on all such funds: *Provided further*, That operating plans that include changes in levels of funding for programs, projects, and activities specified in the congressional budget justification, in this Act, or amounts specifically designated in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act), as applicable, shall be subject to the notification and reprogramming requirements of section 7015 of this Act.

Deadline.

Notification.

(2) Concurrent with the submission of an operating plan pursuant to paragraph (1), each covered department, agency, or organization shall submit to the Committees on Appropriations a report detailing any planned reorganization of such department, agency, or organization, including any action planned pursuant to the March 31, 2017 Executive Order 13781 on a Comprehensive Plan for Reorganizing the Executive Branch, including—

(A) a detailed organization chart, including a brief description of each operating unit;

(B) the number of employees for each operating unit;

(C) the current policy for supporting the operations of the National Security Council (NSC) through the detail of agency staff, including staff projected to be detailed to the NSC during fiscal year 2018, if applicable; and

(D) a detailed explanation of the policies and procedures currently or expected to be used to comply with Executive Order 13781, including an assessment of how

national security interests will be served by any proposed reorganizations.

(b) SPEND PLANS.—

(1) Prior to the initial obligation of funds, the Secretary of State or Administrator of the United States Agency for International Development, as appropriate, shall submit to the Committees on Appropriations a spend plan for funds made available by this Act, for—

(A) assistance for Afghanistan, Iraq, Lebanon, Pakistan, and the West Bank and Gaza;

(B) Power Africa and the regional security initiatives listed under this section in House Report 114–693: *Provided*, That the spend plan for such initiatives shall include the amount of assistance planned for each country by account, to the maximum extent practicable; and

(C) democracy programs, programs to support section 7073(a) of this Act, and sectors enumerated in subsections (a), (c)(2), (d), (e), (f), (g), and (h) of section 7060 of this Act.

Deadline.

(2) Not later than 45 days after enactment of this Act, the Secretary of the Treasury shall submit to the Committees on Appropriations a detailed spend plan for funds made available by this Act under the heading "Department of the Treasury, International Affairs Technical Assistance" in title III.

(c) SPENDING REPORT.—Not later than 45 days after enactment of this Act, the USAID Administrator shall submit to the Committees on Appropriations a detailed report on spending of funds made available during fiscal year 2016 under the heading "Development Credit Authority".

(d) NOTIFICATIONS.—The spend plans referenced in subsection (b) shall not be considered as meeting the notification requirements in this Act or under section 634A of the Foreign Assistance Act of 1961.

(e) CONGRESSIONAL BUDGET JUSTIFICATION.—

(1) The congressional budget justification for Department of State operations and foreign operations shall be provided to the Committees on Appropriations concurrent with the date of submission of the President's budget for fiscal year 2018: *Provided*, That the appendices for such justification shall be provided to the Committees on Appropriations not later than 10 calendar days thereafter.

Deadline.

(2) The Secretary of State and the USAID Administrator shall include in the congressional budget justification a detailed justification for multi-year availability for any funds requested under the headings "Diplomatic and Consular Programs" and "Operating Expenses".

REPORTS AND RECORDS MANAGEMENT

SEC. 7077. (a) PUBLIC POSTING OF REPORTS.—

Public information. Web posting. Determination.

(1) REQUIREMENT.—Any agency receiving funds made available by this Act shall, subject to paragraphs (2) and (3), post on the publicly available Web site of such agency any report required by this Act to be submitted to the Committees on Appropriations, upon a determination by the head of such agency that to do so is in the national interest.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to a report if—

(A) the public posting of such report would compromise national security, including the conduct of diplomacy; or

(B) the report contains proprietary, privileged, or sensitive information.

(3) TIMING AND INTENTION.—The head of the agency posting such report shall, unless otherwise provided for in this Act, do so only after such report has been made available to the Committees on Appropriations for not less than 45 days: *Provided*, That any report required by this Act to be submitted to the Committees on Appropriations shall include information from the submitting agency on whether such report will be publicly posted. Time period.

(b) REQUESTS FOR DOCUMENTS.—None of the funds appropriated or made available pursuant to titles III through VI of this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Department of State and the United States Agency for International Development.

(c) RECORDS MANAGEMENT.—

(1) LIMITATION.—None of the funds appropriated by this Act under the headings "Diplomatic and Consular Programs" and "Capital Investment Fund" in title I, and "Operating Expenses" and "Capital Investment Fund" in title II that are made available to the Department of State and USAID may be made available to support the use or establishment of email accounts or email servers created outside the .gov domain or not fitted for automated records management as part of a Federal government records management program in contravention of the Presidential and Federal Records Act Amendments of 2014 (Public Law 113–187).

(2) DIRECTIVES.—The Secretary of State and USAID Administrator shall—

(A) update the policies, directives, and oversight necessary to comply with Federal statutes, regulations, and presidential executive orders and memoranda concerning the preservation of all records made or received in the conduct of official business, including record emails, instant messaging, and other online tools;

(B) use funds appropriated by this Act under the headings "Diplomatic and Consular Programs" and "Capital Investment Fund" in title I, and "Operating Expenses" and "Capital Investment Fund" in title II, as appropriate, to improve Federal records management pursuant to the Federal Records Act (44 U.S.C. Chapters 21, 29, 31, and 33) and other applicable Federal records management statutes, regulations, or policies for the Department of State and USAID;

(C) direct departing employees that all Federal records generated by such employees, including senior officials, belong to the Federal Government; and

(D) significantly improve the response time for identifying and retrieving Federal records, including requests made pursuant to the Freedom of Information Act.

(3) REPORT.—Not later than 45 days after enactment of this Act, the Secretary of State and USAID Administrator shall each submit a report to the Committees on Appropriations and to the National Archives and Records Administration detailing, as appropriate and where applicable—

(A) any updates or modifications made to the policy of each agency regarding the use or the establishment of email accounts or email servers created outside the .gov domain or not fitted for automated records management as part of a Federal government records management program since the submission to the Committees on Appropriations on January 20, 2016, of the report required by section 7077(c)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016 (division K of Public Law 114–113);

(B) the extent to which each agency is in compliance with applicable Federal records management statutes, regulations, and policies, including meeting Directive goal 1.2 of the Managing Government Records Directive (M–12–18) by December 31, 2016; and

(C) any steps taken since the submission of the report referenced in subparagraph (A) to—

(i) comply with paragraph (1)(B) of this subsection;

(ii) ensure that all employees at every level have been instructed in procedures and processes to ensure that the documentation of their official duties is captured, preserved, managed, protected, and accessible in official Government systems of the Department of State and USAID;

(iii) implement recommendations 1 and 4 made by the Office of the Inspector General (OIG), Department of State, in the January 2016 Evaluation of the Department of State's FOIA Process for Requests Involving the Office of the Secretary (ESP-16-01);

(iv) reduce the backlog of Freedom of Information Act (FOIA) and Congressional oversight requests, and measurably improve the response time for answering such requests; and

(v) strengthen cyber security measures to mitigate vulnerabilities, including those resulting from the use of personal email accounts or servers outside the .gov domain and implement the recommendations of the OIG in the May 2016 Evaluation of Email Records Management and Cybersecurity Requirements (ESP–16–03).

(4) IMPLEMENTATION AND OPERATING PLAN.—The reports required by paragraph (3) shall be submitted by the Secretary of State or USAID Administrator simultaneously with the operating plans required by section 7076 of this Act for funds appropriated under the headings listed in paragraph (1), and shall include an operating plan and timeline, as applicable, for—

(A) implementing the recommendations of the OIG reports referenced in clauses (iii) and (v); and

(B) measurably reducing the FOIA and Congressional oversight requests backlog.

(5) REPORT ASSESSMENT.—Not later than 180 days after the submission of the reports required by paragraph (3), the Comptroller General of the United States, in consultation with National Archives and Records Administration, as appropriate, shall conduct an assessment of such reports, and shall consult with the Committees on Appropriations on the scope and requirements of such assessment. Consultation.

GLOBAL INTERNET FREEDOM

SEC. 7078. (a) FUNDING.—Of the funds available for obligation during fiscal year 2017 under the headings "International Broadcasting Operations", "Economic Support Fund", "Democracy Fund", and "Assistance for Europe, Eurasia and Central Asia", not less than $50,500,000 shall be made available for programs to promote Internet freedom globally: *Provided*, That such programs shall be prioritized for countries whose governments restrict freedom of expression on the Internet, and that are important to the national interests of the United States: *Provided further*, That funds made available pursuant to this section shall be matched, to the maximum extent practicable, by sources other than the United States Government, including from the private sector.

(b) REQUIREMENTS.—

(1) Funds appropriated by this Act under the headings "Economic Support Fund", "Democracy Fund", and "Assistance for Europe, Eurasia and Central Asia" that are made available pursuant to subsection (a) shall be—

(A) coordinated with other democracy programs funded by this Act under such headings, and shall be incorporated into country assistance and democracy promotion strategies, as appropriate;

(B) made available to the Bureau of Democracy, Human Rights, and Labor, Department of State, for programs to implement the May 2011, International Strategy for Cyberspace; the Department of State International Cyberspace Policy Strategy required by section 402 of the Cybersecurity Act of 2015 (division N of Public Law 114–113); and the comprehensive strategy to promote Internet freedom and access to information in Iran, as required by section 414 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8754);

(C) made available for programs that support the efforts of civil society to counter the development of repressive Internet-related laws and regulations, including countering threats to Internet freedom at international organizations; to combat violence against bloggers and other users; and to enhance digital security training and capacity building for democracy activists;

(D) made available for research of key threats to Internet freedom; the continued development of technologies that provide or enhance access to the Internet, including circumvention tools that bypass Internet blocking, filtering, and other censorship techniques used by authoritarian governments; and maintenance of the technological advantage of the United States Government over such censorship techniques: *Provided*, That the Secretary of State, in consultation with the Chief Executive Officer (CEO) of the Consultation. Coordination. Assessment.

Broadcasting Board of Governors (BBG), shall coordinate any such research and development programs with other relevant United States Government departments and agencies in order to share information, technologies, and best practices, and to assess the effectiveness of such technologies; and

(E) the responsibility of the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State.

(2) Funds appropriated by this Act under the heading "International Broadcasting Operations" that are made available pursuant to subsection (a) shall be—

(A) made available only for tools and techniques to securely develop and distribute BBG digital content; facilitate audience access to such content on Web sites that are censored; coordinate the distribution of BBG digital content to targeted regional audiences; and to promote and distribute such tools and techniques, including digital security techniques;

(B) coordinated with programs funded by this Act under the heading "International Broadcasting Operations", and shall be incorporated into country broadcasting strategies, as appropriate;

(C) coordinated by the BBG CEO to provide Internet circumvention tools and techniques for audiences in countries that are strategic priorities for the BBG and in a manner consistent with the BBG Internet freedom strategy; and

Consultation.
Evaluation.

(D) made available for the research and development of new tools or techniques authorized in paragraph (A) only after the BBG CEO, in consultation with the Secretary of State and other relevant United States Government departments and agencies, evaluates the risks and benefits of such new tools or techniques, and establishes safeguards to minimize the use of such new tools or techniques for illicit purposes.

Deadline.

(c) COORDINATION AND SPEND PLANS.—After consultation among the relevant agency heads to coordinate and de-conflict planned activities, but not later than 90 days after enactment of this Act, the Secretary of State and the BBG CEO shall submit to the Committees on Appropriations spend plans for funds made available by this Act for programs to promote Internet freedom globally, which shall include a description of safeguards established by relevant agencies to ensure that such programs are not used for illicit purposes: *Provided*, That the Department of State spend plan shall include funding for all such programs for all relevant Department of State and USAID offices and bureaus: *Provided further*, That prior to the obligation of such funds, such offices and bureaus shall consult with the Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, to ensure that such programs support the Department of State Internet freedom strategy.

Consultation.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 7079. None of the funds appropriated or otherwise made available under titles III through VI of this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers' rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture;

(3) any assistance to an entity outside the United States if such assistance is for the purpose of directly relocating or transferring jobs from the United States to other countries and adversely impacts the labor force in the United States; or

(4) for the enforcement of any rule, regulation, policy, or guidelines implemented pursuant to—

(A) the third proviso of subsection 7079(b) of the Consolidated Appropriations Act, 2010;

(B) the modification proposed by the Overseas Private Investment Corporation in November 2013 to the Corporation's Environmental and Social Policy Statement relating to coal; or

(C) the Supplemental Guidelines for High Carbon Intensity Projects approved by the Export-Import Bank of the United States on December 12, 2013,

when enforcement of such rule, regulation, policy, or guidelines would prohibit, or have the effect of prohibiting, any coal-fired or other power-generation project the purpose of which is to: (i) provide affordable electricity in International Development Association (IDA)-eligible countries and IDA-blend countries; and (ii) increase exports of goods and services from the United States or prevent the loss of jobs from the United States.

FRAGILE STATES AND EXTREMISM

SEC. 7080. (a) FUNDING.—Funds appropriated by this Act under the heading "Economic Support Fund" that are made available for assistance for Syria, Iraq, and Somalia shall be made available to carry out the purposes of this section, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations. Consultation. Notification.

(b) COMPREHENSIVE PLAN.—Funds made available pursuant to subsection (a) shall be transferred to, and merged with, funds appropriated by this Act under the heading "United States Institute

of Peace" for the purposes of developing a comprehensive plan (the Plan) to prevent the underlying causes of extremism in fragile states in the Sahel, Horn of Africa, and the Near East: *Provided*, That such funds are in addition to amounts otherwise available to the United States Institute of Peace (USIP) under title I of this Act: *Provided further*, That USIP shall consult with the Committees on Appropriations prior to developing such Plan: *Provided further*, That USIP shall also consult with relevant United States Government agencies, foreign governments, and civil society, as appropriate, in developing the Plan.

Consultation.

Consultation.

(c) DEMONSTRATION PROJECT.—Funds made available by subsection (a) shall be made available to implement the Plan required by subsection (b) through a demonstration project, consistent with the requirements described in section 7073(d)(2) of S. 3117 (as introduced in the Senate on June 29, 2016): *Provided*, That such funds shall be made available to the maximum extent practicable on a cost-matching basis from sources other than the United States Government.

CONSULAR AND BORDER SECURITY PROGRAMS

8 USC 1715.

SEC. 7081. (a) SEPARATE FUND.—There is established in the Treasury a separate fund to be known as the "Consular and Border Security Programs" account into which the following fees shall be deposited for the purposes of the consular and border security programs.

(b) MACHINE-READABLE VISA FEE.—Section 103(d) of Public Law 107–173 (8 U.S.C. 1713) is amended by striking "credited as an offsetting collection to any appropriation for the Department of State" and inserting "deposited in the Consular and Border Security Programs account".

(c) PASSPORT AND IMMIGRANT VISA SECURITY SURCHARGES.—The fourth paragraph under the heading "Diplomatic and Consular Programs" in title IV of division B of Public Law 108–447 (8 U.S.C. 1714) is amended by striking "credited to this account" and inserting "deposited in the Consular and Border Security Programs account".

(d) DIVERSITY IMMIGRANT LOTTERY FEE.—Section 636 of title VI, division C of Public Law 104–208 (8 U.S.C. 1153 note) is amended by striking "as an offsetting collection to any Department of State appropriation" and inserting "in the Consular and Border Security Programs account".

(e) AFFIDAVIT OF SUPPORT FEE.—Section 232(c) of title II of division A of H.R. 3427 (106th Congress) (incorporated by reference by section 1000(a)(7) of division B of Public Law 106–113, as amended (8 U.S.C. 1183a note), is further amended by striking "as an offsetting collection to any Department of State appropriation" and inserting "in the Consular and Border Security Programs account".

(f) WESTERN HEMISPHERE TRAVEL INITIATIVE SURCHARGE.—Subsection (b)(1) of section 1 of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(1)) is amended by striking "as an offsetting collection to the appropriate Department of State appropriation" and inserting "in the Consular and Border Security Programs account".

(g) EXPEDITED PASSPORT FEE.—The first proviso under the heading "Diplomatic and Consular Programs" in title V of Public Law 103–317 (22 U.S.C. 214 note) is amended by inserting "or

in the Consular and Border Security Programs account" after "offsetting collection".

(h) TRANSFER OF FUNDS.—

(1) The unobligated balances of amounts available from fees referenced under this section may be transferred to the Consular and Border Security Programs account.

(2) Funds deposited in or transferred to the Consular and Border Security Programs account may be transferred between funds appropriated under the heading "Administration of Foreign Affairs".

(3) The transfer authorities in this section shall be in addition to any other transfer authority available to the Department of State.

(i) EFFECTIVE DATE.—The amendments made by this section shall take effect no later than October 1, 2018, and shall be implemented in a manner that ensures the fees collected, transferred, and used in fiscal year 2019 can be readily tracked.

UNITED NATIONS POPULATION FUND

SEC. 7082. (a) CONTRIBUTION.—Of the funds made available under the heading "International Organizations and Programs" in this Act for fiscal year 2017, $32,500,000 shall be made available for the United Nations Population Fund (UNFPA).

(b) AVAILABILITY OF FUNDS.—Funds appropriated by this Act for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the "Global Health Programs" account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations. Notification.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available by this Act may be used by UNFPA for a country program in the People's Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Funds made available by this Act for UNFPA may not be made available unless—

(1) UNFPA maintains funds made available by this Act in an account separate from other accounts of UNFPA and does not commingle such funds with other sums; and

(2) UNFPA does not fund abortions.

(e) REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.—

(1) Not later than 4 months after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount of funds that UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under paragraph (1) indicates that UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

AFGHAN ALLIES

(INCLUDING RESCISSION OF FUNDS)

SEC. 7083. (a) AFGHAN ALLIES.—Section 602(b)(3)(F) of the Afghan Allies Protection Act, 2009 (division F of Public Law 111–8), as amended, is further amended by substituting "11,000" for "8,500" in the matter preceding clause (i).

8 USC 1101 note.

(b) RESCISSION OF FUNDS.—Of the funds appropriated in prior Acts making appropriations for the Department of State, foreign operations, and related programs that remain available for obligation under the heading "Bilateral Economic Assistance, Funds Appropriated to the President, Economic Support Fund", $6,000,000 are rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to the Concurrent Resolution on the Budget or section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE VIII

OVERSEAS CONTINGENCY OPERATIONS/GLOBAL WAR ON TERRORISM

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Diplomatic and Consular Programs", $2,410,386,000, to remain available until September 30, 2018, of which $1,815,210,000 is for Worldwide Security Protection and shall remain available until expended: *Provided*, That the Secretary of State may transfer up to $5,000,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: *Provided further*, That any such transfer shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated under this heading in this title may be made available for Conflict Stabilization Operations and for related reconstruction and stabilization assistance to prevent or respond to conflict or civil strife in foreign countries or regions, or to enable transition from such strife: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Notification.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $54,900,000, to remain available until September 30, 2018, for

the Special Inspector General for Afghanistan Reconstruction (SIGAR) for reconstruction oversight: *Provided*, That printing and reproduction costs shall not exceed amounts for such costs during fiscal year 2016: *Provided further*, That notwithstanding any other provision of law, any employee of SIGAR who completes at least 12 months of continuous service after the date of enactment of this Act or who is employed on the date on which SIGAR terminates, whichever occurs first, shall acquire competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", $1,238,800,000, to remain available until expended, of which $1,228,000,000 shall be for Worldwide Security Upgrades, acquisition, and construction as authorized: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $96,240,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $1,354,660,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $4,800,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $152,080,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $2,323,203,000, to remain available until expended: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for "International Disaster Assistance", $990,000,000, to remain available until expended, for famine prevention, relief, and mitigation, including for South Sudan, Somalia, Nigeria, and Yemen: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TRANSITION INITIATIVES

For an additional amount for "Transition Initiatives", $37,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COMPLEX CRISES FUND

For an additional amount for "Complex Crises Fund", $20,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $2,609,242,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas

Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For an additional amount for "Assistance for Europe, Eurasia and Central Asia", $453,696,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance" to respond to refugee crises, including in Africa, the Near East, South and Central Asia, and Europe and Eurasia, $2,146,198,000, to remain available until expended, except that such funds shall not be made available for the resettlement costs of refugees in the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $40,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $412,260,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-terrorism, Demining and Related Programs", $341,754,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $473,973,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That funds available for obligation under this heading in this Act may be used to pay assessed expenses of international peacekeeping activities in Somalia, subject to the regular notification procedures of the Committees on Appropriations.

Notification.

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $1,325,808,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS

ADDITIONAL APPROPRIATIONS

SEC. 8001. Notwithstanding any other provision of law, funds appropriated in this title are in addition to amounts appropriated or otherwise made available in this Act for fiscal year 2017.

EXTENSION OF AUTHORITIES AND CONDITIONS

SEC. 8002. Unless otherwise provided for in this Act, the additional amounts appropriated by this title to appropriations accounts in this Act shall be available under the authorities and conditions applicable to such appropriations accounts.

TRANSFER OF FUNDS

SEC. 8003. (a)(1) Funds appropriated by this title in this Act under the headings "Transition Initiatives", "Complex Crises Fund", "Economic Support Fund", and "Assistance for Europe, Eurasia and Central Asia" may be transferred to, and merged with, funds appropriated by this title under such headings.

(2) Funds appropriated by this title in this Act under the headings "International Narcotics Control and Law Enforcement", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Peacekeeping Operations", and "Foreign Military Financing Program" may be transferred to, and merged with, funds appropriated by this title under such headings.

(b) Notwithstanding any other provision of this section, not to exceed $15,000,000 from funds appropriated under the headings "International Narcotics Control and Law Enforcement", "Peacekeeping Operations", and "Foreign Military Financing Program" by this title in this Act may be transferred to, and merged with,

funds previously made available under the heading "Global Security Contingency Fund".

(c) The transfer authority provided in subsection (a) may only be exercised to address contingencies.

(d) The transfer authority provided in subsections (a) and (b) shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That such transfer authority is in addition to any transfer authority otherwise available under any other provision of law, including section 610 of the Foreign Assistance Act of 1961 which may be exercised by the Secretary of State for the purposes of this title. Consultation. Notification.

COUNTERING THE ISLAMIC STATE OF IRAQ AND SYRIA AND COMBATING TERRORISM IN THE NEAR EAST AND AFRICA

SEC. 8004. (a) RELIEF AND RECOVERY FUND.—Funds appropriated by this Act under the headings "Economic Support Fund", "International Narcotics Control and Law Enforcement", "Peacekeeping Operations", and "Foreign Military Financing Program" that are designated for the Relief and Recovery Fund in the tables included in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act) shall be made available for assistance for areas liberated from, or under the influence of, the Islamic State of Iraq and Syria, other terrorist organizations, or violent extremist organizations in and around the Near East and Africa: *Provided*, That such funds are in addition to amounts otherwise made available for such purposes and to amounts specifically designated in this Act for assistance for foreign countries: *Provided further*, That such funds shall be made available to the maximum extent practicable on a cost-matching basis from sources other than the United States, except that no such funds may be made available for the costs of significant infrastructure projects: *Provided further*, That such funds appropriated under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" shall be made available for programs and activities included under this section in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act): *Provided further*, That the Secretary of State shall include funds made available pursuant to this subsection in the update to reports required by section 204 of the Security Assistance Appropriations Act, 2017 (division B of Public Law 114–254).

(b) COUNTERTERRORISM PARTNERSHIPS FUND.—Funds appropriated by this Act under the heading "Nonproliferation, Anti-terrorism, Demining and Related Programs" shall be made available for the Counterterrorism Partnerships Fund: *Provided*, That funds made available pursuant to this subsection shall be made available to enhance the capacity of Kurdistan Regional Government security services and for security programs in the Kurdistan Region of Iraq that further the security interest of the United States.

(c) OVERSIGHT REQUIREMENT.—Prior to the obligation of funds made available pursuant to subsections (a) and (b), the Secretary of State shall take all practicable steps to ensure that mechanisms are in place for monitoring, oversight, and control of such funds: *Provided*, That the Secretary shall promptly inform the appropriate congressional committees of each instance in which assistance provided pursuant to subsections (a) and (b) has been diverted or Notification.

destroyed, to include the type and amount of assistance, a description of the incident and parties involved, and an explanation of the response of the Department of State.

(d) NOTIFICATION REQUIREMENT.—Funds made available pursuant to this section shall be subject to the regular notification procedures of the Committees on Appropriations.

FAMINE PREVENTION, RELIEF, AND MITIGATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 8005. (a) TRANSFER AUTHORITY AND NOTIFICATION REQUIREMENT.—

(1) Of the funds appropriated by this title in the second paragraph under the heading "International Disaster Assistance"—

(A) not less than $300,000,000 shall be transferred to, and merged with, the Foreign Agricultural Service, "Food for Peace Title II Grants" account; and

(B) not less than $1,500,000 shall be transferred to, and merged with, funds appropriated by this title under the heading "Operating Expenses" for the United States Agency for International Development.

(2) Funds appropriated by this title in the second paragraph under the heading "International Disaster Assistance" may be transferred to, and merged with, funds appropriated by this title under the heading "Migration and Refugee Assistance".

(3) The transfer authority of this subsection is in addition to any transfer authority otherwise available under any other provision of law, and shall be for famine prevention, relief, and mitigation.

Termination date. Consultation.

(b) REPORTING REQUIREMENTS.—Not later than 30 days after enactment of this Act and every 45 days thereafter until September 30, 2018, the Director of the Office of Management and Budget, in consultation with the Secretary of State and Administrator of the United States Agency for International Development, shall submit to the Committees on Appropriations a report on the proposed use of funds appropriated under the heading "International Disaster Assistance" from this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, for famine prevention, relief, and mitigation: *Provided*, That such report shall include the requirements enumerated under this section in the explanatory statement described in section 4 (in the matter preceding division A of this Consolidated Act).

This division may be cited as the "Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017".

DIVISION K—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2017.

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

Department of Transportation Appropriations Act, 2017.

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $114,000,000, of which not to exceed $2,758,000 shall be available for the immediate Office of the Secretary; not to exceed $1,040,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $20,772,000 shall be available for the Office of the General Counsel; not to exceed $10,033,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $14,019,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,546,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $29,356,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $2,142,000 shall be available for the Office of Public Affairs; not to exceed $1,760,000 shall be available for the Office of the Executive Secretariat; not to exceed $11,089,000 shall be available for the Office of Intelligence, Security, and Emergency Response; and not to exceed $18,485,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

Transfer authority.

Approval.

RESEARCH AND TECHNOLOGY

For necessary expenses related to the Office of the Assistant Secretary for Research and Technology, $13,000,000, of which $8,218,000 shall remain available until September 30, 2019: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training: *Provided further*, That any reference in law, regulation, judicial proceedings, or elsewhere to the Research and Innovative Technology Administration shall continue to be

49 USC 112 note.

deemed to be a reference to the Office of the Assistant Secretary for Research and Technology of the Department of Transportation.

NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, $500,000,000, to remain available through September 30, 2020: *Provided*, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: *Provided further*, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments (including inland port infrastructure and land ports of entry): *Provided further*, That the Secretary may use up to 20 percent of the funds made available under this heading for the purpose of paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: *Provided further*, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes: *Provided further*, That a grant funded under this heading shall be not less than $5,000,000 and not greater than $25,000,000: *Provided further*, That not more than 10 percent of the funds made available under this heading may be awarded to projects in a single State: *Provided further*, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: *Provided further*, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: *Provided further*, That not less than 20 percent of the funds provided under this heading shall be for projects located in rural areas: *Provided further*, That for projects located in rural areas, the minimum grant size shall be $1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: *Provided further*, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: *Provided further*, That the Secretary shall conduct a new competition to select the grants and credit assistance awarded under this heading: *Provided further*, That the Secretary may retain up to $20,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Maritime Administration, to fund the award and oversight of grants and credit assistance made under the National Infrastructure Investments program.

NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU

For necessary expenses for the establishment and administration of a new National Surface Transportation and Innovative Finance Bureau (the Bureau) within the Office of the Secretary of Transportation, $3,000,000, to remain available until expended: *Provided*, That the Secretary of Transportation shall use such amount for the necessary expenses to establish the Bureau and to fulfill the responsibilities of the Bureau, as detailed in section 9001 of the Fixing America's Surface Transportation (FAST) Act (Public Law 114–94) (49 U.S.C. 116): *Provided further*, That the Secretary is required to receive the advance approval of the House and Senate Committees on Appropriations prior to exercising the authorities of 49 U.S.C. 116(h): *Provided further*, That the program be available to other Federal agencies, States, municipalities and project sponsors seeking Federal transportation expertise in obtaining financing.

Advance approval.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, $4,000,000, to remain available through September 30, 2018.

CYBER SECURITY INITIATIVES

For necessary expenses for cyber security initiatives, including necessary upgrades to wide area network and information technology infrastructure, improvement of network perimeter controls and identity management, testing and assessment of information technology against business, security, and other requirements, implementation of Federal cyber security initiatives and information infrastructure enhancements, and implementation of enhanced security controls on network devices, $15,000,000, to remain available through September 30, 2018.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $9,751,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $12,000,000: *Provided*, That of such amount, $3,000,000 shall be for necessary expenses of the Interagency Infrastructure Permitting Improvement Center (IIPIC): *Provided further*, That there may be transferred to this appropriation, to remain available until expended, amounts from other Federal agencies for expenses incurred under this heading for IIPIC activities not related to transportation infrastructure: *Provided further*, That the tools and analysis developed by the IIPIC shall be available to other Federal agencies for the permitting and review of major infrastructure projects not related to transportation only to the extent that other Federal agencies provide funding to the Department as provided for under the previous proviso.

WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $190,389,000 shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without majority approval of the Working Capital Fund Steering Committee and approval of the Secretary: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

Notification.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $339,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000.

In addition, for administrative expenses to carry out the guaranteed loan program, $602,000.

SMALL AND DISADVANTAGED BUSINESS UTILIZATION AND OUTREACH

For necessary expenses for small and disadvantaged business utilization and outreach activities, $4,646,000, to remain available until September 30, 2018: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $150,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further*, That basic essential air service minimum requirements shall not include the 15-passenger capacity requirement under subsection 41732(b)(3) of title 49, United States Code: *Provided further*, That none of the funds in this Act or any other Act shall be used to enter into a new contract with a community located less than 40 miles from the nearest small hub airport before the Secretary has negotiated with the community over a local cost share: *Provided further*, That amounts authorized to be distributed for the essential air service program under subsection 41742(b) of title 49, United

States Code, shall be made available immediately from amounts otherwise provided to the Administrator of the Federal Aviation Administration: *Provided further*, That the Administrator may reimburse such amounts from fees credited to the account established under section 45303 of title 49, United States Code.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 102. In addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital Fund is hereby authorized to provide partial or full payments in advance and accept subsequent reimbursements from all Federal agencies from available funds for transit benefit distribution services that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order 13150 and section 3049 of Public Law 109–59: *Provided*, That the Department shall maintain a reasonable operating reserve in the Working Capital Fund, to be expended in advance to provide uninterrupted transit benefits to Government employees: *Provided further*, That such reserve will not exceed one month of benefits payable and may be used only for the purpose of providing for the continuation of transit benefits: *Provided further*, That the Working Capital Fund will be fully reimbursed by each customer agency from available funds for the actual cost of the transit benefit.

Web posting.

SEC. 103. The Secretary shall post on the Web site of the Department of Transportation a schedule of all meetings of the Council on Credit and Finance, including the agenda for each meeting, and require the Council on Credit and Finance to record the decisions and actions of each meeting.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 112–95, $10,025,852,000, to remain available until September 30, 2018, of which $9,173,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $7,559,785,000 shall be available for air traffic organization activities; not to exceed $1,298,482,000 shall be available for aviation

safety activities; not to exceed $19,826,000 shall be available for commercial space transportation activities; not to exceed $771,342,000 shall be available for finance and management activities; not to exceed $60,155,000 shall be available for NextGen and operations planning activities; not to exceed $107,161,000 shall be available for security and hazardous materials safety; and not to exceed $209,101,000 shall be available for staff offices: *Provided*, That not to exceed 5 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 5 percent: *Provided further*, That any transfer in excess of 5 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: *Provided further*, That the amount herein appropriated shall be reduced by $100,000 for each day after March 31 that such report has not been submitted to the Congress: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: *Provided further*, That the amount herein appropriated shall be reduced by $100,000 per day for each day after March 31 that such report has not been submitted to Congress: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation, as offsetting collections, funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than $159,000,000 shall be for the contract tower program, including the contract tower cost share program: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: *Provided further*, That none of the funds appropriated or otherwise made available by this Act or any other Act may be used to eliminate the Contract Weather Observers program at any airport.

Deadline.
Time period.
Update.
49 USC 44506 note.
Funding reduction.

Deadline.
Time period.
Reports.
49 USC 44502 note.

Funding reduction.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, $2,855,000,000, of which $486,000,000 shall remain available until September 30, 2017, and $2,369,000,000 shall remain available until September 30, 2019: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment, improvement, and modernization of national airspace systems: *Provided further*, That no later than March 31, the Secretary of Transportation shall transmit to the Congress an investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2018 through 2022, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

Deadline.
Investment plan.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $176,500,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2019: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,750,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,350,000,000 in fiscal year 2017, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further,* That notwithstanding section 47109(a) of title 49, United States Code, the Government's share of allowable project costs under paragraph (2) for subgrants or paragraph (3) of that section shall be 95 percent for a project at other than a large or medium hub airport that is a successive phase of a multi-phased construction project for which the project sponsor received a grant in fiscal year 2011 for the construction project: *Provided further,* That notwithstanding any other provision of law, of funds limited under this heading, not more than $107,691,000 shall be available for administration, not less than $15,000,000 shall be available for the Airport Cooperative Research Program, not less than $31,375,000 shall be available for Airport Technology Research, and $10,000,000, to remain available until expended, shall be available and transferred to "Office of the Secretary, Salaries and Expenses" to carry out the Small Community Air Service Development Program: *Provided further*, That in addition to airports eligible under section 41743 of title 49, such program may include the participation of an airport that serves a community or consortium that is not larger than a small hub airport, according to FAA hub classifications effective at the time the Office of the Secretary issues a request for proposals.

Explosive detection systems.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally

funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2017.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303 and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 115. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 116. None of the funds in this Act may be obligated or expended for retention bonuses for an employee of the Federal Aviation Administration without the prior written approval of the Assistant Secretary for Administration of the Department of Transportation.

SEC. 117. Notwithstanding any other provision of law, none of the funds made available under this Act or any prior Act may be used to implement or to continue to implement any limitation on the ability of any owner or operator of a private aircraft to obtain, upon a request to the Administrator of the Federal Aviation Administration, a blocking of that owner's or operator's aircraft registration number from any display of the Federal Aviation Administration's Aircraft Situational Display to Industry data that is made available to the public, except data made available to a Government agency, for the noncommercial flights of that owner or operator.

SEC. 118. None of the funds in this Act shall be available for salaries and expenses of more than nine political and Presidential appointees in the Federal Aviation Administration.

Reports.

SEC. 119. None of the funds made available under this Act may be used to increase fees pursuant to section 44721 of title 49, United States Code, until the Federal Aviation Administration provides to the House and Senate Committees on Appropriations a report that justifies all fees related to aeronautical navigation

products and explains how such fees are consistent with Executive Order 13642.

Notification. Deadline.

SEC. 119A. None of the funds in this Act may be used to close a regional operations center of the Federal Aviation Administration or reduce its services unless the Administrator notifies the House and Senate Committees on Appropriations not less than 90 full business days in advance.

New Jersey.

SEC. 119B. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

SEC. 119C. None of the funds provided under this Act may be used by the Administrator of the Federal Aviation Administration to withhold from consideration and approval any application for participation in the Contract Tower Program, or for reevaluation of Cost-share Program participants, pending as of January 1, 2016, as long as the Federal Aviation Administration has received an application from the airport, and as long as the Administrator determines such tower is eligible using the factors set forth in the Federal Aviation Administration report, Establishment and Discontinuance Criteria for Airport Traffic Control Towers (FAA–APO–90–7 as of August, 1990).

SEC. 119D. For fiscal year 2017, the Secretary of Transportation shall apportion to the sponsor of a primary airport under section 47114(c)(1)(A) of title 49, United States Code, an amount based on the number of passenger boardings at the airport during calendar year 2012 if the airport had—

(1) fewer than 10,000 passenger boardings during the calendar year used to calculate the apportionment for fiscal year 2017; and

(2) 10,000 or more passenger boardings during calendar year 2012.

SEC. 119E. Section 47109(c)(2) of title 49, United States Code, is amended to read as follows: "The Government's share of allowable project costs determined under this subsection shall not exceed the lesser of 93.75 percent or the highest percentage Government share applicable to any project in any State under subsection (b), except that at a primary non-hub and non-primary commercial service airport located in a State as set forth in paragraph (1) of this subsection that is within 15 miles of another State as set forth in paragraph (1) of this subsection, the Government's share shall be an average of the Government share applicable to any project in each of the States.".

SEC. 119F. (a) Subchapter I of chapter 471, as amended by this subtitle, is further amended by adding at the end the following:

49 USC 47144.

"§ 47144. Use of funds for repairs for runway safety repairs

"(a) IN GENERAL.—The Secretary of Transportation may make project grants under this subchapter to an airport described in subsection (b) from funds under section 47114 apportioned to that airport or funds available for discretionary grants to that airport under section 47115 to conduct airport development to repair the runway safety area of the airport damaged as a result of a natural disaster in order to maintain compliance with the regulations of the Federal Aviation Administration relating to runway safety areas, without regard to whether construction of the runway safety area damaged was carried out using amounts the airport received under this subchapter.

"(b) AIRPORTS DESCRIBED.—An airport is described in this subsection if—

"(1) the airport is a public-use airport;

"(2) the airport is listed in the National Plan of Integrated Airport Systems of the Federal Aviation Administration;

"(3) the runway safety area of the airport was damaged as a result of a natural disaster;

"(4) the airport was denied funding under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 4121 et seq.) with respect to the disaster;

"(5) the operator of the airport has exhausted all legal remedies, including legal action against any parties (or insurers thereof) whose action or inaction may have contributed to the need for the repair of the runway safety area;

"(6) there is still a demonstrated need for the runway safety area to accommodate current or imminent aeronautical demand; and

"(7) the cost of repairing or replacing the runway safety area is reasonable in relation to the anticipated operational benefit of repairing the runway safety area, as determined by the Administrator of the Federal Aviation Administration.".

(b) The analysis for chapter 471, as amended by this subtitle, is further amended by inserting after the item relating to section 47143 the following: 49 USC prec. 47101.

"47144. Use of funds for repairs for runway safety repairs.".

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $432,547,000, together with advances and reimbursements received by the Federal Highway Administration, shall be obligated for necessary expenses for administration and operation of the Federal Highway Administration. In addition, not to exceed $3,248,000 shall be transferred to the Appalachian Regional Commission in accordance with section 104(a) of title 23, United States Code.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Funds available for the implementation or execution of Federal-aid highway and highway safety construction programs authorized under titles 23 and 49, United States Code, and the provisions of the Fixing America's Surface Transportation Act shall not exceed total obligations of $43,266,100,000 for fiscal year 2017: *Provided*, That the Secretary may collect and spend fees, as authorized by title 23, United States Code, to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit 23 USC 104 note.

instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For the payment of obligations incurred in carrying out Federal-aid highway and highway safety construction programs authorized under title 23, United States Code, $44,005,100,000 derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the unobligated balances of funds apportioned among the States under chapter 1 of title 23, United States Code, a total of $857,000,000 is hereby permanently rescinded on June 30, 2017: *Provided*, That such rescission shall not apply to funds distributed in accordance with sections 104(b)(3) and 130(f) of title 23, United States Code; section 133(d)(1)(A) of such title; the first sentence of section 133(d)(3)(A) of such title, as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141); sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of SAFETEA–LU (Public Law 109–59); and section 104(b)(5) of such title, as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141): *Provided further*, That such rescission shall not apply to funds that are exempt from the obligation limitation or subject to special no-year obligation limitation: *Provided further*, That the amount to be rescinded from a State shall be determined by multiplying the total amount of the rescission by the ratio that the unobligated balances subject to the rescission as of May 31, 2017, for the State; bears to the unobligated balances subject to the rescission as of May 31, 2017, for all States: *Provided further*, That the amount to be rescinded under this section from each program to which the rescission applies within a State shall be determined by multiplying the rescission amount calculated for such State by the ratio that the unobligated balance as of May 31, 2017, for such program in such State; bears to the unobligated balances as of May 31, 2017, for all programs to which the rescission applies in such State.

Determination.

Determination.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

23 USC 104 note.

SEC. 120. (a) For fiscal year 2017, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways—

(A) amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; and

(B) amounts authorized for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts—

(A) made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for previous fiscal years the funds for which are allocated by the Secretary (or apportioned by the Secretary under sections 202 or 204 of title 23, United States Code); and

(B) for which obligation limitation was provided in a previous fiscal year;

(3) determine the proportion that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to

(B) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (11) of subsection (b) and sums authorized to be appropriated for section 119 of title 23, United States Code, equal to the amount referred to in subsection (b)(12) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under the Fixing America's Surface Transportation Act and title 23, United States Code, or apportioned by the Secretary under sections 202 or 204 of that title, by multiplying—

(A) the proportion determined under paragraph (3); by

(B) the amounts authorized to be appropriated for each such program for such fiscal year; and

(5) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code (other than the amounts apportioned for the National Highway Performance Program in section 119 of title 23, United States Code, that are exempt from the limitation under subsection (b)(12) and the amounts apportioned under sections 202 and 204 of that title) in the proportion that—

(A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for such fiscal year; bears to

(B) the total of the amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations under or for—

(1) section 125 of title 23, United States Code;

(2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(3) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(4) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);

(6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027);

(7) section 157 of title 23, United States Code (as in effect on June 8, 1998);

(8) section 105 of title 23, United States Code (as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years);

(9) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (112 Stat. 107) or subsequent Acts for multiple years or to remain available until expended, but only to the extent that the obligation authority has not lapsed or been used;

(10) section 105 of title 23, United States Code (as in effect for fiscal years 2005 through 2012, but only in an amount equal to $639,000,000 for each of those fiscal years);

(11) section 1603 of SAFETEA–LU (23 U.S.C. 118 note; 119 Stat. 1248), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation; and

(12) section 119 of title 23, United States Code (but, for each of fiscal years 2013 through 2017, only in an amount equal to $639,000,000).

Deadline.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year—

(1) revise a distribution of the obligation limitation made available under subsection (a) if an amount distributed cannot be obligated during that fiscal year; and

(2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment of Public Law 112–141) and 104 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the obligation limitation for Federal-aid highways shall apply to contract authority for transportation research programs carried out under—

(A) chapter 5 of title 23, United States Code; and

(B) title VI of the Fixing America's Surface Transportation Act.

(2) EXCEPTION.—Obligation authority made available under paragraph (1) shall—

(A) remain available for a period of 4 fiscal years; and Time period.

(B) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds (excluding funds authorized for the program under section 202 of title 23, United States Code) that— Deadline.

(A) are authorized to be appropriated for such fiscal year for Federal-aid highway programs; and

(B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligation, for such fiscal year because of the imposition of any obligation limitation for such fiscal year. Determination.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same proportion as the distribution of obligation authority under subsection (a)(5).

(3) AVAILABILITY.—Funds distributed to each State under paragraph (1) shall be available for any purpose described in section 133(b) of title 23, United States Code.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to chapter 63 of title 49, United States Code, may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highway and highway safety construction programs. Reimbursement.

SEC. 122. (a) TRANSFER OF AMOUNTS.—

(1) STATE OF VIRGINIA.—

(A) IN GENERAL.—Of the total amount apportioned to the State of Virginia under section 104 of title 23, United States Code, for fiscal year 2017, the Secretary of Transportation shall, by the later of November 30, 2016, or 30 days after the enactment of this Act, transfer to the National Park Service— Deadline.

(i) an amount equal to—

(I) $30,000,000; multiplied by

(II) the ratio that—

(aa) the amount apportioned to the State of Virginia under such section 104; bears to

(bb) the combined amount apportioned to the State of Virginia and the District of Columbia under such section 104; and

(ii) an amount of obligation limitation equal to the amount calculated under clause (i).

(B) SOURCE AND AMOUNT.—For purpose of the transfer under subparagraph (A), the State of Virginia shall select at the discretion of the State—

(i) the programs (among those for which funding is apportioned as described in that subparagraph) from which to transfer the amount specified in that subparagraph; and

(ii) the amount to transfer from each of those programs (equal in aggregate to the amount calculated under subparagraph (A)(i)).

(2) DISTRICT OF COLUMBIA.—

Deadline.

(A) IN GENERAL.—Of the total amount apportioned to the District of Columbia under section 104 of title 23, United States Code, for fiscal year 2017, the Secretary of Transportation shall, by the later of November 30, 2016, or 30 days after the enactment of this Act, transfer to the National Park Service—

(i) an amount equal to—

(I) $30,000,000; multiplied by

(II) the ratio that—

(aa) the amount apportioned to the District of Columbia under such section 104; bears to

(bb) the combined amount apportioned to the State of Virginia and the District of Columbia under such section 104; and

(ii) an amount of obligation limitation equal to the amount calculated under clause (i).

(B) SOURCE AND AMOUNT.—For purpose of the transfer under subparagraph (A), the District of Columbia shall select at the discretion of the District—

(i) the programs (among those for which funding is apportioned as described in that subparagraph) from which to transfer the amount specified in that subparagraph; and

(ii) the amount to transfer from each of those programs (equal in aggregate to the amount calculated under subparagraph (A)(i)).

(3) FEDERAL LANDS TRANSPORTATION PROGRAM.—Of the amounts otherwise made available to the National Park Service under section 203 of title 23, United States Code, not less than 10 percent shall be set aside for purposes of this section.

(b) ELIGIBILITY AND FEDERAL SHARE.—The amounts under subsection (a) shall be—

(1) available to the National Park Service only for projects that—

(A) are eligible under section 203 of title 23, United States Code; and

(B) are located on bridges on the National Highway System that were originally constructed before 1945 and are in poor condition; and

(2) subject to the Federal share described in section 201(b)(7)(A) of title 23, United States Code.

(c) OTHER FUNDS AND OBLIGATION LIMITATION.—Any funds and obligation limitation transferred under subsection (a) shall be in addition to funds or obligation limitation otherwise made available

to the National Park Service under sections 203 and 204 of title 23, United States Code.

SEC. 123. Not less than 15 days prior to waiving, under his or her statutory authority, any Buy America requirement for Federal-aid highways projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: *Provided*, That the Secretary shall provide an annual report to the House and Senate Committees on Appropriations on any waivers granted under the Buy America requirements.

Deadline. Public information. Waivers. 23 USC 313 note.

Reports.

SEC. 124. None of the funds in this Act to the Department of Transportation may be used to provide credit assistance unless not less than 3 days before any application approval to provide credit assistance under sections 603 and 604 of title 23, United States Code, the Secretary of Transportation provides notification in writing to the following committees: the House and Senate Committees on Appropriations; the Committee on Environment and Public Works and the Committee on Banking, Housing and Urban Affairs of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives: *Provided*, That such notification shall include, but not be limited to, the name of the project sponsor; a description of the project; whether credit assistance will be provided as a direct loan, loan guarantee, or line of credit; and the amount of credit assistance.

Deadline. Notification.

SEC. 125. None of the funds in this Act may be used to make a grant for a project under section 117 of title 23, United States Code, unless the Secretary, at least 60 days before making a grant under that section, provides written notification to the House and Senate Committees on Appropriations of the proposed grant, including an evaluation and justification for the project and the amount of the proposed grant award.

Time period. Notification.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31110 of title 49, United States Code, as amended by the Fixing America's Surface Transportation Act, $277,200,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: *Provided*, That funds available for implementation, execution or administration of motor carrier safety operations and programs authorized under title 49, United States Code, shall not exceed total obligations of $277,200,000 for "Motor Carrier Safety Operations and Programs" for fiscal year 2017, of which $9,180,000, to remain available for obligation until September 30, 2019, is for the research and technology program.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out sections 31102, 31103, 31104, and 31313 of title 49, United States Code, as amended by the Fixing America's Surface Transportation Act, $367,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That funds available for the implementation or execution of motor carrier safety programs shall not exceed total obligations of $367,000,000 in fiscal year 2017 for "Motor Carrier Safety Grants"; of which $292,600,000 shall be available for the motor carrier safety assistance program, $31,200,000 shall be available for the commercial driver's license program implementation program, $42,200,000 shall be available for the high priority activities program, and $1,000,000 shall be available for the commercial motor vehicle operators grant program.

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 130. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87 and section 6901 of Public Law 110–28.

Notice.

SEC. 131. The Federal Motor Carrier Safety Administration shall send notice of 49 CFR section 385.308 violations by certified mail, registered mail, or another manner of delivery, which records the receipt of the notice by the persons responsible for the violations.

Deadline.
Certification.

SEC. 132. None of the funds made available by this Act or previous appropriations Acts under the heading "Motor Carrier Safety Operations and Programs" shall be used to pay for costs associated with design, development, testing, or implementation of a wireless roadside inspection program until 180 days after the Secretary of Transportation certifies to the House and Senate Committees on Appropriations that such program does not conflict with existing non-Federal electronic screening systems, create capabilities already available, or require additional statutory authority to incorporate generated inspection data into safety determinations or databases, and has restrictions to specifically address privacy concerns of affected motor carriers and operators.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety authorized under chapter 301 and part C of subtitle VI of title 49, United States Code, $180,075,000, of which $20,000,000 shall remain available through September 30, 2018.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, and chapter 303 of title 49, United States Code, $145,900,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2017, are in excess of $145,900,000, of which $140,700,000 shall be for programs authorized under 23 U.S.C. 403 and $5,200,000 shall be for the National Driver Register authorized under chapter 303 of title 49, United States Code: *Provided further*, That within the $145,900,000 obligation limitation for operations and research, $20,000,000 shall remain available until September 30, 2018, and shall be in addition to the amount of any limitation imposed on obligations for future years.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out provisions of 23 U.S.C. 402, 404, and 405, and section 4001(a)(6) of the Fixing America's Surface Transportation Act, to remain available until expended, $585,372,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2017, are in excess of $585,372,000 for programs authorized under 23 U.S.C. 402, 404, and 405, and section 4001(a)(6) of the Fixing America's Surface Transportation Act, of which $252,300,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402; $277,500,000 shall be for "National Priority Safety Programs" under 23 U.S.C. 405; $29,500,000 shall be for "High Visibility Enforcement Program" under 23 U.S.C. 404; $26,072,000 shall be for "Administrative Expenses" under section 4001(a)(6) of the Fixing America's Surface Transportation Act: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further*, That not to exceed $500,000 of the funds made available for "National Priority Safety Programs" under 23 U.S.C. 405 for "Impaired Driving Countermeasures" (as described in subsection (d) of that section) shall be available for technical assistance to the States: *Provided further*, That with respect to the "Transfers" provision under 23 U.S.C. 405(a)(8), any amounts transferred to increase the amounts made available under section 402 shall include the obligation authority

Notification.
Deadline.

for such amounts: *Provided further*, That the Administrator shall notify the House and Senate Committees on Appropriations of any exercise of the authority granted under the previous proviso or under 23 U.S.C. 405(a)(8) within 5 days.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. An additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. None of the funds made available by this Act may be used to obligate or award funds for the National Highway Traffic Safety Administration's National Roadside Survey.

SEC. 143. None of the funds made available by this Act may be used to mandate global positioning system (GPS) tracking in private passenger motor vehicles without providing full and appropriate consideration of privacy concerns under 5 U.S.C. chapter 5, subchapter II.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $218,298,000, of which $15,900,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $40,100,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue direct loans and loan guarantees pursuant to sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, such authority shall exist as long as any such direct loan or loan guarantee is outstanding:

Loans.

Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2017, except for Federal funds awarded in accordance with section 3028(c) of Public Law 114–94.

FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD REPAIR GRANTS

For necessary expenses related to Federal-State Partnership for State of Good Repair Grants as authorized by section 24911

of title 49, United States Code, $25,000,000, to remain available until expended: *Provided*, That the Secretary may withhold up to one percent of the amount provided under this heading for the costs of project management oversight of grants carried out under section 24911 of title 49, United States Code.

CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS GRANTS

For necessary expenses related to Consolidated Rail Infrastructure and Safety Improvements Grants as authorized by section 24407 of title 49, United States Code, $68,000,000, to remain available until expended, for projects eligible under sections 24407(c)(1) through 24407(c)(10) of title 49, United States Code, of which $10,000,000 shall be available for eligible projects under section 24407(c)(2) of title 49, United States Code, that contribute to the initiation or restoration of intercity passenger rail service: *Provided*, That the Secretary may withhold up to one percent of the amount provided under this heading for the costs of project management oversight of grants carried out under section 24407 of title 49, United States Code.

RESTORATION AND ENHANCEMENT GRANTS

For necessary expenses related to Restoration and Enhancement Grants, as authorized by section 24408 of title 49, United States Code, $5,000,000, to remain available until expended: *Provided*, That the Secretary may withhold up to one percent of the funds provided under this heading to fund the costs of project management and oversight.

NORTHEAST CORRIDOR GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for activities associated with the Northeast Corridor as authorized by section 11101(a) of the Fixing America's Surface Transportation Act (division A of Public Law 114–94), $328,000,000, to remain available until expended: *Provided*, That the Secretary may retain up to one-half of 1 percent of the funds provided under both this heading and the National Network Grants to the National Railroad Passenger Corporation heading to fund the costs of project management and oversight of activities authorized by section 11101(c) of division A of Public Law 114–94: *Provided further*, That in addition to the project management oversight funds authorized under section 11101(c) of division A of Public Law 114–94, the Secretary may retain up to an additional $5,000,000 of the funds provided under this heading to fund expenses associated with the Northeast Corridor Commission established under section 24905 of title 49, United States Code: *Provided further*, That of the amounts made available under this heading and the National Network Grants to the National Railroad Passenger Corporation heading, not less than $50,000,000 shall be made available to bring Amtrak-served facilities and stations into compliance with the Americans with Disabilities Act.

NATIONAL NETWORK GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for activities associated with the National Network as authorized by section 11101(b) of the Fixing America's Surface Transportation Act (division A of Public Law 114–94), $1,167,000,000, to remain available until expended: *Provided*, That the Secretary may retain up to an additional $2,000,000 of the funds provided under this heading to fund expenses associated with the State-Supported Route Committee established under 24712 of title 49, United States Code.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 150. None of the funds provided to the National Railroad Passenger Corporation may be used to fund any overtime costs in excess of $35,000 for any individual employee: *Provided*, That the President of Amtrak may waive the cap set in the previous proviso for specific employees when the President of Amtrak determines such a cap poses a risk to the safety and operational efficiency of the system: *Provided further*, That the President of Amtrak shall report to the House and Senate Committees on Appropriations each quarter within 30 days of such quarter of the calendar year on waivers granted to employees and amounts paid above the cap for each month within such quarter and delineate the reasons each waiver was granted: *Provided further,* That the President of Amtrak shall report to the House and Senate Committees on Appropriations by March 1, 2017, a summary of all overtime payments incurred by the Corporation for 2016 and the three prior calendar years: *Provided further*, That such summary shall include the total number of employees that received waivers and the total overtime payments the Corporation paid to those employees receiving waivers for each month for 2016 and for the three prior calendar years.

Waiver authority.
Determination.

Reports.
Deadline.

Reports.
Deadline.
Summary.
Time periods.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $113,165,000: *Provided*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That upon submission to the Congress of the fiscal year 2018 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on New Starts, including proposed allocations for fiscal year 2018.

Deadline.
Reports.
Time period.

TRANSIT FORMULA GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the Federal Public Transportation Assistance Program in this account, and for payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339, and 5340, as amended by the Fixing America's Surface Transportation Act, and section 20005(b) of Public Law 112–141, and sections 3006(b) and 3028 of the Fixing America's Surface Transportation Act, $10,800,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339, and 5340, as amended by the Fixing America's Surface Transportation Act, and section 20005(b) of Public Law 112–141, and sections 3006(b) and 3028 of the Fixing America's Surface Transportation Act, shall not exceed total obligations of $9,733,706,043 in fiscal year 2017: *Provided further*, That the Federal share of the cost of activities carried out under section 5312 shall not exceed 80 percent, except that if there is substantial public interest or benefit, the Secretary may approve a greater Federal share.

TECHNICAL ASSISTANCE AND TRAINING

For necessary expenses to carry out 49 U.S.C. 5314, $5,000,000.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out 49 U.S.C. 5309 and section 3005(b) of the FAST Act, $2,412,631,000, to remain available until expended.

GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of Public Law 110–432, $150,000,000, to remain available until expended: *Provided*, That the Secretary of Transportation shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: *Provided further*, That prior to approving such grants, the Secretary shall certify that the Washington Metropolitan Area Transit Authority is making progress to improve its safety management system in response to the Federal Transit Administration's 2015 safety management inspection: *Provided further*, That prior to approving such grants, the Secretary shall certify that the Washington Metropolitan Area Transit Authority is making progress toward full implementation of the corrective actions identified in the 2014 Financial Management Oversight Review Report: *Provided further*, That the Secretary

Certification.

Certification.

Determination.

shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system before approving such grants: *Provided further*, That the Secretary, in order to ensure safety throughout the rail system, may waive the requirements of section 601(e)(1) of division B of Public Law 110–432 (112 Stat. 4968).

Waiver authority.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

(INCLUDING RESCISSION)

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under the heading "Fixed Guideway Capital Investment" of the Federal Transit Administration for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2021, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

Deadline.
Transfer authority.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2016, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

Texas.

SEC. 163. (a) Except as provided in subsection (b), none of the funds in this or any other Act may be available to advance in any way a new light or heavy rail project towards a full funding grant agreement as defined by 49 U.S.C. 5309 for the Metropolitan Transit Authority of Harris County, Texas if the proposed capital project is constructed on or planned to be constructed on Richmond Avenue west of South Shepherd Drive or on Post Oak Boulevard north of Richmond Avenue in Houston, Texas.

(b) The Metropolitan Transit Authority of Harris County, Texas, may attempt to construct or construct a new fixed guideway capital project, including light rail, in the locations referred to in subsection (a) if—

(1) voters in the jurisdiction that includes such locations approve a ballot proposition that specifies routes on Richmond Avenue west of South Shepherd Drive or on Post Oak Boulevard north of Richmond Avenue in Houston, Texas; and

(2) the proposed construction of such routes is part of a comprehensive, multi-modal, service-area wide transportation plan that includes multiple additional segments of fixed guideway capital projects, including light rail for the jurisdiction set forth in the ballot proposition. The ballot language shall include reasonable cost estimates, sources of revenue to be used and the total amount of bonded indebtedness to be incurred as well as a description of each route and the beginning and end point of each proposed transit project.

SEC. 164. Any unobligated amounts made available for fiscal year 2012 or prior fiscal years to carry out the discretionary job access and reverse commute program under section 3037 of the transportation equity act for the 21st century are hereby rescinded:

Provided, That such amounts are made available for projects eligible under 49 U.S.C. 5309(q).

SEC. 165. Section 5307(a) of title 49, United States Code, is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) The Secretary may make grants under this section to finance the operating cost of equipment and facilities for use in public transportation, excluding rail fixed guideway, in an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census—

"(A) for public transportation systems that—

"(i) operate 75 or fewer buses in fixed route service or demand response service, excluding ADA complementary paratransit service, during peak service hours, in an amount not to exceed 75 percent of the share of the apportionment which is attributable to such systems within the urbanized area, as measured by vehicle revenue hours; or

"(ii) operate a minimum of 76 buses and a maximum of 100 buses in fixed route service or demand response service, excluding ADA complementary paratransit service, during peak service hours, in an amount not to exceed 50 percent of the share of the apportionment which is attributable to such systems within the urbanized area, as measured by vehicle revenue hours; or

"(B) subject to paragraph (3), for public transportation systems that—

"(i) operate 75 or fewer buses in fixed route service or demand response service, excluding ADA complementary paratransit service, during peak service hours, in an amount not to exceed 75 percent of the share of the apportionment allocated to such systems within the urbanized area, as determined by the local planning process and included in the designated recipient's final program of projects prepared under subsection (b); or

"(ii) operate a minimum of 76 buses and a maximum of 100 buses in fixed route service or demand response service, excluding ADA complementary paratransit service during peak service hours, in an amount not to exceed 50 percent of the share of the apportionment allocated to such systems within the urbanized area, as determined by the local planning process and included in the designated recipient's final program of projects prepared under subsection (b).

"(3) The amount available to a public transportation system under subparagraph (B) of paragraph (2) shall be not more than 10 percent greater than the amount that would otherwise be available to the system under subparagraph (A) of that paragraph.".

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits

Expenditure authority. Contracts.

of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses to conduct the operations, maintenance, and capital asset renewal activities of those portions of the St. Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, $36,028,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $300,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $175,560,000, of which $22,000,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which $6,000,000 shall remain available until expended for National Security Multi-Mission Vessel Program for State Maritime Academies and National Security, and of which $2,400,000 shall remain available through September 30, 2018, for the Student Incentive Program at State Maritime Academies, and of which $1,800,000 shall remain available until expended for training ship fuel assistance payments, and of which $14,218,000 shall remain available until expended for facilities maintenance and repair, equipment, and capital improvements at the United States Merchant Marine Academy, and of which $3,000,000 shall remain available through September 30, 2018, for Maritime Environment and Technology Assistance program authorized under section 50307 of title 46, United States Code, and of which $5,000,000 shall remain available until expended for the Short Sea Transportation Program (America's Marine Highways) to make grants for the purposes authorized under sections 55601(b)(1) and (3) of title 46, United States Code: *Provided*, That not later than January 12, 2018, the Administrator of the Maritime Administration shall transmit to the House and Senate Committees on Appropriations the annual report on sexual assault and sexual harassment at the United States Merchant Marine Academy as required pursuant to section 3507 of Public Law 110–417.

Deadline.
Reports.

ASSISTANCE TO SMALL SHIPYARDS

Grants.
Deadlines.

To make grants to qualified shipyards as authorized under section 54101 of title 46, United States Code, as amended by Public

Law 113–281, $10,000,000 to remain available until expended: *Provided*, That the Secretary shall issue the Notice of Funding Availability no later than 15 days after enactment of this Act: *Provided further*, That from applications submitted under the previous proviso, the Secretary of Transportation shall make grants no later than 120 days after enactment of this Act in such amounts as the Secretary determines: *Provided further*, That not to exceed 2 percent of the funds appropriated under this heading shall be available for necessary costs of grant administration.

Notice.

Determination.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $34,000,000, to remain available until expended, of which $24,000,000 shall be for the decommissioning of the Nuclear Ship *Savannah*.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the guaranteed loan program, $3,000,000, which shall be transferred to and merged with the appropriations for "Operations and Training", Maritime Administration.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, in addition to any existing authority, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration: *Provided*, That payments received therefor shall be credited to the appropriation charged with the cost thereof and shall remain available until expended: *Provided further*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

Contracts.

SEC. 171. None of the funds available or appropriated in this Act shall be used by the United States Department of Transportation or the United States Maritime Administration to negotiate or otherwise execute, enter into, facilitate or perform fee-for-service contracts for vessel disposal, scrapping or recycling, unless there is no qualified domestic ship recycler that will pay any sum of money to purchase and scrap or recycle a vessel owned, operated or managed by the Maritime Administration or that is part of the National Defense Reserve Fleet: *Provided*, That such sales offers must be consistent with the solicitation and provide that the work will be performed in a timely manner at a facility qualified within the meaning of section 3502 of Public Law 106–398: *Provided further*, That nothing contained herein shall affect the Maritime Administration's authority to award contracts at least cost to the Federal Government and consistent with the requirements of 54 U.S.C. 308704, section 3502, or otherwise authorized under the Federal Acquisition Regulation.

Contracts.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, $22,500,000: *Provided*, That the Secretary of Transportation shall issue a final rule to expand the applicability of comprehensive oil spill response plans no later than August 1, 2017: *Provided further*, That $1,500,000 shall be for "Pipeline Safety Information Grants to Communities" as authorized under section 60130 of title 49, United States Code.

Regulations. Plans. Deadline. 49 USC 60102 note.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $57,000,000, of which $7,570,000 shall remain available until September 30, 2019: *Provided*, That up to $800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $156,288,000, of which $20,288,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2019; and of which $128,000,000 shall be derived from the Pipeline Safety Fund, of which $63,335,000 shall remain available until September 30, 2019; and of which $8,000,000 shall be derived from the Pipeline Safety Fund as provided in 49 U.S.C. 60302 (section 12 of the PIPES Act of 2016 (Public Law 114–183)) from the Underground Natural Gas Storage Facility Safety Account for the purpose of carrying out 49 U.S.C. 60141 of such Act (section 12 of the PIPES Act of 2016 (Public Law 114–183)), of which $6,000,000 shall remain available until September 30, 2019: *Provided*, That not less than $1,058,000 of the funds provided under this heading shall be for the One-Call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

Notwithstanding the fiscal year limitation specified in 49 U.S.C. 5116, not more than $28,318,000 shall be made available for obligation in fiscal year 2017 from amounts made available by 49 U.S.C.

5116(h), and 5128(b) and (c): *Provided*, That notwithstanding 49 U.S.C. 5116(h)(4), not more than 4 percent of the amounts made available from this account shall be available to pay administrative costs: *Provided further*, That none of the funds made available by 49 U.S.C. 5116(h), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his or her designee: *Provided further*, That notwithstanding 49 U.S.C. 5128(b) and (c) and the current year obligation limitation, prior year recoveries recognized in the current year shall be available to develop a hazardous materials response training curriculum for emergency responders, including response activities for the transportation of crude oil, ethanol and other flammable liquids by rail, consistent with National Fire Protection Association standards, and to make such training available through an electronic format: *Provided further*, That the prior year recoveries made available under this heading shall also be available to carry out 49 U.S.C. 5116(a)(1)(C) and 5116(i).

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $90,152,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department of Transportation: *Provided further*, That the funds made available under this heading may be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 180. (a) During the current fiscal year, applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

(b) During the current fiscal year, applicable appropriations to the Department and its operating administrations shall be available for the purchase, maintenance, operation, and deployment of unmanned aircraft systems that advance the Department's, or its operating administrations', missions.

(c) Any unmanned aircraft system purchased or procured by the Department prior to the enactment of this Act shall be deemed authorized.

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

Political appointees.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 184. Funds received by the Federal Highway Administration and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

Loans. Grants. Notifications. Deadlines.

SEC. 185. (a) None of the funds provided in this Act to the Department of Transportation may be used to make a loan, loan guarantee, line of credit, or discretionary grant totaling $500,000 or more unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project competitively selected to receive any discretionary grant award, letter of intent, loan commitment, loan guarantee commitment, line of credit commitment, or full funding grant agreement is announced by the Department or its modal administrations: *Provided*, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any "quick release" of funds from the emergency relief program: *Provided further*, That no notification shall involve funds that are not available for obligation.

Lists.

(b) In addition to the notification required in subsection (a), none of the funds made available in this Act to the Department of Transportation may be used to make a loan, loan guarantee, line of credit, or discretionary grant unless the Secretary of Transportation provides the House and Senate Committees on Appropriations a comprehensive list of all such loans, loan guarantees, lines of credit, or discretionary grants that will be announced not less the 3 full business days before such announcement: *Provided*, That the requirement to provide a list in this subsection does not apply to any "quick release" of funds from the emergency relief program: *Provided further*, That no list shall involve funds that are not available for obligation.

SEC. 186. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 187. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available— Determination.

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and Reimbursement.

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available: *Provided further*, That where specific project or accounting information associated with the improper payment or payments is not readily available, the Secretary may credit an appropriate account, which shall be available for the purposes and period associated with the account so credited; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term "improper payments" has the same meaning as that provided in section 2(d)(2) of Public Law 107–300. Notification. Definition.

SEC. 188. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, transmission of said reprogramming notice shall be provided solely to the House and Senate Committees on Appropriations, and said reprogramming action shall be approved or denied solely by the House and Senate Committees on Appropriations: *Provided*, That the Secretary of Transportation may provide notice to other congressional committees of the action of the House and Senate Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations. Notification. Deadline.

SEC. 189. Funds appropriated in this Act to the modal administrations may be obligated for the Office of the Secretary for the costs related to assessments or reimbursable agreements only when such amounts are for the costs of goods and services that are purchased to provide a direct benefit to the applicable modal administration or administrations.

SEC. 190. The Secretary of Transportation is authorized to carry out a program that establishes uniform standards for developing and supporting agency transit pass and transit benefits authorized under section 7905 of title 5, United States Code, including distribution of transit benefits by various paper and electronic media.

SEC. 191. The Department of Transportation may use funds provided by this Act, or any other Act, to assist a contract under title 49 U.S.C. or title 23 U.S.C. utilizing geographic, economic, or any other hiring preference not otherwise authorized by law, or to amend a rule, regulation, policy or other measure that forbids a recipient of a Federal Highway Administration or Federal Transit Administration grant from imposing such hiring preference on a contract or construction project with which the Department of Transportation is assisting, only if the grant recipient certifies the following:

(1) that except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the contract requires resides in the jurisdiction;

(2) that the grant recipient will include appropriate provisions in its bid document ensuring that the contractor does not displace any of its existing employees in order to satisfy such hiring preference; and

(3) that any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

SEC. 192. Section 5303(r)(2)(C) of title 49, United States Code, is amended—

(1) by inserting "and 25 square miles of land area" after "145,000"; and

(2) by inserting "and 12 square miles of land area" after "65,000".

This title may be cited as the "Department of Transportation Appropriations Act, 2017".

Department of Housing and Urban Development Appropriations Act, 2017.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

EXECUTIVE OFFICES

For necessary salaries and expenses for Executive Offices, which shall be comprised of the offices of the Secretary, Deputy Secretary, Adjudicatory Services, Congressional and Intergovernmental Relations, Public Affairs, Small and Disadvantaged Business Utilization, and the Center for Faith-Based and Neighborhood Partnerships, $14,000,000: *Provided*, That not to exceed $25,000 of the amount made available under this heading shall be available to the Secretary for official reception and representation expenses as the Secretary may determine.

ADMINISTRATIVE SUPPORT OFFICES

For necessary salaries and expenses for Administrative Support Offices, $517,647,000, of which $53,000,000 shall be available for the Office of the Chief Financial Officer; $95,250,000 shall be available for the Office of the General Counsel; $206,500,000 shall be available for the Office of Administration, and of which, no less than $4,500,000 shall be available for the cost of consolidation

and reconfiguration of space in the Weaver Building in accordance with the space consolidation plan which would bring employees back into such Building and reduce the amount of leased space for such employees outside of such Building; $40,250,000 shall be available for the Office of the Chief Human Capital Officer; $51,000,000 shall be available for the Office of Field Policy and Management; $18,067,000 shall be available for the Office of the Chief Procurement Officer; $3,830,000 shall be available for the Office of Departmental Equal Employment Opportunity; $4,500,000 shall be available for the Office of Strategic Planning and Management; and $45,250,000 shall be available for the Office of the Chief Information Officer: *Provided*, That funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that directly support program activities funded in this title: *Provided further*, That the Secretary shall provide the House and Senate Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: *Provided further*, That the Secretary shall provide in electronic form all signed reports required by Congress.

Deadlines. Notification. Reports.

Reports. Electronic submission.

PROGRAM OFFICE SALARIES AND EXPENSES

PUBLIC AND INDIAN HOUSING

For necessary salaries and expenses of the Office of Public and Indian Housing, $216,000,000.

COMMUNITY PLANNING AND DEVELOPMENT

For necessary salaries and expenses of the Office of Community Planning and Development, $110,000,000.

HOUSING

For necessary salaries and expenses of the Office of Housing, $392,000,000.

POLICY DEVELOPMENT AND RESEARCH

For necessary salaries and expenses of the Office of Policy Development and Research, $24,000,000.

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary salaries and expenses of the Office of Fair Housing and Equal Opportunity, $72,000,000.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

For necessary salaries and expenses of the Office of Lead Hazard Control and Healthy Homes, $9,353,000.

WORKING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

Determination.

For the working capital fund for the Department of Housing and Urban Development (referred to in this paragraph as the "Fund"), pursuant, in part, to section 7(f) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(f)), amounts transferred to the Fund under this heading shall be available for Federal shared services used by offices and agencies of the Department, and for such portion of any office or agency's printing, records management, space renovation, furniture, or supply services as the Secretary determines shall be derived from centralized sources made available by the Department to all offices and agencies and funded through the Fund: *Provided*, That of the amounts made available in this title for salaries and expenses under the headings "Executive Offices", "Administrative Support Offices", "Program Office Salaries and Expenses", and "Government National Mortgage Association", the Secretary shall transfer to the Fund such amounts, to remain available until expended, as are necessary to fund services, specified in the first proviso, for which the appropriation would otherwise have been available, and may transfer not to exceed an additional $10,000,000, in aggregate, from all such appropriations, to be merged with the Fund and to remain available until expended for use for any office or agency: *Provided further*, That amounts in the Fund shall be the only amounts available to each office or agency of the Department for the services, or portion of services, specified in the first proviso: *Provided further*, That with respect to the Fund, the authorities and conditions under this heading shall supplement the authorities and conditions provided under section 7(f).

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, $16,292,000,000, to remain available until expended, shall be available on October 1, 2016 (in addition to the $4,000,000,000 previously appropriated under this heading that shall be available on October 1, 2016), and $4,000,000,000, to remain available until expended, shall be available on October 1, 2017: *Provided*, That the amounts made available under this heading are provided as follows:

Determinations.

(1) $18,355,000,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose incremental vouchers: *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2017 funding cycle shall provide renewal funding for each public housing agency based on validated voucher management system (VMS) leasing and cost data for the prior calendar year and by applying an inflation factor as established by the Secretary,

Applicability.
Notice.
Federal Register, publication.
Vouchers.
Determinations.

by notice published in the Federal Register, and by making any necessary adjustments for the costs associated with the first-time renewal of vouchers under this paragraph including tenant protection, HOPE VI, and Choice Neighborhoods vouchers: *Provided further*, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract, except for public housing agencies participating in the MTW demonstration, which are instead governed by the terms and conditions of their MTW agreements: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this paragraph), prorate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the following provisos, the entire amount specified under this paragraph (except as otherwise modified under this paragraph) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget by the latter of 60 days after enactment of this Act or March 1, 2017: *Provided further*, That the Secretary may extend the notification period with the prior written approval of the House and Senate Committees on Appropriations: *Provided further*, That public housing agencies participating in the MTW demonstration shall be funded pursuant to their MTW agreements and shall be subject to the same pro rata adjustments under the previous provisos: *Provided further*, That the Secretary may offset public housing agencies' calendar year 2017 allocations based on the excess amounts of public housing agencies' net restricted assets accounts, including HUD held programmatic reserves (in accordance with VMS data in calendar year 2016 that is verifiable and complete), as determined by the Secretary: *Provided further*, That public housing agencies participating in the MTW demonstration shall also be subject to the offset, as determined by the Secretary, excluding amounts subject to the single fund budget authority provisions of their MTW agreements, from the agencies' calendar year 2017 MTW funding allocation: *Provided further*, That the Secretary shall use any offset referred to in the previous two provisos throughout the calendar year to prevent the termination of rental assistance for families as the result of insufficient funding, as determined by the Secretary, and to avoid or reduce the proration of renewal funding allocations: *Provided further*, That up to $75,000,000 shall be available only: (1) for adjustments in the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of vouchers resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for vouchers that were not in use during the previous 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act; (3) for adjustments for costs associated with HUD-Veterans Affairs Supportive Housing (HUD–VASH) vouchers; and (4) for public housing agencies that despite taking reasonable cost savings measures,

Notification. Deadline.

Time period.

as determined by the Secretary, would otherwise be required to terminate rental assistance for families as a result of insufficient funding: *Provided further*, That the Secretary shall allocate amounts under the previous proviso based on need, as determined by the Secretary;

(2) $110,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to section 18 of the Act, conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI and Choice Neighborhood vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project-based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106–569, as amended, or under the authority as provided under this Act: *Provided*, That when a public housing development is submitted for demolition or disposition under section 18 of the Act, the Secretary may provide section 8 rental assistance when the units pose an imminent health and safety risk to residents: *Provided further*, That the Secretary may only provide replacement vouchers for units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds: *Provided further*, That of the amounts made available under this paragraph, $5,000,000 may be available to provide tenant protection assistance, not otherwise provided under this paragraph, to residents residing in low vacancy areas and who may have to pay rents greater than 30 percent of household income, as the result of: (A) the maturity of a HUD-insured, HUD-held or section 202 loan that requires the permission of the Secretary prior to loan prepayment; (B) the expiration of a rental assistance contract for which the tenants are not eligible for enhanced voucher or tenant protection assistance under existing law; or (C) the expiration of affordability restrictions accompanying a mortgage or preservation program administered by the Secretary: *Provided further*, That such tenant protection assistance made available under the previous proviso may be provided under the authority of section 8(t) or section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)): *Provided further*, That any tenant protection voucher made available from amounts under this paragraph shall not be reissued by any public housing agency, except the replacement vouchers as defined by the Secretary by notice, when the initial family that received any such voucher no longer receives such voucher, and the authority for any public housing agency to issue any such voucher shall cease to exist: *Provided further*, That the Secretary may provide section 8 rental assistance from amounts made available under this paragraph for units assisted under a project-based subsidy contract funded under the "Project-Based Rental Assistance" heading under this title where the

Time period.

Termination.

owner has received a Notice of Default and the units pose an imminent health and safety risk to residents: *Provided further*, That to the extent that the Secretary determines that such units are not feasible for continued rental assistance payments or transfer of the subsidy contract associated with such units to another project or projects and owner or owners, any remaining amounts associated with such units under such contract shall be recaptured and used to reimburse amounts used under this paragraph for rental assistance under the preceding proviso; Determination.

(3) $1,650,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $10,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other special purpose incremental vouchers: *Provided*, That no less than $1,640,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2017 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading from prior fiscal years, excluding special purpose vouchers, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That all public housing agencies participating in the MTW demonstration shall be funded pursuant to their MTW agreements, and shall be subject to the same uniform percentage decrease as under the previous proviso: *Provided further*, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities;

(4) $120,000,000 for the renewal of tenant-based assistance contracts under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), including necessary administrative expenses: *Provided*, That administrative and other expenses of public housing agencies in administering the special purpose vouchers in this paragraph shall be funded under the same terms and be subject to the same pro rata reduction as the percent decrease for administrative and other expenses to public housing agencies under paragraph (3) of this heading: *Provided further*, That any amounts provided under this paragraph in this Act or prior Acts, remaining available after funding renewals and administrative expenses

under this paragraph, shall be available for incremental tenant-based assistance contracts under such section 811, including necessary administrative expenses;

(5) $7,000,000 shall be for rental assistance and associated administrative fees for Tribal HUD–VA Supportive Housing to serve Native American veterans that are homeless or at-risk of homelessness living on or near a reservation or other Indian areas: *Provided*, That such amount shall be made available for renewal grants to the recipients that received assistance under the rental assistance and supportive housing demonstration program for Native American veterans authorized under the heading "Tenant-Based Rental Assistance" in title II of division K of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235, 128 Stat. 2733): *Provided further*, That the Secretary shall be authorized to specify criteria for renewal grants, including data on the utilization of assistance reported by grant recipients under the demonstration program: *Provided further*, That any amounts remaining after such renewal assistance is awarded may be available for new grants to recipients eligible to receive block grants under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. section 4101 et seq.) for rental assistance and associated administrative fees for Tribal HUD–VA Supportive Housing to serve Native American veterans that are homeless or at-risk of homelessness living on or near a reservation or other Indian areas: *Provided further*, That funds shall be awarded based on need, and administrative capacity established by the Secretary in a Notice published in the Federal Register after coordination with the Secretary of the Department of Veterans Affairs: *Provided further*, That renewal grants and new grants under this paragraph shall be administered by block grant recipients in accordance with program requirements under the Native American Housing Assistance and Self-Determination Act of 1996: *Provided further*, That assistance under this paragraph shall be modeled after, with necessary and appropriate adjustments for Native American grant recipients and veterans, the rental assistance and supportive housing program known as HUD–VASH program, including administration in conjunction with the Department of Veterans Affairs and overall implementation of section 8(o)(19) of the United States Housing Act of 1937: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such assistance: *Provided further*, That grant recipients shall report to the Secretary on utilization of such rental assistance and other program data, as prescribed by the Secretary;

Notice.
Federal Register, publication.

Waiver authority.

Reports.

(6) $40,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing

Act of 1937: *Provided*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over;

Consultation.

Waiver authority.

(7) $10,000,000 shall be made available for new incremental voucher assistance through the family unification program as authorized by section 8(x) of the Act: *Provided*, That the assistance made available under this paragraph shall continue to remain available for family unification upon turnover: *Provided further*, That for any public housing agency administering voucher assistance appropriated in a prior Act under the family unification program that determines that it no longer has an identified need for such assistance upon turnover, such agency shall notify the Secretary, and the Secretary shall recapture such assistance from the agency and reallocate it to any other public housing agency or agencies based on need for voucher assistance in connection with such program; and

Notification.

(8) the Secretary shall separately track all special purpose vouchers funded under this heading.

HOUSING CERTIFICATE FUND

(INCLUDING RESCISSIONS)

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual Contributions for Assisted Housing" and the heading "Project-Based Rental Assistance", for fiscal year 2017 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: *Provided*, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be rescinded: *Provided further*, That amounts heretofore recaptured, or recaptured during the current fiscal year, from section 8 project-based contracts from source years fiscal year 1975 through fiscal

Contracts.

year 1987 are hereby rescinded, and an amount of additional new budget authority, equivalent to the amount rescinded is hereby appropriated, to remain available until expended, for the purposes set forth under this heading, in addition to amounts otherwise available.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the "Act") $1,941,500,000, to remain available until September 30, 2020: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2017, the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That up to $10,000,000 shall be to support ongoing public housing financial and physical assessment activities: *Provided further*, That up to $1,000,000 shall be to support the costs of administrative and judicial receiverships: *Provided further*, That of the total amount provided under this heading, not to exceed $21,500,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2017: *Provided further*, That of the amount made available under the previous proviso, not less than $5,000,000 shall be for safety and security measures: *Provided further*, That in addition to the amount in the previous proviso for such safety and security measures, any amounts that remain available, after all applications received on or before September 30, 2018, for emergency capital needs have been processed, shall be allocated to public housing agencies for such safety and security measures: *Provided further*, That of the total amount provided under this heading $35,000,000 shall be for supportive services, service coordinator and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That of the total amount made available under this heading, $15,000,000 shall be for a Jobs-Plus initiative modeled after the Jobs-Plus demonstration: *Provided further*, That the funding provided under the previous proviso shall provide competitive grants to partnerships between public housing authorities, local workforce investment boards established under section 117 of the Workforce Investment Act of 1998, and other agencies and organizations that provide support to help public housing residents obtain employment and

Definition.

Grants.

increase earnings: *Provided further*, That applicants must demonstrate the ability to provide services to residents, partner with workforce investment boards, and leverage service dollars: *Provided further*, That the Secretary may allow public housing agencies to request exemptions from rent and income limitation requirements under sections 3 and 6 of the United States Housing Act of 1937 as necessary to implement the Jobs-Plus program, on such terms and conditions as the Secretary may approve upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective implementation of the Jobs-Plus initiative as a voluntary program for residents: *Provided further*, That the Secretary shall publish by notice in the Federal Register any waivers or alternative requirements pursuant to the preceding proviso no later than 10 days before the effective date of such notice: *Provided further*, That for funds provided under this heading, the limitation in section 9(g)(1) of the Act shall be 25 percent: *Provided further*, That the Secretary may waive the limitation in the previous proviso to allow public housing agencies to fund activities authorized under section 9(e)(1)(C) of the Act: *Provided further*, That the Secretary shall notify public housing agencies requesting waivers under the previous proviso if the request is approved or denied within 14 days of submitting the request: *Provided further*, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2017 to public housing agencies that are designated high performers: *Provided further*, That the Department shall notify public housing agencies of their formula allocation within 60 days of enactment of this Act: *Provided further*, That of the total amount provided under this heading, $25,000,000 shall be available for competitive grants to public housing agencies to evaluate and reduce lead-based paint hazards in public housing by carrying out the activities of risk assessments, abatement, and interim controls (as those terms are defined in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851b)): *Provided further*, That for purposes of environmental review, a grant under the previous proviso shall be considered funds for projects or activities under title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) for purposes of section 26 of such Act (42 U.S.C. 1437x) and shall be subject to the regulations implementing such section.

Notice.
Federal Register, publication.
Deadline.

Waiver authority.

Notification.
Deadline.

Bonus awards.

Notification.
Deadline.

PUBLIC HOUSING OPERATING FUND

For 2017 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), $4,400,000,000, to remain available until September 30, 2018.

CHOICE NEIGHBORHOODS INITIATIVE

For competitive grants under the Choice Neighborhoods Initiative (subject to section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), unless otherwise specified under this heading), for transformation, rehabilitation, and replacement housing needs of both public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable mixed income neighborhoods with appropriate services, schools, public assets, transportation and access to jobs, $137,500,000, to

remain available until September 30, 2019: *Provided*, That grant funds may be used for resident and community services, community development, and affordable housing needs in the community, and for conversion of vacant or foreclosed properties to affordable housing: *Provided further,* That the use of funds made available under this heading shall not be deemed to be public housing notwithstanding section 3(b)(1) of such Act: *Provided further,* That grantees shall commit to an additional period of affordability determined by the Secretary of not fewer than 20 years: *Provided further*, That grantees shall provide a match in State, local, other Federal or private funds: *Provided further,* That grantees may include local governments, tribal entities, public housing authorities, and nonprofits: *Provided further,* That for-profit developers may apply jointly with a public entity: *Provided further*, That for purposes of environmental review, a grantee shall be treated as a public housing agency under section 26 of the United States Housing Act of 1937 (42 U.S.C. 1437x), and grants under this heading shall be subject to the regulations issued by the Secretary to implement such section: *Provided further,* That of the amount provided, not less than $50,000,000 shall be awarded to public housing agencies: *Provided further,* That such grantees shall create partnerships with other local organizations including assisted housing owners, service agencies, and resident organizations: *Provided further,* That the Secretary shall consult with the Secretaries of Education, Labor, Transportation, Health and Human Services, Agriculture, and Commerce, the Attorney General, and the Administrator of the Environmental Protection Agency to coordinate and leverage other appropriate Federal resources: *Provided further*, That no more than $5,000,000 of funds made available under this heading may be provided as grants to undertake comprehensive local planning with input from residents and the community: *Provided further*, That unobligated balances, including recaptures, remaining from funds appropriated under the heading "Revitalization of Severely Distressed Public Housing (HOPE VI)" in fiscal year 2011 and prior fiscal years may be used for purposes under this heading, notwithstanding the purposes for which such amounts were appropriated.

Determination.
Time period.

Consultation.

FAMILY SELF-SUFFICIENCY

For the Family Self-Sufficiency program to support family self-sufficiency coordinators under section 23 of the United States Housing Act of 1937, to promote the development of local strategies to coordinate the use of assistance under sections 8(o) and 9 of such Act with public and private resources, and enable eligible families to achieve economic independence and self-sufficiency, $75,000,000, to remain available until September 30, 2018: *Provided*, That the Secretary may, by Federal Register notice, waive or specify alternative requirements under sections b(3), b(4), b(5), or c(1) of section 23 of such Act in order to facilitate the operation of a unified self-sufficiency program for individuals receiving assistance under different provisions of the Act, as determined by the Secretary: *Provided further*, That owners of a privately owned multifamily property with a section 8 contract may voluntarily make a Family Self-Sufficiency program available to the assisted tenants of such property in accordance with procedures established by the Secretary: *Provided further*, That such procedures established pursuant to the previous proviso shall permit participating tenants

Notice.
Federal Register, publication.
Waiver authority.
Determination.

Procedures.

to accrue escrow funds in accordance with section 23(d)(2) and shall allow owners to use funding from residual receipt accounts to hire coordinators for their own Family Self-Sufficiency program.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $654,000,000, to remain available until September 30, 2021: *Provided*, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race census data and with the need component based on multi-race census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That of the amounts made available under this heading, $3,500,000 shall be contracted for assistance for national or regional organizations representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA: *Provided further*, That of the funds made available under the previous proviso, not less than $2,000,000 shall be made available for a national organization as authorized under section 703 of NAHASDA (25 U.S.C. 4212): *Provided further*, That of the amounts made available under this heading, $3,500,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance related to funding provided under this heading and other headings under this Act for the needs of Native American families and Indian country: *Provided further*, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $17,857,142: *Provided further*, That the Department will notify grantees of their formula allocation within 60 days of the date of enactment of this Act: *Provided further*, That notwithstanding section 302(d) of NAHASDA, if on the date of enactment of this Act, a recipient's total amount of undisbursed block grant funds in the Department's line of credit control system is greater than the sum of its prior 3 years' initial formula allocation calculations, the Secretary shall adjust that recipient's formula allocation that it would otherwise receive down by the difference between its total amount of undisbursed block grant funds in the Department's line of credit control system on the date of enactment of this Act, and the sum of its prior 3 years' initial formula allocation calculations: *Provided further*, That grant amounts not allocated to a recipient pursuant to the previous proviso shall be allocated under the need component of the formula proportionately among all other Indian tribes not subject to an adjustment under such proviso: *Provided further*, That the second

Applicability.

Notification.
Deadline.

proviso shall not apply to any Indian tribe that would otherwise receive a formula allocation of less than $5,000,000: *Provided further*, That to take effect, the three previous provisos do not require issuance or amendment of any regulation, shall not be subject to a formula challenge by an Indian tribe, and shall not be construed to confer hearing rights under any section of NAHASDA or its implementing regulations.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $5,500,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to $1,341,463,415, to remain available until expended: *Provided further*, That up to $750,000 of this amount may be for administrative contract expenses including management processes and systems to carry out the loan guarantee program: *Provided further*, That an additional $1,727,000 shall be available until expended for such costs of guaranteed loans authorized under such section 184 issued to tribes and Indian housing authorities for the construction of rental housing for law enforcement, healthcare, educational, technical and other skilled workers: *Provided further*, That the funds specified in the previous proviso are available to subsidize total loan principal, any part of which is to be guaranteed, up to $421,219,512 to remain available until expended: *Provided further*, That the Secretary may specify any additional program requirements with respect to the previous two provisos through publication of a Mortgagee Letter or Notice.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), $2,000,000, to remain available until September 30, 2021.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $356,000,000, to remain available until September 30, 2018, except that amounts allocated pursuant to section 854(c)(5) of such Act shall remain available until September 30, 2019: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that initially were funded under section 854(c)(5) of such Act from funds made available under this heading in fiscal year 2010 and prior fiscal years that meet all program requirements before awarding funds for new contracts under such section: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

Contracts.

Notification.
Deadlines.

COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $3,060,000,000, to remain available until September 30, 2019, unless otherwise specified: *Provided*, That of the total amount provided, $3,000,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended ("the Act" herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading, not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That a metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives funds under this heading may not sell, trade, or otherwise transfer all or any portion of such funds to another such entity in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the Act: *Provided further*, That notwithstanding section 105(e)(1) of the Act, no funds provided under this heading may be provided to a for-profit entity for an economic development project under section 105(a)(17) unless such project has been evaluated and selected in accordance with guidelines required under subparagraph (e)(2): *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act: *Provided further*, That of the total amount provided under this heading $60,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to $4,000,000 may be used for emergencies that constitute imminent threats to health and safety.

Grants.

Notification.
Deadline.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2017, commitments to guarantee loans under section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308), any part of which is guaranteed, shall not exceed a total principal amount of $300,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in subsection (k) of such section 108: *Provided*, That the Secretary shall collect fees from borrowers, notwithstanding subsection (m) of such section 108, to result in a credit subsidy cost of zero for guaranteeing such loans, and any such fees shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974.

Fees.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME Investment Partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $950,000,000, to remain available until September 30, 2020: *Provided*, That notwithstanding the amount made available under this heading, the threshold reduction requirements in sections 216(10) and 217(b)(4) of such Act shall not apply

to allocations of such amount: *Provided further*, That the requirements under provisos 2 through 6 under this heading for fiscal year 2012 and such requirements applicable pursuant to the "Full-Year Continuing Appropriations Act, 2013", shall not apply to any project to which funds were committed on or after August 23, 2013, but such projects shall instead be governed by the Final Rule titled "Home Investment Partnerships Program; Improving Performance and Accountability; Updating Property Standards" which became effective on such date: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

Notification. Deadline.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, $50,000,000, to remain available until September 30, 2019: *Provided*, That of the total amount provided under this heading, $10,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further*, That of the total amount provided under this heading, $35,000,000 shall be made available for the second, third, and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than $5,000,000 shall be made available for rural capacity building activities: *Provided further*, That of the total amount provided under this heading, $5,000,000 shall be made available for capacity building by national rural housing organizations with experience assessing national rural conditions and providing financing, training, technical assistance, information, and research to local nonprofits, local governments and Indian Tribes serving high need rural communities: *Provided further*, That an additional $4,000,000, to remain available until expended, shall be for a program to rehabilitate and modify homes of disabled or low-income veterans as authorized under section 1079 of Public Law 113–291.

HOMELESS ASSISTANCE GRANTS

For the Emergency Solutions Grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the Continuum of Care program as authorized under subtitle C of title IV of such Act; and the Rural Housing Stability Assistance program as authorized under subtitle D of title IV of such Act, $2,383,000,000, to remain available until September 30, 2019: *Provided*, That any rental assistance amounts that are recaptured under such Continuum of Care program shall remain available until expended: *Provided further*, That not less than $310,000,000 of the funds appropriated under this heading shall be available for such Emergency Solutions Grants program, of which, $40,000,000 shall be made available, as determined by the Secretary, for grants for rapid re-housing or other critical activities in order to assist communities that lost significant capacity after January 1, 2016 to serve persons experiencing homelessness: *Provided further*, That not less than $2,018,000,000 of the funds appropriated under this heading shall be available for such Continuum of Care and Rural Housing Stability Assistance programs:

Provided further, That up to $12,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: *Provided further*, That all funds awarded for supportive services under the Continuum of Care program and the Rural Housing Stability Assistance program shall be matched by not less than 25 percent in cash or in kind by each grantee: *Provided further*, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further*, That the Secretary shall collect system performance measures for each continuum of care, and that relative to fiscal year 2015, under the Continuum of Care competition with respect to funds made available under this heading, the Secretary shall base an increasing share of the score on performance criteria: *Provided further*, That none of the funds provided under this heading shall be available to provide funding for new projects, except for projects created through reallocation, unless the Secretary determines that the continuum of care has demonstrated that projects are evaluated and ranked based on the degree to which they improve the continuum of care's system performance: *Provided further*, That the Secretary shall prioritize funding under the Continuum of Care program to continuums of care that have demonstrated a capacity to reallocate funding from lower performing projects to higher performing projects: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible: *Provided further*, That any unobligated amounts remaining from funds appropriated under this heading in fiscal year 2012 and prior years for project-based rental assistance for rehabilitation projects with 10-year grant terms may be used for purposes under this heading, notwithstanding the purposes for which such funds were appropriated: *Provided further*, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Continuum of Care renewals in fiscal year 2017: *Provided further*, That the Department shall notify grantees of their formula allocation from amounts allocated (which may represent initial or final amounts allocated) for the Emergency Solutions Grant program within 60 days of enactment of this Act: *Provided further,* That up to $43,000,000 of the funds appropriated under this heading shall be to implement projects to demonstrate how a comprehensive approach to serving homeless youth, age 24 and under, in up to 11 communities, including at least five rural communities, can dramatically reduce youth homelessness: *Provided further,* That such projects shall be eligible for renewal under the continuum of care program subject to the same terms and conditions as other renewal applicants: *Provided further*, That youth aged 24 and under seeking assistance under this heading shall not be required to provide third party documentation to establish their eligibility under 42 U.S.C. 11302(a) or (b) to receive services: *Provided further*, That unaccompanied youth aged 24 and under or families headed by youth aged 24

Determination.

Notification.
Deadline.

Children and youth.
Homeless persons.

and under who are living in unsafe situations may be served by youth-serving providers funded under this heading.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the Act"), not otherwise provided for, $10,416,000,000, to remain available until expended, shall be available on October 1, 2016 (in addition to the $400,000,000 previously appropriated under this heading that became available October 1, 2016), and $400,000,000, to remain available until expended, shall be available on October 1, 2017: *Provided*, That the amounts made available under this heading shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph: *Provided further*, That of the total amounts provided under this heading, not to exceed $235,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance, for carrying out 42 U.S.C. 1437(f): *Provided further*, That the Secretary of Housing and Urban Development may also use such amounts in the previous proviso for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667): *Provided further*, That amounts recaptured under this heading, the heading "Annual Contributions for Assisted Housing", or the heading "Housing Certificate Fund", may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That, notwithstanding any other provision of law, upon the request of the Secretary of Housing and Urban Development, project funds that are held in residual receipts accounts for any project subject to a section

Determination.
Remittance.

8 project-based Housing Assistance Payments contract that authorizes HUD or a Housing Finance Agency to require that surplus project funds be deposited in an interest-bearing residual receipts account and that are in excess of an amount to be determined by the Secretary, shall be remitted to the Department and deposited in this account, to be available until expended: *Provided further*, That amounts deposited pursuant to the previous proviso shall be available in addition to the amount otherwise provided by this heading for uses authorized under this heading.

HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for senior preservation rental assistance contracts, including renewals, as authorized by section 811(e) of the American Housing and Economic Opportunity Act of 2000, as amended, and for supportive services associated with the housing, $502,400,000 to remain available until September 30, 2020, of which $10,000,000 shall be for capital advance and project-based rental assistance awards or for incremental senior preservation rental assistance contracts: *Provided*, That amounts for project rental assistance contracts are to remain available for the liquidation of valid obligations for 10 years following the date of such obligation: *Provided further*, That of the amount provided under this heading, up to $75,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects: *Provided further*, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 projects: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That upon request of the Secretary of Housing and Urban Development, project funds that are held in residual receipts accounts for any project subject to a section 202 project rental assistance contract, and that upon termination of such contract are in excess of an amount to be determined by the Secretary, shall be remitted to the Department and deposited in this account, to be available until September 30, 2020: *Provided further*, That amounts deposited in this account pursuant to the previous proviso shall be available, in addition to the amounts otherwise provided by this heading, for amendments and renewals: *Provided further*, That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading shall be available for amendments and renewals notwithstanding the purposes for which such funds originally were appropriated.

Waiver authority. Time period.

Determination. Remittance.

HOUSING FOR PERSONS WITH DISABILITIES

For amendments to capital advance contracts for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42

U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act and for project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667), including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, for project rental assistance to State housing finance agencies and other appropriate entities as authorized under section 811(b)(3) of the Cranston-Gonzalez National Housing Act, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, $146,200,000, to remain available until September 30, 2020: *Provided*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 projects: *Provided further*, That, in this fiscal year, upon the request of the Secretary of Housing and Urban Development, project funds that are held in residual receipts accounts for any project subject to a section 811 project rental assistance contract and that upon termination of such contract are in excess of an amount to be determined by the Secretary shall be remitted to the Department and deposited in this account, to be available until September 30, 2020: *Provided further*, That amounts deposited in this account pursuant to the previous proviso shall be available in addition to the amounts otherwise provided by this heading for amendments and renewals: *Provided further*, That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading shall be used for amendments and renewals notwithstanding the purposes for which such funds originally were appropriated.

Determination.
Remittance.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, $55,000,000, to remain available until September 30, 2018, including up to $4,500,000 for administrative contract services: *Provided*, That grants made available from amounts provided under this heading shall be awarded within 180 days of enactment of this Act: *Provided further*, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training: *Provided further*, That for purposes of providing such grants from amounts provided under this heading, the Secretary may enter into multiyear agreements as appropriate, subject to the availability of annual appropriations.

RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, noninsured rental housing projects, $20,000,000, to remain available until expended: *Provided*, That such amount, together

with unobligated balances from recaptured amounts appropriated prior to fiscal year 2006 from terminated contracts under such sections of law, and any unobligated balances, including recaptures and carryover, remaining from funds appropriated under this heading after fiscal year 2005, shall also be available for extensions of up to one year for expiring contracts under such sections of law.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to $10,500,000, to remain available until expended, of which $10,500,000 is to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2017 so as to result in a final fiscal year 2017 appropriation from the general fund estimated at zero, and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2017 appropriation: *Provided further*, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: *Provided further*, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: *Provided further*, That, notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

New commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed $400,000,000,000, to remain available until September 30, 2018: *Provided*, That during fiscal year 2017, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $5,000,000: *Provided further*, That the foregoing amount in the previous proviso shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund: *Provided further*, That for administrative contract expenses of the Federal Housing Administration, $130,000,000, to remain available until September 30, 2018: *Provided further*, That to the extent guaranteed loan commitments exceed $200,000,000,000 on or before April 1, 2017, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for

any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

New commitments to guarantee loans insured under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), shall not exceed $30,000,000,000 in total loan principal, any part of which is to be guaranteed, to remain available until September 30, 2018: *Provided*, That during fiscal year 2017, gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $5,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $500,000,000,000, to remain available until September 30, 2018: *Provided*, That $23,000,000 shall be available for necessary salaries and expenses of the Office of Government National Mortgage Association: *Provided further*, That to the extent that guaranteed loan commitments exceed $155,000,000,000 on or before April 1, 2017, an additional $100 for necessary salaries and expenses shall be available until expended for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $3,000,000: *Provided further*, That receipts from Commitment and Multiclass fees collected pursuant to title III of the National Housing Act, as amended, shall be credited as offsetting collections to this account.

Fees.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, and for technical assistance, $89,000,000, to remain available until September 30, 2018: *Provided*, That with respect to amounts made available under this heading, notwithstanding section 204 of this title, the Secretary may enter into cooperative agreements funded with philanthropic entities, other Federal agencies, or State or local governments and their agencies for research projects: *Provided further*, That with respect to the previous proviso, such partners to the cooperative agreements must

Contracts.

contribute at least a 50 percent match toward the cost of the project: *Provided further*, That for non-competitive agreements entered into in accordance with the previous two provisos, the Secretary of Housing and Urban Development shall comply with section 2(b) of the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282, 31 U.S.C. note) in lieu of compliance with section 102(a)(4)(C) with respect to documentation of award decisions: *Provided further*, That prior to obligation of technical assistance funding, the Secretary shall submit a plan, for approval, to the House and Senate Committees on Appropriations on how it will allocate funding for this activity.

Compliance.

Plan.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $65,300,000, to remain available until September 30, 2018: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: *Provided further*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan: *Provided further*, That of the funds made available under this heading, $300,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

Lobbying.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $145,000,000, to remain available until September 30, 2018, of which $30,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970, that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes Initiative, or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further*, That of the total amount made available under this heading, $55,000,000 shall be made available on a competitive basis for

areas with the highest lead-based paint abatement needs: *Provided further*, That each recipient of funds provided under the previous proviso shall contribute an amount not less than 25 percent of the total: *Provided further*, That each applicant shall certify adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: *Provided further*, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed.

Certification.
Notice.

INFORMATION TECHNOLOGY FUND

For the development of, modifications to, and infrastructure for Department-wide and program-specific information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, $257,000,000, of which $250,000,000 shall remain available until September 30, 2018, and of which $7,000,000 shall remain available until September 30, 2019: *Provided*, That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further*, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts may be used for the purposes specified under this Fund, in addition to any other information technology purposes for which such amounts were appropriated: *Provided further*, That not more than 10 percent of the funds made available under this heading for development, modernization and enhancement may be obligated until the Secretary submits to the House and Senate Committees on Appropriations, for approval, a plan for expenditure that—(A) identifies for each modernization project: (i) the functional and performance capabilities to be delivered and the mission benefits to be realized, (ii) the estimated life-cycle cost, and (iii) key milestones to be met; and (B) demonstrates that each modernization project is: (i) compliant with the department's enterprise architecture, (ii) being managed in accordance with applicable life-cycle management policies and guidance, (iii) subject to the department's capital planning and investment control requirements, and (iv) supported by an adequately staffed project office.

Expenditure plan.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $128,082,000: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

(INCLUDING RESCISSION)

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437f note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2017 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. Subsection (c) of section 854 of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) is amended—

(1) in subclause (I) of paragraph (2)(A), by redesignating the subclause as clause "(i)"; and

(2) in subparagraph (D) of paragraph (2), to read as follows:

"(D) ADJUSTMENT TO GRANTS.—For each of fiscal years 2017, 2018, 2019, 2020, and 2021, with respect to a grantee that received an allocation in the prior fiscal year, the Secretary shall ensure that the grantee's share of total formula funds available for allocation does not decrease more than 5 percent nor gain more than 10 percent of the share of the total available formula funds that the grantee received in the preceding fiscal year.".

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks,

and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2017 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

Deadline. Reports. Budget.

SEC. 208. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

Budget.

SEC. 209. The President's formal budget request for fiscal year 2018, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 210. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

Transfer authority.

SEC. 211. (a) Notwithstanding any other provision of law, subject to the conditions listed under this section, for fiscal years 2017 and 2018, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt held or insured by the Secretary and statutorily required low-income and very low-income use restrictions if any, associated with one or more multifamily housing project or projects to another multifamily housing project or projects.

(b) PHASED TRANSFERS.—Transfers of project-based assistance under this section may be done in phases to accommodate the financing and other requirements related to rehabilitating or constructing the project or projects to which the assistance is transferred, to ensure that such project or projects meet the standards under subsection (c).

(c) The transfer authorized in subsection (a) is subject to the following conditions:

(1) NUMBER AND BEDROOM SIZE OF UNITS.—

(A) For occupied units in the transferring project: The number of low-income and very low-income units and the configuration (i.e., bedroom size) provided by the transferring project shall be no less than when transferred to the receiving project or projects and the net dollar amount of Federal assistance provided to the transferring project shall remain the same in the receiving project or projects.

(B) For unoccupied units in the transferring project: The Secretary may authorize a reduction in the number of dwelling units in the receiving project or projects to allow for a reconfiguration of bedroom sizes to meet current market demands, as determined by the Secretary and provided there is no increase in the project-based assistance budget authority.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically nonviable. Determination.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary. Standards.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials. Notification. Consultation. Certification.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants. Determination.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (d)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary, except that the Secretary may waive this requirement upon determination that such a waiver is necessary to facilitate the financing of acquisition, construction, and/or rehabilitation of the receiving project or projects. Waiver authority. Determination.

(8) If the transferring project meets the requirements of subsection (d)(2), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions. Records. Contracts.

(9) The transfer does not increase the cost (as defined in section 502 of the Congressional Budget Act of 1974, as amended) of any FHA-insured mortgage, except to the extent that appropriations are provided in advance for the amount of any such increased cost.

(d) For purposes of this section— Definition.

(1) the terms "low-income" and "very low-income" shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term "multifamily housing project" means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959, as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act;

(E) housing that is assisted under section 811 of the Cranston-Gonzales National Affordable Housing Act; or

(F) housing or vacant land that is subject to a use agreement;

(3) the term "project-based assistance" means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act;

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959; and

(F) assistance payments made under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act;

(4) the term "receiving project or projects" means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required low-income and very low-income use restrictions are to be transferred;

(5) the term "transferring project" means the multifamily housing project which is transferring some or all of the project-based assistance, debt, and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term "Secretary" means the Secretary of Housing and Urban Development.

(e) RESEARCH REPORT.—The Secretary shall conduct an evaluation of the transfer authority under this section, including the effect of such transfers on the operational efficiency, contract rents, physical and financial conditions, and long-term preservation of the affected properties.

SEC. 212. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005;

(7) is not a youth who left foster care at age 14 or older and is at risk of becoming homeless; and

(8) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition and any other required fees and charges) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

Native Alaskans.

SEC. 213. The funds made available for Native Alaskans under the heading "Native American Housing Block Grants" in title II of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

Termination date.
Mortgages.

SEC. 214. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)), the Secretary of Housing and Urban Development may, until September 30, 2017, insure and enter into commitments to insure mortgages under such section 255.

Contracts.

SEC. 215. Notwithstanding any other provision of law, in fiscal year 2017, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, and during the process of foreclosure on any property with a contract for rental assistance payments under section 8 of the United States Housing Act of 1937 or other Federal programs, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 ("MAHRAA") and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner

Determination.
Consultations.

or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety after written notice to and informed consent of the affected tenants and use of other available remedies, such as partial abatements or receivership. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 216. The commitment authority funded by fees as provided under the heading "Community Development Loan Guarantees Program Account" may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: *Provided*, That any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

SEC. 217. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: *Provided*, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

42 USC 1437g note.

SEC. 218. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Provided*, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

Allotment holder. Determination.

SEC. 219. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that there is a trained allotment holder for each HUD sub-office under the accounts "Executive Offices" and "Administrative Support Offices," as well as each account receiving appropriations for "Program Office Salaries and Expenses", "Government National Mortgage Association—Guarantees of Mortgage-Backed Securities Loan Guarantee Program Account", and "Office of Inspector General" within the Department of Housing and Urban Development.

Notification. Public information. Federal Register, publication. 42 USC 3545a note.

SEC. 220. The Secretary of the Department of Housing and Urban Development shall, for fiscal year 2017, notify the public through the Federal Register and other means, as determined

appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for fiscal year 2017, the Secretary may make the NOFA available only on the Internet at the appropriate Government web site or through other electronic media, as determined by the Secretary.

Web posting. Determination.

SEC. 221. Payment of attorney fees in program-related litigation shall be paid from the individual program office and Office of General Counsel salaries and expenses appropriations. The annual budget submission for the program offices and the Office of General Counsel shall include any such projected litigation costs for attorney fees as a separate line item request. No funds provided in this title may be used to pay any such litigation costs for attorney fees until the Department submits for review a spending plan for such costs to the House and Senate Committees on Appropriations.

Spending plan.

SEC. 222. The Secretary is authorized to transfer up to 10 percent or $4,000,000, whichever is less, of funds appropriated for any office under the heading "Administrative Support Offices" or for any account under the general heading "Program Office Salaries and Expenses" to any other such office or account: *Provided*, That no appropriation for any such office or account shall be increased or decreased by more than 10 percent or $4,000,000, whichever is less, without prior written approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary shall provide notification to such Committees three business days in advance of any such transfers under this section up to 10 percent or $4,000,000, whichever is less.

Notification. Time period.

SEC. 223. (a) Any entity receiving housing assistance payments shall maintain decent, safe, and sanitary conditions, as determined by the Secretary of Housing and Urban Development (in this section referred to as the "Secretary"), and comply with any standards under applicable State or local laws, rules, ordinances, or regulations relating to the physical condition of any property covered under a housing assistance payment contract.

Determination.

(b) The Secretary shall take action under subsection (c) when a multifamily housing project with a section 8 contract or contract for similar project-based assistance—

(1) receives a Uniform Physical Condition Standards (UPCS) score of 60 or less; or

(2) fails to certify in writing to the Secretary within 3 days that all Exigent Health and Safety deficiencies identified by the inspector at the project have been corrected.

Certification. Deadline.

Such requirements shall apply to insured and noninsured projects with assistance attached to the units under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), but do not apply to such units assisted under section 8(o)(13) (42 U.S.C. 1437f(o)(13)) or to public housing units assisted with capital or operating funds under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g).

(c)(1) Within 15 days of the issuance of the REAC inspection, the Secretary must provide the owner with a Notice of Default with a specified timetable, determined by the Secretary, for correcting all deficiencies. The Secretary must also provide a copy of the Notice of Default to the tenants, the local government, any mortgagees, and any contract administrator. If the owner's

Deadline. Notice. Determination.

Records.

appeal results in a UPCS score of 60 or above, the Secretary may withdraw the Notice of Default.

(2) At the end of the time period for correcting all deficiencies specified in the Notice of Default, if the owner fails to fully correct such deficiencies, the Secretary may—

(A) require immediate replacement of project management with a management agent approved by the Secretary;

(B) impose civil money penalties, which shall be used solely for the purpose of supporting safe and sanitary conditions at applicable properties, as designated by the Secretary, with priority given to the tenants of the property affected by the penalty;

Determination.

(C) abate the section 8 contract, including partial abatement, as determined by the Secretary, until all deficiencies have been corrected;

(D) pursue transfer of the project to an owner, approved by the Secretary under established procedures, which will be obligated to promptly make all required repairs and to accept renewal of the assistance contract as long as such renewal is offered;

(E) transfer the existing section 8 contract to another project or projects and owner or owners;

(F) pursue exclusionary sanctions, including suspensions or debarments from Federal programs;

(G) seek judicial appointment of a receiver to manage the property and cure all project deficiencies or seek a judicial order of specific performance requiring the owner to cure all project deficiencies;

(H) work with the owner, lender, or other related party to stabilize the property in an attempt to preserve the property through compliance, transfer of ownership, or an infusion of capital provided by a third-party that requires time to effectuate; or

(I) take any other regulatory or contractual remedies available as deemed necessary and appropriate by the Secretary.

Determination.
Consultation.

(d) The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect, subject to the exercise of contractual abatement remedies to assist relocation of tenants for major threats to health and safety after written notice to the affected tenants. To the extent the Secretary determines, in consultation with the tenants and the local government, that the property is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of—

(1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (“MAHRAA”); and

(2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance.

Deadline.
Reports.
Time period.

(e) The Secretary shall report quarterly on all properties covered by this section that are assessed through the Real Estate Assessment Center and have UPCS physical inspection scores of

less than 60 or have received an unsatisfactory management and occupancy review within the past 36 months. The report shall include—

(1) the enforcement actions being taken to address such conditions, including imposition of civil money penalties and termination of subsidies, and identify properties that have such conditions multiple times;

(2) actions that the Department of Housing and Urban Development is taking to protect tenants of such identified properties; and

(3) any administrative or legislative recommendations to further improve the living conditions at properties covered under a housing assistance payment contract.

Recommendations.

SEC. 224. None of the funds made available by this Act, or any other Act, for purposes authorized under section 8 (only with respect to the tenant-based rental assistance program) and section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), may be used by any public housing agency for any amount of salary, including bonuses, for the chief executive officer of which, or any other official or employee of which, that exceeds the annual rate of basic pay payable for a position at level IV of the Executive Schedule at any time during any public housing agency fiscal year 2017.

SEC. 225. None of the funds in this Act may be available for the doctoral dissertation research grant program at the Department of Housing and Urban Development.

SEC. 226. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking "fiscal year" and all that follows through the period at the end and inserting "fiscal year 2017."; and

(2) in subsection (o), by striking "September" and all that follows through the period at the end and inserting "September 30, 2017.".

Notification. Deadline.

SEC. 227. None of the funds in this Act provided to the Department of Housing and Urban Development may be used to make a grant award unless the Secretary notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project, State, locality, housing authority, tribe, nonprofit organization, or other entity selected to receive a grant award is announced by the Department or its offices.

SEC. 228. None of the funds made available by this Act may be used to require or enforce the Physical Needs Assessment (PNA).

SEC. 229. None of the funds made available by this Act nor any receipts or amounts collected under any Federal Housing Administration program may be used to implement the Homeowners Armed with Knowledge (HAWK) program.

SEC. 230. None of the funds made available in this Act shall be used by the Federal Housing Administration, the Government National Mortgage Administration, or the Department of Housing and Urban Development to insure, securitize, or establish a Federal guarantee of any mortgage or mortgage backed security that refinances or otherwise replaces a mortgage that has been subject to eminent domain condemnation or seizure, by a State, municipality, or any other political subdivision of a State.

SEC. 231. None of the funds made available by this Act may be used to terminate the status of a unit of general local government

as a metropolitan city (as defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) with respect to grants under section 106 of such Act (42 U.S.C. 5306).

SEC. 232. Amounts made available under this Act which are either appropriated, allocated, advanced on a reimbursable basis, or transferred to the Office of Policy Development and Research in the Department of Housing and Urban Development and functions thereof, for research, evaluation, or statistical purposes, and which are unexpended at the time of completion of a contract, grant, or cooperative agreement, may be deobligated and shall immediately become available and may be reobligated in that fiscal year or the subsequent fiscal year for the research, evaluation, or statistical purposes for which the amounts are made available to that Office subject to reprogramming requirements in section 405 of this Act.

SEC. 233. None of the funds provided in this Act or any other act may be used for awards, including performance, special act, or spot, for any employee of the Department of Housing and Urban Development who has been subject to administrative discipline in fiscal years 2016 or 2017, including suspension from work.

SEC. 234. Funds made available in this title under the heading "Homeless Assistance Grants" may be used by the Secretary to participate in Performance Partnership Pilots authorized under section 526 of division H of Public Law 113–76, section 524 of division G of Public Law 113–235, section 525 of division H of Public Law 114–113, and such authorities as are enacted for Performance Partnership Pilots in an appropriations Act for fiscal year 2017: *Provided*, That such participation shall be limited to no more than 10 continuums of care and housing activities to improve outcomes for disconnected youth.

SEC. 235. With respect to grant amounts awarded under the heading "Homeless Assistance Grants" for fiscal years 2015, 2016, and 2017 for the continuum of care (CoC) program as authorized under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act, costs paid by program income of grant recipients may count toward meeting the recipient's matching requirements, provided the costs are eligible CoC costs that supplement the recipients CoC program.

Grants.

SEC. 236. (a) From amounts made available under this title under the heading "Homeless Assistance Grants", the Secretary may award 1-year transition grants to recipients of funds for activities under subtitle C of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) to transition from one Continuum of Care program component to another.

(b) No more than 50 percent of each transition grant may be used for costs of eligible activities of the program component originally funded.

(c) Transition grants made under this section are eligible for renewal in subsequent fiscal years for the eligible activities of the new program component.

(d) In order to be eligible to receive a transition grant, the funding recipient must have the consent of the Continuum of Care and meet standards determined by the Secretary.

SEC. 237. (a) Section 302 of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4822) is amended in subsection (e)—

(1) in paragraph (1)—

(i) by striking "handicapped" and inserting "persons with disabilities, or any 0-bedroom dwelling";

(ii) by inserting "or" after "expected to reside;"; and

(iii) by striking "less than 7 years of age" and inserting "under age 6";

(2) in paragraph (2) by striking "; or" and inserting "."; and

(3) by striking paragraph (3).

(b) Section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851b) is amended in paragraph (27)—

(1) by inserting "or any 0-bedroom dwelling" after "disabilities,"; and

(2) by deleting "housing for the elderly or persons with disabilities) or any 0 bedroom dwelling" and inserting "housing)".

(c) Section 401 of the Toxic Substances Control Act (15 U.S.C. 2681) is amended in paragraph (17)—

(1) by inserting "or any 0-bedroom dwelling" after "disabilities,"; and

(2) by deleting "housing for the elderly or persons with disabilities) or any 0 bedroom dwelling" and inserting "housing)".

SEC. 238. Section 211 of the Department of Housing and Urban Development Appropriations Act, 2008, is repealed. 42 USC 1437 note.

SEC. 239. The language under the heading Rental Assistance Demonstration in the Department of Housing and Urban Development Appropriations Act, 2012 (Public Law 112–55), is amended— 42 USC 1437f note.

(1) in the second proviso, by striking "2018" and inserting "2020"; and

(2) in the fourth proviso, by striking "185,000" and inserting "225,000".

SEC. 240. The Secretary shall establish by notice such requirements as may be necessary to implement section 78001 of title LXXVIII of the Fixing America's Surface Transportation Act (Public Law 114–94), and the notice shall take effect upon issuance: *Provided*, That the Secretary shall commence rulemaking based on the initial notice no later than the expiration of the 6-month period following issuance of the notice and the rulemaking shall allow for the opportunity for public comment. Notice. Effective date. 42 USC 1437a note. Regulations. Deadline. Time period.

SEC. 241. For fiscal year 2017 and hereafter, the Secretary of Housing and Urban Development may use amounts made available for the Continuum of Care program under the "Homeless Assistance Grants" heading under this title to renew a grant originally awarded pursuant to the matter under the heading "Department of Housing and Urban Development—Permanent Supportive Housing" in chapter 6 of title III of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2351) for assistance under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C 11403 et seq.). Such renewal grant shall be awarded to the same grantee and be subject to the provisions of such Continuum of Care program except that the funds may be used outside the geographic area of the continuum of care. Grants.

SEC. 242. Section 218(g) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12748(g)) shall not apply with respect to the right of a jurisdiction to draw funds from its HOME

Investment Trust Fund that otherwise expired or would expire in 2016, 2017, 2018, or 2019 under that section.

SEC. 243. None of the funds made available by this Act may be used by the Department of Housing and Urban Development to direct a grantee to undertake specific changes to existing zoning laws as part of carrying out the final rule entitled "Affirmatively Furthering Fair Housing" (80 Fed. Reg. 42272 (July 16, 2015)) or the notice entitled "Affirmatively Furthering Fair Housing Assessment Tool" (79 Fed. Reg. 57949 (September 26, 2014)).

This title may be cited as the "Department of Housing and Urban Development Appropriations Act, 2017".

TITLE III

RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $8,190,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 307), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, $27,490,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

NATIONAL RAILROAD PASSENGER CORPORATION

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978, as amended, $23,274,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services

Investigative authority.

within the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within the Corporation: *Provided further*, That concurrent with the President's budget request for fiscal year 2018, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2018 in similar format and substance to those submitted by executive agencies of the Federal Government.

Budget request.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $106,000,000, of which not to exceed $2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $140,000,000, of which $5,000,000 shall be for a multi-family rental housing program.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $37,000,000: *Provided*, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2017, to result in a final appropriation from the general fund estimated at no more than $35,750,000.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $3,600,000: *Provided*, That title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11319) is amended by striking "October 1, 2017" in section 209 and inserting "October 1, 2018".

TITLE IV

GENERAL PROVISIONS—THIS ACT

(INCLUDING RESCISSIONS)

SEC. 401. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 402. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

Contracts.

SEC. 403. The expenditure of any appropriation under this Act for any consulting service through a procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 404. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain

available for obligation or expenditure in fiscal year 2017, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates a new program;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress;

(4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose;

(5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less;

(6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or

(7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include— Deadline. Reports.

(A) a table for each appropriation with a separate column to display the prior year enacted level, the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(B) a delineation in the table for each appropriation and its respective prior year enacted level by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and

(C) an identification of items of special congressional interest.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2017 from appropriations made available for salaries and expenses for fiscal year 2017 in this Act, shall remain available through September 30, 2018, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act. Submission.

SEC. 407. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use Eminent domain.

shall not be construed to include economic development that primarily benefits private entities: *Provided further*, That any use of funds for mass transit, railroad, airport, seaport or highway projects, as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

SEC. 408. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

Deadline.
Time period.

SEC. 409. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his or her period of active military or naval service, and has within 90 days after his or her release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his or her former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his or her former position and has not been restored thereto.

SEC. 410. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 8301–8305, popularly known as the "Buy American Act").

SEC. 411. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 8301–8305).

SEC. 412. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301–10.122 and 301–10.123 of title 41, Code of Federal Regulations.

SEC. 413. (a) None of the funds made available by this Act may be used to approve a new foreign air carrier permit under sections 41301 through 41305 of title 49, United States Code, or exemption application under section 40109 of that title of an air carrier already holding an air operators certificate issued by a country that is party to the U.S.-E.U.-Iceland-Norway Air Transport Agreement where such approval would contravene United States law or Article 17 bis of the U.S.-E.U.-Iceland-Norway Air Transport Agreement.

(b) Nothing in this section shall prohibit, restrict or otherwise preclude the Secretary of Transportation from granting a foreign air carrier permit or an exemption to such an air carrier where such authorization is consistent with the U.S.-E.U.-Iceland-Norway Air Transport Agreement and United States law.

SEC. 414. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of a single agency or department of the United States Government, who are stationed in the United States, at any single international conference unless the relevant Secretary reports to the House and Senate Committees on Appropriations at least 5 days in advance that such attendance is important to the national interest: *Provided*, That for purposes of this section the term "international conference" shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

Reports.
Deadline.

Definition.

SEC. 415. None of the funds made available by this Act may be used by the Department of Transportation, the Department of Housing and Urban Development, or any other Federal agency to lease or purchase new light duty vehicles for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum—Federal Fleet Performance, dated May 24, 2011.

SEC. 416. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board to charge or collect any filing fee for rate or practice complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 417. All unobligated balances, including recaptures and carryover, remaining from funds appropriated in division L of Public Law 114–113 for "Department of Transportation-Office of the Secretary-Salaries and Expenses", "Department of Transportation-Office of the Secretary-Office of Civil Rights", "Department of Transportation-Office of the Secretary-Minority Business Outreach", "Department of Transportation-Federal Transit Administration-Administrative Expenses", "Department of Transportation-Pipeline and Hazardous Materials Safety Administration-Operational Expenses", "Department of Transportation-Surface Transportation Board-Salaries and Expenses", "Access Board-Salaries and Expenses", "Federal Maritime Commission-Salaries and Expenses", "National Railroad Passenger Corporation-Office of Inspector General-Salaries and Expenses", "National Transportation Safety Board-Salaries and Expenses", and "United States Interagency Council on Homelessness-Operating Expenses" are rescinded.

SEC. 418. (a) None of the funds made available in this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede that Inspector General's access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General's right of access.

Records.

(b) A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner.

(c) Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided

by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.).

Reports.
Deadline.

(d) Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

SEC. 419. Notwithstanding any other provision of law, on and after the date of enactment of this Act (without regard to fiscal year)—

(1) subsections (c) and (d) of section 395.3 of title 49, Code of Federal Regulations, as codified on the day before the date of enactment of this Act, are null and void; and

(2) section 395.3(c) of title 49, Code of Federal Regulations, as in effect on December 26, 2011, is hereby restored to full force and effect.

SEC. 420. For an additional amount for the Emergency Relief Program as authorized by section 125 of title 23, United States Code, $528,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 421. For an additional amount for "Department of Housing and Urban Development, Community Planning and Development, Community Development Fund", $400,000,000, to remain available until expended, which amounts shall be allocated and used under the same authority and conditions as—

(1) the additional appropriations for fiscal year 2016 in section 145(a) of division C of Public Law 114–223 and for fiscal year 2017 in section 192(a) of division C of Public Law 114–223 (as added by section 101(3) of division A of Public Law 114–254) (except for the last proviso under such section 145(a) and the proviso under such section 192);

(2) the additional appropriation for fiscal year 2016 in section 420 of title IV of division L of Public Law 114–113 (except for the last two provisos under such section); and

(3) in section 145(a) of division C of Public Law 114–223 (except for the last proviso under such section 145(a)), for additional major disasters declared in calendar year 2017 or later until such funds are fully allocated:

Provided, That amounts authorized for use under section 192(b) of division C of Public Law 114–223 (as added by section 101(3) of division A of Public Law 114–254) may be used for necessary costs, including information technology costs, of administering and overseeing the obligation and expenditure of amounts made available under this section: *Provided further*, That amounts made available by this section shall be designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Notification.
Deadline.
Reports.

SEC. 422. (a) A State or territory, as defined in section 165 of title 23, United States Code, may use for any project eligible under section 133(b) of title 23 or section 165 of title 23 and located within the boundary of the State or territory any earmarked amount, and any associated obligation limitation, provided that the Department of Transportation for the State or territory for which the earmarked amount was originally designated or directed notifies the Secretary of Transportation of its intent to use its authority under this section and submits a quarterly report to

the Secretary identifying the projects to which the funding would be applied. Notwithstanding the original period of availability of funds to be obligated under this section, such funds and associated obligation limitation shall remain available for obligation for a period of 3 fiscal years after the fiscal year in which the Secretary of Transportation is notified. The Federal share of the cost of a project carried out with funds made available under this section shall be the same as associated with the earmark.

Time period.

(b) In this section, the term "earmarked amount" means—

Definition.

(1) congressionally directed spending, as defined in rule XLIV of the Standing Rules of the Senate, identified in a prior law, report, or joint explanatory statement, which was authorized to be appropriated or appropriated more than 10 fiscal years prior to the current fiscal year, and administered by the Federal Highway Administration; or

(2) a congressional earmark, as defined in rule XXI of the Rules of the House of Representatives identified in a prior law, report, or joint explanatory statement, which was authorized to be appropriated or appropriated more than 10 fiscal years prior to the current fiscal year, and administered by the Federal Highway Administration.

(c) The authority under subsection (a) may be exercised only for those projects or activities that have obligated less than 10 percent of the amount made available for obligation as of October 1 of the current fiscal year, and shall be applied to projects within the same general geographic area within 100 miles for which the funding was designated, except that a State or territory may apply such authority to unexpended balances of funds from projects or activities the State or territory certifies have been closed and for which payments have been made under a final voucher.

(d) The Secretary shall submit consolidated reports of the information provided by the States and territories each quarter to the House and Senate Committees on Appropriations.

Reports.
Deadline.

SEC. 423. (a) Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by adding at the end the following:

105 Stat. 2031.

"(89) United States Route 67 from Interstate 40 in North Little Rock, Arkansas, to United States Route 412.

"(90) The Edward T. Breathitt Parkway from Interstate 24 to Interstate 69.".

(b) Section 1105(e)(5)(A) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended in the first sentence by striking "and subsection (c)(83)" and inserting "subsection (c)(83), subsection (c)(89), and subsection (c)(90)".

(c) Section 1105(e)(5)(C)(i) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by adding at the end the following: "The route referred to in subsection (c)(89) is designated as Interstate Route I–57. The route referred to in subsection (c)(90) is designated as Interstate Route I–169.".

This division may be cited as the "Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2017".

Military Construction and Veterans Affairs—Additional Appropriations Act, 2017.

DIVISION L—MILITARY CONSTRUCTION AND VETERANS AFFAIRS—ADDITIONAL APPROPRIATIONS ACT, 2017

TITLE I

OVERSEAS CONTINGENCY OPERATIONS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $39,500,000, to remain available until September 30, 2021: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects authorized by law: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $66,708,000, to remain available until September 30, 2021: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects authorized by law: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $105,300,000, to remain available until September 30, 2021: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects authorized by law: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for "Military Construction, Army National Guard", $12,000,000, to remain available until September 30, 2021: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects authorized by law: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For an additional amount for "Military Construction, Air National Guard", $13,000,000, to remain available until September 30, 2021: *Provided*, That such funds may be obligated and expended

to carry out planning and design and military construction projects authorized by law: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, ARMY RESERVE

For an additional amount for "Military Construction, Army Reserve", $10,000,000, to remain available until September 30, 2021: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects authorized by law: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, NAVY RESERVE

For an additional amount for "Military Construction, Navy Reserve", $4,525,000, to remain available until September 30, 2021: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects authorized by law: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For an additional amount for "Military Construction, Air Force Reserve", $9,000,000, to remain available until September 30, 2021: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects authorized by law: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISION—THIS TITLE

(RESCISSION OF FUNDS)

SEC. 101. Of the unobligated balances made available by division I of Public Law 113–235 for "European Reassurance Initiative Military Construction" for "Military Construction, Air Force", $12,300,000 are hereby rescinded: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for "Medical Services", $50,000,000, to remain available until September 30, 2018: *Provided*, That such funds shall be for opioid and substance abuse prevention and treatment, and further implementation of the Jason Simcakoski Memorial and Promise Act (Title IX of Public Law 114–198).

TITLE III

GENERAL PROVISION—THIS DIVISION

SEC. 301. Notwithstanding any other provision of law, funds made available in this division are in addition to amounts appropriated or otherwise made available for the Department of Defense and the Department of Veterans Affairs for fiscal year 2017: *Provided*, That such amounts shall be subject to the terms and conditions set forth in division A of Public Law 114–223.

This division may be cited as "Military Construction and Veterans Affairs—Additional Appropriations Act, 2017".

DIVISION M—OTHER MATTERS

Health Benefits for Miners Act of 2017.

TITLE I—HEALTH BENEFITS FOR MINERS ACT OF 2017

42 USC 1305 note.

SEC. 101. SHORT TITLE.

This title may be cited as "Health Benefits for Miners Act of 2017".

SEC. 102. EXTENSION OF TANF PROGRAM AND DETERMINING WHAT WORKS TO MOVE WELFARE RECIPIENTS INTO JOBS.

(a) IN GENERAL.—Each of the following provisions of the Social Security Act is amended by striking "fiscal year 2012" each place it appears and inserting "each of fiscal years 2017 and 2018":

(1) Subparagraphs (A) and (C) of section 403(a)(1) (42 U.S.C. 603(a)(1)).

(2) Section 403(a)(2)(D) (42 U.S.C. 603(a)(2)(D)), except that the 2nd sentence of such section is amended by striking "fiscal year 2012" and inserting "fiscal year 2017 or 2018".

(3) Paragraphs (1)(A) and (2)(A) of section 412(a) (42 U.S.C. 612(a)).

(4) Section 418(a)(3) (42 U.S.C. 618(a)(3)).

(5) Section 1108(b)(2) (42 U.S.C. 1308(b)(2)).

(b) CONTINGENCY FUND.—Section 403(b)(2) of such Act (42 U.S.C. 603(b)(2)) is amended to read as follows:

"(2) DEPOSITS INTO FUND.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2018 such sums as are necessary

for payment to the Fund in a total amount not to exceed $608,000,000.".

(c) STRENGTHENING WELFARE RESEARCH AND EVALUATION AND DEVELOPMENT OF A WHAT WORKS CLEARINGHOUSE.—

(1) IN GENERAL.—Section 413 of such Act (42 U.S.C. 613) is amended to read as follows:

"SEC. 413. EVALUATION OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES AND RELATED PROGRAMS.

"(a) EVALUATION OF THE IMPACTS OF TANF.—The Secretary shall conduct research on the effect of State programs funded under this part and any other State program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) on employment, self-sufficiency, child well-being, unmarried births, marriage, poverty, economic mobility, and other factors as determined by the Secretary. Determination.

"(b) EVALUATION OF GRANTS TO IMPROVE CHILD WELL-BEING BY PROMOTING HEALTHY MARRIAGE AND RESPONSIBLE FATHERHOOD.—The Secretary shall conduct research to determine the effects of the grants made under section 403(a)(2) on child well-being, marriage, family stability, economic mobility, poverty, and other factors as determined by the Secretary. Determination.

"(c) DISSEMINATION OF INFORMATION.—The Secretary shall, in consultation with States receiving funds provided under this part, develop methods of disseminating information on any research, evaluation, or study conducted under this section, including facilitating the sharing of information and best practices among States and localities. Consultation.

"(d) STATE-INITIATED EVALUATIONS.—A State shall be eligible to receive funding to evaluate the State program funded under this part or any other State program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) if—

"(1) the State submits to the Secretary a description of the proposed evaluation;

"(2) the Secretary determines that the design and approach of the proposed evaluation is rigorous and is likely to yield information that is credible and will be useful to other States; and Determination.

"(3) unless waived by the Secretary, the State contributes to the cost of the evaluation, from non-Federal sources, an amount equal to at least 25 percent of the cost of the proposed evaluation.

"(e) CENSUS BUREAU RESEARCH.—

"(1) The Bureau of the Census shall implement or enhance household surveys of program participation, in consultation with the Secretary and the Bureau of Labor Statistics and made available to interested parties, to allow for the assessment of the outcomes of continued welfare reform on the economic and child well-being of low-income families with children, including those who received assistance or services from a State program funded under this part or any other State program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)). The content of the surveys should include such information as may be necessary to examine the issues of unmarried childbearing, marriage, welfare dependency and compliance with work requirements, the beginning and Surveys. Consultation.

ending of spells of assistance, work, earnings and employment stability, and the well-being of children.

Poverty.

"(2) To carry out the activities specified in paragraph (1), the Bureau of the Census, the Secretary, and the Bureau of Labor Statistics shall consider ways to improve the surveys and data derived from the surveys to—

"(A) address under reporting of the receipt of means-tested benefits and tax benefits for low-income individuals and families;

"(B) increase understanding of poverty spells and long-term poverty, including by facilitating the matching of information to better understand intergenerational poverty;

"(C) generate a better geographical understanding of poverty such as through State-based estimates and measures of neighborhood poverty;

"(D) increase understanding of the effects of means-tested benefits and tax benefits on the earnings and incomes of low-income families; and

"(E) improve how poverty and economic well-being are measured, including through the use of consumption measures, material deprivation measures, social exclusion measures, and economic and social mobility measures.

"(f) RESEARCH AND EVALUATION CONDUCTED UNDER THIS SECTION.—Research and evaluation conducted under this section designed to determine the effects of a program or policy (other than research conducted under subsection (e)) shall use experimental designs using random assignment or other reliable, evidence-based research methodologies that allow for the strongest possible causal inferences when random assignment is not feasible.

"(g) DEVELOPMENT OF WHAT WORKS CLEARINGHOUSE OF PROVEN AND PROMISING APPROACHES TO MOVE WELFARE RECIPIENTS INTO WORK.—

Consultation.

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Labor, shall develop a database (which shall be referred to as the 'What Works Clearinghouse of Proven and Promising Projects to Move Welfare Recipients into Work') of the projects that used a proven approach or a promising approach in moving welfare recipients into work, based on independent, rigorous evaluations of the projects. The database shall include a separate listing of projects that used a developmental approach in delivering services and a further separate listing of the projects with no or negative effects. The Secretary shall add to the What Works Clearinghouse of Proven and Promising Projects to Move Welfare Recipients into Work data about the projects that, based on an independent, well-conducted experimental evaluation of a program or project, using random assignment or other research methodologies that allow for the strongest possible causal inferences, have shown they are proven, promising, developmental, or ineffective approaches.

Lists.

Consultation.

"(2) CRITERIA FOR EVIDENCE OF EFFECTIVENESS OF APPROACH.—The Secretary, in consultation with the Secretary of Labor and organizations with experience in evaluating research on the effectiveness of various approaches in delivering services to move welfare recipients into work, shall—

"(A) establish criteria for evidence of effectiveness; and

"(B) ensure that the process for establishing the criteria—

"(i) is transparent;

"(ii) is consistent across agencies;

"(iii) provides opportunity for public comment; and

"(iv) takes into account efforts of Federal agencies to identify and publicize effective interventions, including efforts at the Department of Health and Human Services, the Department of Education, and the Department of Justice.

"(h) APPROPRIATION.—

"(1) IN GENERAL.—Of the amount appropriated by section 403(a)(1) for each fiscal year, 0.33 percent shall be available for research, technical assistance, and evaluation under this section.

"(2) ALLOCATION.—Of the amount made available under paragraph (1) for each fiscal year, the Secretary shall make available $10,000,000 plus such additional amount as the Secretary deems necessary and appropriate, to carry out subsection (e).

"(3) BASELINE.—The baseline established pursuant to section 257 of the Balanced Budget and Deficit Control Act of 1985 (2 U.S.C. 907(b)(2)) for the Temporary Assistance for Needy Families Program shall be recorded by the Office of Management and Budget and the Congressional Budget Office at the level prior to any transfers recorded pursuant to section 413(h) of this Act.".

(2) CONFORMING AMENDMENT.—Section 403(a)(1)(B) of such Act (42 U.S.C. 603(a)(1)(B)) is amended by inserting ", reduced by the percentage specified in section 413(h)(1) with respect to the fiscal year," before "as the amount".

SEC. 103. FULL FUNDING FOR STATE COURTS TO IMPROVE THE HANDLING OF CHILD WELFARE CASES.

Out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated for fiscal year 2017 $20,000,000 for grants under section 438 of the Social Security Act, in addition to any other amounts appropriated for such purpose. The amounts appropriated by the preceding sentence shall be considered to be amounts reserved under section 436(b)(2) of such Act for fiscal year 2017, for purposes of clauses (ii) and (iii) of section 438(c)(3)(A) of such Act.

SEC. 104. INCLUSION OF CERTAIN RETIREES IN THE MULTIEMPLOYER HEALTH BENEFIT PLAN.

(a) IN GENERAL.—Section 402(h)(2)(C) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(2)(C)) is amended—

(1) by striking clauses (ii), (iii), and (iv); and

(2) by inserting after clause (i) the following:

"(ii) CALCULATION OF EXCESS.—The excess determined under clause (i) shall be calculated by taking into account only—

"(I) those beneficiaries actually enrolled in the Plan as of the date of the enactment of the Health Benefits for Miners Act of 2017 who are eligible to receive health benefits under the Plan on the first day of the calendar year for which the transfer is made, other than those beneficiaries enrolled in the Plan under the terms of a participation

agreement with the current or former employer of such beneficiaries; and

"(II) those beneficiaries whose health benefits, defined as those benefits payable, following death or retirement or upon a finding of disability, directly by an employer in the bituminous coal industry under a coal wage agreement (as defined in section 9701(b)(1) of the Internal Revenue Code of 1986), would be denied or reduced as a result of a bankruptcy proceeding commenced in 2012 or 2015.

For purposes of subclause (I), a beneficiary enrolled in the Plan as of the date of the enactment of the Health Benefits for Miners Act of 2017 shall be deemed to have been eligible to receive health benefits under the Plan on January 1, 2017.

"(iii) ELIGIBILITY OF CERTAIN RETIREES.—Individuals referred to in clause (ii)(II) shall be treated as eligible to receive health benefits under the Plan.

"(iv) REQUIREMENTS FOR TRANSFER.—The amount of the transfer otherwise determined under this subparagraph for a fiscal year shall be reduced by any amount transferred for the fiscal year to the Plan, to pay benefits required under the Plan, from a voluntary employees' beneficiary association established as a result of a bankruptcy proceeding described in clause (ii).".

30 USC 1232 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal years beginning after September 30, 2016.

SEC. 105. CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)) is amended by striking "September 30, 2025" and inserting "January 14, 2026".

(b) RATE FOR MERCHANDISE PROCESSING FEES.—Section 503 of the United States–Korea Free Trade Agreement Implementation Act (Public Law 112–41; 19 U.S.C. 3805 note) is amended by striking "September 30, 2025" and inserting "January 14, 2026".

Puerto Rico Section 1108(g) Amendment of 2017.

TITLE II—PUERTO RICO SECTION 1108(g) AMENDMENT OF 2017

42 USC 1305 note.

SEC. 201. SHORT TITLE.

This title may be cited as "Puerto Rico Section 1108(g) Amendment of 2017".

SEC. 202. PUERTO RICO SECTION 1108(g) AMENDMENT OF 2017.

(a) Section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)) is amended—

(1) in paragraph (4), by inserting "and with respect to fiscal years beginning with fiscal year 2017, if Puerto Rico qualifies for a payment under section 1903(a)(6) for a calendar quarter (beginning on or after July 1, 2017) of such fiscal year" after "1903(a)(3)"; and

(2) in paragraph (5)—

(A) in the first sentence, by striking "The Secretary" and inserting "(A) Subject to subparagraph (B), the Secretary"; and

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

"(B) The amount of the increase otherwise provided under subparagraph (A) for Puerto Rico shall be further increased by $295,900,000.".

(b) All the unobligated amounts available under section 1323(c)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 18043(c)(1)) are rescinded immediately upon the date of the enactment of this section. Effective date.

TITLE III—GENERAL PROVISION

SEC. 301. BUDGETARY EFFECTS.

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division and each succeeding division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this division and each succeeding division shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division and each succeeding division shall not be estimated—

(1) for purposes of section 251 of such Act; and

(2) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

DIVISION N—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2017

Intelligence Authorization Act for Fiscal Year 2017.

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Intelligence Authorization Act for Fiscal Year 2017".

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

SEC. 2. DEFINITIONS.

50 USC 3003 note.

In this division:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term "congressional intelligence committees" means—

(A) the Select Committee on Intelligence of the Senate; and

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

(2) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

SEC. 3. EXPLANATORY STATEMENT.

The explanatory statement regarding this division, printed in the House section of the Congressional Record on or about May 3, 2017, by the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives, shall have the same effect with respect to the implementation of this division as if it were a joint explanatory statement of a committee of conference.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.
(2) The Central Intelligence Agency.
(3) The Department of Defense.
(4) The Defense Intelligence Agency.
(5) The National Security Agency.
(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(7) The Coast Guard.
(8) The Department of State.
(9) The Department of the Treasury.
(10) The Department of Energy.
(11) The Department of Justice.
(12) The Federal Bureau of Investigation.
(13) The Drug Enforcement Administration.
(14) The National Reconnaissance Office.
(15) The National Geospatial-Intelligence Agency.
(16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2017, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified

in the classified Schedule of Authorizations prepared to accompany this division of this Act.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) AVAILABILITY.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsection (a), or of appropriate portions of such Schedule, within the executive branch.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a));

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

Determination.

(a) AUTHORITY FOR INCREASES.—The Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2017 by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed—

(1) 3 percent of the number of civilian personnel authorized under such schedule for such element; or

(2) 10 percent of the number of civilian personnel authorized under such schedule for such element for the purposes of converting the performance of any function by contractors to performance by civilian personnel.

(b) TREATMENT OF CERTAIN PERSONNEL.—The Director of National Intelligence shall establish guidelines that govern, for each element of the intelligence community, the treatment under the personnel levels authorized under section 102(a), including any exemption from such personnel levels, of employment or assignment in—

(1) a student program, trainee program, or similar program;

(2) a reserve corps or as a reemployed annuitant; or

(3) details, joint duty, or long-term, full-time training.

Deadline.

(c) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—Not later than 15 days prior to the exercise of an authority described in subsection (a), the Director of National Intelligence shall submit to the congressional intelligence committees—

(1) a written notice of the exercise of such authority; and

(2) in the case of an exercise of such authority subject to the limitation in subsection (a)(2), a written justification

for the contractor conversion that includes a comparison of whole of government costs.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2017 the sum of $563,588,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2018.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 787 positions as of September 30, 2017. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2017 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts made available for advanced research and development shall remain available until September 30, 2018.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2017, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2017 the sum of $514,000,000.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this division shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this division for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 303. SUPPORT TO NONPROFIT ORGANIZATIONS ASSISTING INTELLIGENCE COMMUNITY EMPLOYEES.

(a) DIRECTOR OF NATIONAL INTELLIGENCE.—Section 102A of the National Security Act of 1947 (50 U.S.C. 3024) is amended by adding at the end the following:

"(y) FUNDRAISING.—(1) The Director of National Intelligence may engage in fundraising in an official capacity for the benefit of nonprofit organizations that—

"(A) provide support to surviving family members of a deceased employee of an element of the intelligence community; or

"(B) otherwise provide support for the welfare, education, or recreation of employees of an element of the intelligence community, former employees of an element of the intelligence community, or family members of such employees.

Definition.

"(2) In this subsection, the term 'fundraising' means the raising of funds through the active participation in the promotion, production, or presentation of an event designed to raise funds and does not include the direct solicitation of money by any other means.

Deadline. Notification.

"(3) Not later than 7 days after the date the Director engages in fundraising authorized by this subsection or at the time the decision is made to participate in such fundraising, the Director shall notify the congressional intelligence committees of such fundraising.

Consultation. Regulations.

"(4) The Director, in consultation with the Director of the Office of Government Ethics, shall issue regulations to carry out the authority provided in this subsection. Such regulations shall ensure that such authority is exercised in a manner that is consistent with all relevant ethical constraints and principles, including the avoidance of any prohibited conflict of interest or appearance of impropriety.".

(b) DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.—Section 12(f) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3512(f)) is amended by adding at the end the following:

Deadline. Notification.

"(3) Not later than the date that is 7 days after the date the Director engages in fundraising authorized by this subsection or at the time the decision is made to participate in such fundraising, the Director shall notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives of the fundraising.".

SEC. 304. PROMOTION OF SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION IN THE INTELLIGENCE COMMUNITY.

(a) REQUIREMENT FOR INVESTMENT STRATEGY FOR STEM RECRUITING AND OUTREACH ACTIVITIES.—Along with the budget for fiscal year 2018 submitted by the President pursuant to section 1105(a) of title 31, United States Code, the Director of National

Intelligence shall submit a five-year investment strategy for outreach and recruiting efforts in the fields of science, technology, engineering, and mathematics (STEM), to include cybersecurity and computer literacy.

(b) REQUIREMENT FOR INTELLIGENCE COMMUNITY PLANS FOR STEM RECRUITING AND OUTREACH ACTIVITIES.—For each of the fiscal years 2018 through 2022, the head of each element of the intelligence community shall submit an investment plan along with the materials submitted as justification of the budget request of such element that supports the strategy required by subsection (a).

SEC. 305. RETENTION OF EMPLOYEES OF THE INTELLIGENCE COMMUNITY WHO HAVE SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS EXPERTISE.

(a) SPECIAL RATES OF PAY FOR CERTAIN OCCUPATIONS IN THE INTELLIGENCE COMMUNITY.—The National Security Act of 1947 (50 U.S.C. 3001 et seq.) is amended by inserting after section 113A the following:

"SEC. 113B. SPECIAL PAY AUTHORITY FOR SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS POSITIONS. 50 USC 3049a.

"(a) AUTHORITY TO SET SPECIAL RATES OF PAY.—Notwithstanding part III of title 5, United States Code, the head of each element of the intelligence community may establish higher minimum rates of pay for 1 or more categories of positions in such element that require expertise in science, technology, engineering, or mathematics (STEM).

"(b) MAXIMUM SPECIAL RATE OF PAY.—A minimum rate of pay established for a category of positions under subsection (a) may not exceed the maximum rate of basic pay (excluding any locality-based comparability payment under section 5304 of title 5, United States Code, or similar provision of law) for the position in that category of positions without the authority of subsection (a) by more than 30 percent, and no rate may be established under this section in excess of the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(c) NOTIFICATION OF REMOVAL FROM SPECIAL RATE OF PAY.—If the head of an element of the intelligence community removes a category of positions from coverage under a rate of pay authorized by subsection (a) after that rate of pay takes effect—

"(1) the head of such element shall provide notice of the loss of coverage of the special rate of pay to each individual in such category; and

"(2) the loss of coverage will take effect on the first day of the first pay period after the date of the notice.

"(d) REVISION OF SPECIAL RATES OF PAY.—Subject to the limitations in this section, rates of pay established under this section by the head of the element of the intelligence community may be revised from time to time by the head of such element and the revisions have the force and effect of statute.

"(e) REGULATIONS.—The head of each element of the intelligence community shall promulgate regulations to carry out this section with respect to such element, which shall, to the extent practicable, be comparable to the regulations promulgated to carry out section 5305 of title 5, United States Code.

"(f) REPORTS.—

"(1) REQUIREMENT FOR REPORTS.—Not later than 90 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2017, the head of each element of the intelligence community shall submit to the congressional intelligence committees a report on any rates of pay established for such element under this section.

"(2) CONTENTS.—Each report required by paragraph (1) shall contain for each element of the intelligence community—

"(A) a description of any rates of pay established under subsection (a); and

"(B) the number of positions in such element that will be subject to such rates of pay.".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 113A the following:

"Sec. 113B. Special pay authority for science, technology, engineering, or math positions.".

50 USC 3331.

SEC. 306. MANAGEMENT OF INTELLIGENCE COMMUNITY PERSONNEL.

(a) MULTI-SECTOR WORKFORCE INITIATIVE.—

Effective date.

(1) REQUIREMENT.—Beginning on October 1, 2018, the Director of National Intelligence shall improve management of the workforce of the intelligence community by enabling elements of the intelligence community to build and maintain an appropriate mix between employees of the United States Government and core contractors.

Deadline.
Time period.

(2) BRIEFING TO CONGRESS.—Not later than July 1, 2017, and each 120 days thereafter until July 1, 2018, the Director of National Intelligence shall brief the congressional intelligence committees on the initiative required by paragraph (1).

(b) MANAGEMENT BASED ON WORKLOAD REQUIREMENTS AND AUTHORIZED FUNDING.—

Effective date.
Time periods.

(1) IN GENERAL.—Beginning on October 1, 2018, the personnel levels of the intelligence community shall be managed each fiscal year on the basis of—

(A) the workload required to carry out the functions and activities of the intelligence community; and

(B) the funds made available to the intelligence community in accordance with section 504 of the National Security Act of 1947 (50 U.S.C. 3094).

Effective date.

(2) PROHIBITION ON CONSTRAINTS OR LIMITATIONS.—Beginning on October 1, 2018, the management of such personnel in the intelligence community in any fiscal year shall not be subject to an externally imposed constraint or limitation expressed in terms of man years, end strength, full-time equivalent positions, or maximum number of employees.

(c) BRIEFING AND REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall issue a written report and provide a briefing to the congressional intelligence committees on—

(1) the methodology used to calculate the number of civilian and contractor full-time equivalent positions in the intelligence community;

Analysis.

(2) the cost analysis tool used to calculate personnel costs in the intelligence community; and

Plans.

(3) the plans of the Director of National Intelligence and the head of each element of the intelligence community to

implement a multi-sector workforce as required by subsections (a) and (b).

(d) REPORT.—Not later than 240 days after date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a written report on the accuracy of intelligence community data for the numbers and costs associated with the civilian and contractor workforce in each element of the intelligence community.

SEC. 307. NOTIFICATION OF REPAIR OR MODIFICATION OF FACILITIES TO BE USED PRIMARILY BY THE INTELLIGENCE COMMUNITY.

Section 602(a)(2) of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. 3304(a)(2)) is amended by striking "improvement project to" and inserting "project for the improvement, repair, or modification of".

SEC. 308. GUIDANCE AND REPORTING REQUIREMENT REGARDING THE INTERACTIONS BETWEEN THE INTELLIGENCE COMMUNITY AND ENTERTAINMENT INDUSTRY. 50 USC 3332.

(a) DEFINITIONS.—In this section:

(1) ENGAGEMENT.—The term "engagement"—

(A) means any significant interaction between an element of the intelligence community and an entertainment industry entity for the purposes of contributing to an entertainment product intended to be heard, read, viewed, or otherwise experienced by the public; and

(B) does not include routine inquiries made by the press or news media to the public affairs office of an intelligence community.

(2) ENTERTAINMENT INDUSTRY ENTITY.—The term "entertainment industry entity" means an entity that creates, produces, promotes, or distributes a work of entertainment intended to be heard, read, viewed, or otherwise experienced by an audience, including—

(A) theater productions, motion pictures, radio broadcasts, television broadcasts, podcasts, webcasts, other sound or visual recording, music, or dance;

(B) books and other published material; and

(C) such other entertainment activity, as determined by the Director of National Intelligence.

(b) DIRECTOR OF NATIONAL INTELLIGENCE GUIDANCE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall issue, and release to the public, guidance regarding engagements by elements of the intelligence community with entertainment industry entities. Public information.

(2) CRITERIA.—The guidance required by paragraph (1) shall—

(A) permit an element of the intelligence community to conduct engagements, if the head of the element, or a designee of such head, provides prior approval; and

(B) require an unclassified annual report to the congressional intelligence committees regarding engagements.

(c) ANNUAL REPORT.—Each report required by subsection (b)(2)(B) shall include the following:

(1) A description of the nature and duration of each engagement included in the review.

(2) The cost incurred by the United States Government for each such engagement.

(3) A description of the benefits to the United States Government for each such engagement.

(4) A determination of whether any information was declassified, and whether any classified information was improperly disclosed, or each such engagement.

(5) A description of the work produced through each such engagement.

50 USC 3024 note.

SEC. 309. PROTECTIONS FOR INDEPENDENT INSPECTORS GENERAL OF CERTAIN ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) LIMITATION ON ACTIVITIES OF EMPLOYEES OF AN OFFICE OF INSPECTOR GENERAL.—

Deadline. Policy.

(1) LIMITATIONS.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall develop and implement a uniform policy for each covered office of an inspector general to better ensure the independence of each such office. Such policy shall include—

(A) provisions to prevent any conflict of interest related to a matter any employee of a covered office of an inspector general personally and substantially participated in during previous employment;

(B) standards to ensure personnel of a covered office of an inspector general are free both in fact and in appearance from personal, external, and organizational impairments to independence;

(C) provisions to permit the head of each covered office of an inspector general to waive the application of the policy with respect to an individual if such head—

(i) prepares a written and signed justification for such waiver that sets out, in detail, the need for such waiver, provided that waivers shall not be issued for in fact impairments to independence; and

Submissions.

(ii) submits to the congressional intelligence committees each such justification; and

(D) any other protections the Director determines appropriate.

(2) COVERED OFFICE OF AN INSPECTOR GENERAL DEFINED.—The term "covered office of an inspector general" means—

(A) the Office of the Inspector General of the Intelligence Community; and

(B) the office of an inspector general for—

(i) the Office of the Director of National Intelligence;

(ii) the Central Intelligence Agency;

(iii) the National Security Agency;

(iv) the Defense Intelligence Agency;

(v) the National Geospatial-Intelligence Agency; and

(vi) the National Reconnaissance Office.

(3) BRIEFING TO THE CONGRESSIONAL INTELLIGENCE COMMITTEES.—Prior to the date that the policy required by paragraph (1) takes effect, the Director of National Intelligence

shall provide the congressional intelligence committees a briefing on such policy.

(b) LIMITATION ON ROTATION OF EMPLOYEES OF AN OFFICE OF INSPECTOR GENERAL.—Section 102A(l)(3) of the National Security Act of 1947 (50 U.S.C. 3024(l)(3)) is amended by adding at the end the following:

"(D) The mechanisms prescribed under subparagraph (A) and any other policies of the Director—

"(i) may not require an employee of an office of inspector general for an element of the intelligence community, including the Office of the Inspector General of the Intelligence Community, to rotate to a position in an office or organization of such an element over which such office of inspector general exercises jurisdiction; and

"(ii) shall be implemented in a manner that exempts employees of an office of inspector general from a rotation that may impact the independence of such office.".

SEC. 310. CONGRESSIONAL OVERSIGHT OF POLICY DIRECTIVES AND GUIDANCE.

50 USC 3312.

(a) COVERED POLICY DOCUMENT DEFINED.—In this section, the term "covered policy document" means any classified or unclassified Presidential Policy Directive, Presidential Policy Guidance, or other similar policy document issued by the President, including any classified or unclassified annex to such a Directive, Guidance, or other document, that assigns tasks, roles, or responsibilities to the intelligence community or an element of the intelligence community.

(b) SUBMISSIONS TO CONGRESS.—The Director of National Intelligence shall submit to the congressional intelligence committees the following:

Deadlines. Notification. Summary. Records.

(1) Not later than 15 days after the date that a covered policy document is issued, a written notice of the issuance and a summary of the subject matter addressed by such covered policy document.

(2) Not later than 15 days after the date that the Director issues any guidance or direction on implementation of a covered policy document or implements a covered policy document, a copy of such guidance or direction or a description of such implementation.

(3) Not later than 15 days after the date of the enactment of this Act, for any covered policy document issued prior to such date that is being implemented by any element of the intelligence community or that is in effect on such date—

(A) a written notice that includes the date such covered policy document was issued and a summary of the subject matter addressed by such covered policy document; and

(B) if the Director has issued any guidance or direction on implementation of such covered policy document or is implementing such covered policy document, a copy of the guidance or direction or a written description of such implementation.

SEC. 311. NOTIFICATION OF MEMORANDA OF UNDERSTANDING.

50 USC 3313.

(a) IN GENERAL.—The head of each element of the intelligence community shall submit to the congressional intelligence committees a copy of each memorandum of understanding or other agreement regarding significant operational activities or policy between

Deadlines.

or among such element and any other entity or entities of the United States Government—

(1) for such a memorandum or agreement that is in effect on the date of the enactment of this Act, not later than 60 days after such date; and

(2) for such a memorandum or agreement entered into after such date, in a timely manner and not more than 60 days after the date such memorandum or other agreement is entered into.

(b) ADMINISTRATIVE MEMORANDUM OR AGREEMENT.—Nothing in this section may be construed to require an element of the intelligence community to submit to the congressional intelligence committees any memorandum or agreement that is solely administrative in nature, including a memorandum or agreement regarding joint duty or other routine personnel assignments.

SEC. 312. TECHNICAL CORRECTION TO EXECUTIVE SCHEDULE.

Section 5313 of title 5, United States Code, is amended by striking the item relating to "Director of the National Counter Proliferation Center.".

50 USC 3350.

SEC. 313. MAXIMUM AMOUNT CHARGED FOR DECLASSIFICATION REVIEWS.

In reviewing and processing a request by a person for the mandatory declassification of information pursuant to Executive Order No. 13526, a successor executive order, or any provision of law, the head of an element of the intelligence community—

(1) may not charge the person reproduction fees in excess of the amount of fees that the head would charge the person for reproduction required in the course of processing a request for information under section 552 of title 5, United States Code (commonly referred to as the "Freedom of Information Act"); and

Waiver authority.

(2) may waive or reduce any processing fees in the same manner as the head waives or reduces fees under such section 552.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. DESIGNATION OF THE DIRECTOR OF THE NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER.

(a) IN GENERAL.—

(1) IN GENERAL.—Section 902 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3382) is amended to read as follows:

"SEC. 902. DIRECTOR OF THE NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER.

Appointment.
President.

"(a) ESTABLISHMENT.—There shall be a Director of the National Counterintelligence and Security Center (referred to in this section

as the 'Director'), who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) MISSION.—The mission of the Director shall be to serve as the head of national counterintelligence for the United States Government.

"(c) DUTIES.—Subject to the direction and control of the Director of National Intelligence, the duties of the Director are as follows:

"(1) To carry out the mission referred to in subsection (b).

"(2) To act as chairperson of the National Counterintelligence Policy Board established under section 811 of the Counterintelligence and Security Enhancements Act of 1994 (50 U.S.C. 3381).

"(3) To act as head of the National Counterintelligence and Security Center established under section 904.

"(4) To participate as an observer on such boards, committees, and entities of the executive branch as the Director of National Intelligence considers appropriate for the discharge of the mission and functions of the Director and the National Counterintelligence and Security Center under section 904.".

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2383) is amended by striking the item relating to section 902 and inserting the following:

"Sec. 902. Director of the National Counterintelligence and Security Center.".

(3) TECHNICAL EFFECTIVE DATE.—The amendment made by subsection (a) of section 401 of the Intelligence Authorization Act for Fiscal Year 2016 (division M of Public Law 114–113) shall not take effect, or, if the date of the enactment of this Act is on or after the effective date specified in subsection (b) of such section, such amendment shall be deemed to not have taken effect. 50 USC 3382 and note.

(b) NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER.—

(1) IN GENERAL.—Section 904 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3383) is amended—

(A) by striking the section heading and inserting "**NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER.**"; and

(B) by striking subsections (a), (b), and (c) and inserting the following:

"(a) ESTABLISHMENT.—There shall be a National Counterintelligence and Security Center.

"(b) HEAD OF CENTER.—The Director of the National Counterintelligence and Security Center shall be the head of the National Counterintelligence and Security Center.

"(c) LOCATION OF CENTER.—The National Counterintelligence and Security Center shall be located in the Office of the Director of National Intelligence.".

(2) FUNCTIONS.—Section 904(d) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3383(d)) is amended—

(A) in the matter preceding paragraph (1), by striking "National Counterintelligence Executive, the functions of the Office of the National Counterintelligence Executive" and inserting "Director of the National Counterintelligence

and Security Center, the functions of the National Counterintelligence and Security Center";

(B) in paragraph (5), in the matter preceding subparagraph (A), by striking "In consultation with" and inserting "At the direction of"; and

(C) in paragraph (6), in the matter preceding subparagraph (A), by striking "Office" and inserting "National Counterintelligence and Security Center".

(3) PERSONNEL.—Section 904(f) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3383(f)) is amended—

(A) in paragraph (1), by striking "Office of the National Counterintelligence Executive may consist of personnel employed by the Office" and inserting "National Counterintelligence and Security Center may consist of personnel employed by the Center"; and

(B) in paragraph (2), by striking "National Counterintelligence Executive" and inserting "Director of the National Counterintelligence and Security Center".

(4) TREATMENT OF ACTIVITIES UNDER CERTAIN ADMINISTRATIVE LAWS.—Section 904(g) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3383(g)) is amended by striking "Office shall be treated as operational files of the Central Intelligence Agency for purposes of section 701 of the National Security Act of 1947 (50 U.S.C. 431)" and inserting "National Counterintelligence and Security Center shall be treated as operational files of the Central Intelligence Agency for purposes of section 701 of the National Security Act of 1947 (50 U.S.C. 3141)".

(5) OVERSIGHT BY CONGRESS.—Section 904(h) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3383(h)) is amended—

(A) in the matter preceding paragraph (1), by striking "Office of the National Counterintelligence Executive" and inserting "National Counterintelligence and Security Center"; and

(B) in paragraphs (1) and (2), by striking "Office" and inserting "Center" both places that term appears.

(6) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2383), as amended by subsection (a)(2), is further amended by striking the item relating to section 904 and inserting the following:

"Sec. 904. National Counterintelligence and Security Center.".

(c) OVERSIGHT OF NATIONAL INTELLIGENCE CENTERS.—Section 102A(f)(2) of the National Security Act of 1947 (50 U.S.C. 3024(f)(2)) is amended by inserting ", the National Counterproliferation Center, and the National Counterintelligence and Security Center" after "National Counterterrorism Center".

(d) DIRECTOR OF THE NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER WITHIN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Paragraph (8) of section 103(c) of the National Security Act of 1947 (50 U.S.C. 3025(c)) is amended to read as follows:

"(8) The Director of the National Counterintelligence and Security Center.".

(e) DUTIES OF THE DIRECTOR OF THE NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER.—

(1) IN GENERAL.—Section 103F of the National Security Act of 1947 (50 U.S.C. 3031) is amended—

(A) by striking the section heading and inserting "DIRECTOR OF THE NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER";

(B) in subsection (a)—

(i) by striking the subsection heading and inserting "DIRECTOR OF THE NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER.—"; and

(ii) by striking "National Counterintelligence Executive under section 902 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402b et seq.)" and inserting "Director of the National Counterintelligence and Security Center appointed under section 902 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3382)"; and

(C) in subsection (b), by striking "National Counterintelligence Executive" and inserting "Director of the National Counterintelligence and Security Center".

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by striking the item relating to section 103F and inserting the following:

"Sec. 103F. Director of the National Counterintelligence and Security Center.".

(f) COORDINATION OF COUNTERINTELLIGENCE ACTIVITIES.—Section 811 of the Counterintelligence and Security Enhancements Act of 1994 (50 U.S.C. 3381) is amended—

(1) in subsection (b), by striking "National Counterintelligence Executive under section 902 of the Counterintelligence Enhancement Act of 2002" and inserting "Director of the National Counterintelligence and Security Center appointed under section 902 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3382)";

(2) in subsection (c)(1), by striking "National Counterintelligence Executive." and inserting "Director of the National Counterintelligence and Security Center."; and

(3) in subsection (d)(1)(B)(ii)—

(A) by striking "National Counterintelligence Executive" and inserting "Director of the National Counterintelligence and Security Center"; and

(B) by striking "by the Office of the National Counterintelligence Executive under section 904(e)(2) of that Act" and inserting "pursuant to section 904(d)(2) of that Act (50 U.S.C. 3383(d)(2))".

(g) INTELLIGENCE AND NATIONAL SECURITY ASPECTS OF ESPIONAGE PROSECUTIONS.—Section 341(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 28 U.S.C. 519 note) is amended by striking "Office of the National Counterintelligence Executive," and inserting "National Counterintelligence and Security Center,".

SEC. 402. ANALYSES AND IMPACT STATEMENTS BY DIRECTOR OF NATIONAL INTELLIGENCE REGARDING INVESTMENT INTO THE UNITED STATES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 3024), as amended by section 303, is further amended by adding at the end the following new subsection:

Deadlines. Records.

"(z) ANALYSES AND IMPACT STATEMENTS REGARDING PROPOSED INVESTMENT INTO THE UNITED STATES.—(1) Not later than 20 days after the completion of a review or an investigation of any proposed investment into the United States for which the Director has prepared analytic materials, the Director shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representative copies of such analytic materials, including any supplements or amendments to such analysis made by the Director.

Determination. Reports.

"(2) Not later than 60 days after the completion of consideration by the United States Government of any investment described in paragraph (1), the Director shall determine whether such investment will have an operational impact on the intelligence community, and, if so, shall submit a report on such impact to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives. Each such report shall—

"(A) describe the operational impact of the investment on the intelligence community; and

"(B) describe any actions that have been or will be taken to mitigate such impact.".

50 USC 3368.

SEC. 403. ASSISTANCE FOR GOVERNMENTAL ENTITIES AND PRIVATE ENTITIES IN RECOGNIZING ONLINE VIOLENT EXTREMIST CONTENT.

Deadline. Web posting. Lists.

(a) ASSISTANCE TO RECOGNIZE ONLINE VIOLENT EXTREMIST CONTENT.—Not later than 180 days after the date of the enactment of this Act, and consistent with the protection of intelligence sources and methods, the Director of National Intelligence shall publish on a publicly available Internet website a list of all logos, symbols, insignia, and other markings commonly associated with, or adopted by, an organization designated by the Secretary of State as a foreign terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

Time period.

(b) UPDATES.—The Director shall update the list published under subsection (a) every 180 days or more frequently as needed.

Subtitle B—Central Intelligence Agency

SEC. 411. ENHANCED DEATH BENEFITS FOR PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 11 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3511) is amended to read as follows:

"BENEFITS AVAILABLE IN EVENT OF THE DEATH OF PERSONNEL

"SEC. 11. (a) AUTHORITY.—The Director may pay death benefits substantially similar to those authorized for members of the Foreign Service pursuant to the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) or any other provision of law. The Director may

adjust the eligibility for death benefits as necessary to meet the unique requirements of the mission of the Agency.

"(b) REGULATIONS.—Regulations issued pursuant to this section shall be submitted to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives before such regulations take effect.".

SEC. 412. PAY AND RETIREMENT AUTHORITIES OF THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) IN GENERAL.—Section 17(e)(7) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(e)(7)) is amended by adding at the end the following new subparagraph:

"(C)(i) The Inspector General may designate an officer or employee appointed in accordance with subparagraph (A) as a law enforcement officer solely for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, if such officer or employee is appointed to a position with responsibility for investigating suspected offenses against the criminal laws of the United States.

"(ii) In carrying out clause (i), the Inspector General shall ensure that any authority under such clause is exercised in a manner consistent with section 3307 of title 5, United States Code, as it relates to law enforcement officers.

"(iii) For purposes of applying sections 3307(d), 8335(b), and 8425(b) of title 5, United States Code, the Inspector General may exercise the functions, powers, and duties of an agency head or appointing authority with respect to the Office.".

(b) RULE OF CONSTRUCTION.—Subparagraph (C) of section 17(e)(7) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(e)(7)), as added by subsection (a), may not be construed to confer on the Inspector General of the Central Intelligence Agency, or any other officer or employee of the Agency, any police or law enforcement or internal security functions or authorities. 50 USC 3517 note.

Subtitle C—Other Elements

SEC. 421. ENHANCING THE TECHNICAL WORKFORCE FOR THE FEDERAL BUREAU OF INVESTIGATION.

(a) REPORT REQUIRED.—Building on the basic cyber human capital strategic plan provided to the congressional intelligence committees in 2015, not later than 180 days after the date of the enactment of this Act and updated two years thereafter, the Director of the Federal Bureau of Investigation shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a comprehensive strategic workforce report regarding initiatives to effectively integrate information technology expertise in the investigative process.

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

(1) An assessment, including measurable benchmarks, of progress on initiatives to recruit, train, and retain personnel with the necessary skills and experiences in vital areas, including encryption, cryptography, and big data analytics.

(2) An assessment of whether officers of the Federal Bureau of Investigation who possess such skills are fully integrated into the Bureau's work, including Agent-led investigations.

(3) A description of the quality and quantity of the collaborations between the Bureau and private sector entities on cyber issues, including the status of efforts to benefit from employees with experience transitioning between the public and private sectors.

(4) An assessment of the utility of reinstituting, if applicable, and leveraging the Director's Advisory Board, which was originally constituted in 2005, to provide outside advice on how to better integrate technical expertise with the investigative process and on emerging concerns in cyber-related issues.

SEC. 422. PLAN ON ASSUMPTION OF CERTAIN WEATHER MISSIONS BY THE NATIONAL RECONNAISSANCE OFFICE.

(a) PLAN.—

(1) IN GENERAL.—Except as provided in subsection (c), the Director of the National Reconnaissance Office shall develop a plan for the National Reconnaissance Office to address how to carry out covered space-based environmental monitoring missions. Such plan shall include—

(A) a description of the related national security requirements for such missions;

(B) a description of the appropriate manner to meet such requirements; and

(C) the amount of funds that would be necessary to be transferred from the Air Force to the National Reconnaissance Office during fiscal years 2018 through 2022 to carry out such plan.

Contracts. Determination.

(2) ACTIVITIES.—In developing the plan under paragraph (1), the Director may conduct pre-acquisition activities, including with respect to requests for information, analyses of alternatives, study contracts, modeling and simulation, and other activities the Director determines necessary to develop such plan.

(3) SUBMISSION.—Not later than July 1, 2017, and except as provided in subsection (c), the Director shall submit to the appropriate congressional committees the plan under paragraph (1).

Coordination. Certification.

(b) INDEPENDENT COST ESTIMATE.—The Director of the Cost Assessment Improvement Group of the Office of the Director of National Intelligence, in coordination with the Director of Cost Assessment and Program Evaluation, shall certify to the appropriate congressional committees that the amounts of funds identified under subsection (a)(1)(C) as being necessary to transfer are appropriate and include funding for positions and personnel to support program office costs.

(c) WAIVER BASED ON REPORT AND CERTIFICATION OF AIR FORCE ACQUISITION PROGRAM.—The Director of the National Reconnaissance Office may waive the requirement to develop a plan under subsection (a), if the Under Secretary of Defense for Acquisition Technology, and Logistics and the Chairman of the Joint Chiefs of Staff jointly submit to the appropriate congressional committees a report by not later than July 1, 2017) that contains—

(1) a certification that the Secretary of the Air Force is carrying out a formal acquisition program that has received Milestone A approval to address the cloud characterization and theater weather imagery requirements of the Department of Defense; and

(2) an identification of the cost, schedule, requirements, and acquisition strategy of such acquisition program.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the congressional intelligence committees; and

(B) the congressional defense committees (as defined in section 101(a)(16) of title 10, United States Code).

(2) COVERED SPACE-BASED ENVIRONMENTAL MONITORING MISSIONS.—The term "covered space-based environmental monitoring missions" means the acquisition programs necessary to meet the national security requirements for cloud characterization and theater weather imagery.

(3) MILESTONE A APPROVAL.—The term "Milestone A approval" has the meaning given that term in section 2366a(d) of title 10, United States Code.

TITLE V—MATTERS RELATING TO FOREIGN COUNTRIES

SEC. 501. COMMITTEE TO COUNTER ACTIVE MEASURES BY THE RUSSIAN FEDERATION TO EXERT COVERT INFLUENCE OVER PEOPLES AND GOVERNMENTS.

50 USC 3001 note.

(a) DEFINITIONS.—In this section:

(1) ACTIVE MEASURES BY RUSSIA TO EXERT COVERT INFLUENCE.—The term "active measures by Russia to exert covert influence" means activities intended to influence a person or government that are carried out in coordination with, or at the behest of, political leaders or the security services of the Russian Federation and the role of the Russian Federation has been hidden or not acknowledged publicly, including the following:

(A) Establishment or funding of a front group.

(B) Covert broadcasting.

(C) Media manipulation.

(D) Disinformation and forgeries.

(E) Funding agents of influence.

(F) Incitement and offensive counterintelligence.

(G) Assassinations.

(H) Terrorist acts.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the congressional intelligence committees;

(B) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(C) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(b) ESTABLISHMENT.—There is established within the executive branch an interagency committee to counter active measures by the Russian Federation to exert covert influence.

(c) MEMBERSHIP.—

(1) IN GENERAL.—

President.

(A) APPOINTMENT.—Each head of an agency or department of the Government set out under subparagraph (B) shall appoint one member of the committee established by subsection (b) from among officials of such agency or department who occupy a position that is required to be appointed by the President, with the advice and consent of the Senate.

(B) HEAD OF AN AGENCY OR DEPARTMENT.—The head of an agency or department of the Government set out under this subparagraph are the following:

(i) The Director of National Intelligence.

(ii) The Secretary of State.

(iii) The Secretary of Defense.

(iv) The Secretary of the Treasury.

(v) The Attorney General.

(vi) The Secretary of Energy.

(vii) The Director of the Federal Bureau of Investigation.

(viii) The head of any other agency or department of the United States Government designated by the President for purposes of this section.

(d) MEETINGS.—The committee shall meet on a regular basis.

(e) DUTIES.—The duties of the committee established by subsection (b) shall be as follows:

(1) To counter active measures by Russia to exert covert influence, including by exposing falsehoods, agents of influence, corruption, human rights abuses, terrorism, and assassinations carried out by the security services or political elites of the Russian Federation or their proxies.

(2) Such other duties as the President may designate for purposes of this section.

(f) STAFF.—The committee established by subsection (b) may employ such staff as the members of such committee consider appropriate.

(g) BUDGET REQUEST.—A request for funds required for the functioning of the committee established by subsection (b) may be included in each budget for a fiscal year submitted by the President pursuant to section 1105(a) of title 31, United States Code.

(h) ANNUAL REPORT.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, and consistent with the protection of intelligence sources and methods, the committee established by subsection (b) shall submit to the appropriate committees of Congress a report describing steps being taken by the committee to counter active measures by Russia to exert covert influence.

(2) CONTENT.—Each report required by paragraph (1) shall include the following:

Summary.

(A) A summary of the active measures by the Russian Federation to exert covert influence during the previous year, including significant incidents and notable trends.

(B) A description of the key initiatives of the committee.

(C) A description of the implementation of the committee's initiatives by the head of an agency or department of the Government set out under subsection (c)(1)(B).

(D) An analysis of the impact of the committee's initiatives. Analysis.

(E) Recommendations for changes to the committee's initiatives from the previous year. Recommendations.

(3) SEPARATE REPORTING REQUIREMENT.—The requirement to submit an annual report under paragraph (1) is in addition to any other reporting requirements with respect to Russia.

SEC. 502. STRICT ENFORCEMENT OF TRAVEL PROTOCOLS AND PROCEDURES OF ACCREDITED DIPLOMATIC AND CONSULAR PERSONNEL OF THE RUSSIAN FEDERATION IN THE UNITED STATES. 22 USC 254a note.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate; and

(3) the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives.

(b) ADVANCE NOTIFICATION REQUIREMENT.—The Secretary of State shall, in coordination with the Director of the Federal Bureau of Investigation and the Director of National Intelligence, establish a mandatory advance notification regime governing all travel by accredited diplomatic and consular personnel of the Russian Federation in the United States and take necessary action to secure full compliance by Russian personnel and address any noncompliance. Coordination.

(c) INTERAGENCY COOPERATION.—The Secretary of State, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence shall develop written mechanisms to share information—

(1) on travel by accredited diplomatic and consular personnel of the Russian Federation who are in the United States; and

(2) on any known or suspected noncompliance by such personnel with the regime required by subsection (b).

(d) QUARTERLY REPORTS.—Not later than 90 days after the date of the enactment of this Act, and quarterly thereafter, and consistent with the protection of intelligence sources and methods—

(1) the Secretary of State shall submit to the appropriate committees of Congress a written report detailing the number of notifications submitted under the regime required by subsection (b); and

(2) the Secretary of State and the Director of the Federal Bureau of Investigation shall jointly submit to the appropriate committees of Congress a written report detailing the number of known or suspected violations of such requirements by any accredited diplomatic and consular personnel of the Russian Federation.

SEC. 503. STUDY AND REPORT ON ENHANCED INTELLIGENCE AND INFORMATION SHARING WITH OPEN SKIES TREATY MEMBER STATES.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) congressional intelligence committees;

(B) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(C) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) COVERED STATE PARTY.—The term "covered state party" means a foreign country, that—

(A) was a state party to the Open Skies Treaty on February 22, 2016; and

(B) is not the Russian Federation or the Republic of Belarus.

(3) OPEN SKIES TREATY.—The term "Open Skies Treaty" means the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002.

(b) FEASIBILITY STUDY.—

Deadline.
Determination.

(1) REQUIREMENT FOR STUDY.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall conduct and submit to the appropriate committees of Congress a study to determine the feasibility of creating an intelligence sharing arrangement and database to provide covered state parties with imagery that is comparable, delivered more frequently, and in equal or higher resolution than imagery available through the database established under the Open Skies Treaty.

(2) ELEMENTS.—The study required by paragraph (1) shall include an evaluation of the following:

(A) The methods by which the United States could collect and provide imagery, including commercial satellite imagery, national technical means, and through other intelligence, surveillance, and reconnaissance platforms, under an information sharing arrangement and database referred to in paragraph (1).

(B) The ability of other covered state parties to contribute imagery to the arrangement and database.

(C) Any impediments to the United States and other covered states parties providing such imagery, including any statutory barriers, insufficiencies in the ability to collect the imagery or funding, under such an arrangement.

(D) Whether imagery of Moscow, Chechnya, the international border between Russia and Georgia, Kaliningrad, or the Republic of Belarus could be provided under such an arrangement.

(E) The annual and projected costs associated with the establishment of such an arrangement and database, as compared with costs to the United States and other covered state parties of being parties to the Open Skies Treaty, including Open Skies Treaty plane maintenance, aircraft fuel, crew expenses, mitigation measures necessary associated with Russian Federation overflights of the United States or covered state parties, and new sensor development and acquisition.

(3) SUPPORT FROM OTHER FEDERAL AGENCIES.—Each head of a Federal agency shall provide such support to the Director as may be necessary for the Director to conduct the study required by paragraph (1).

(c) REPORT.—

(1) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of

National Intelligence shall submit to the appropriate committees of Congress the report described in this subsection.

(2) CONTENT OF REPORT.—The report required by paragraph (1) shall include the following:

(A) An intelligence assessment of Russian Federation warfighting doctrine and the extent to which Russian Federation flights under the Open Skies Treaty contribute to such doctrine. Assessment.

(B) A counterintelligence analysis as to whether the Russian Federation has, could have, or intends to have the capability to exceed the imagery limits set forth in the Open Skies Treaty. Analysis.

(C) A list of intelligence exchanges with covered state parties that have been updated on the information described in subparagraphs (A) and (B) and the date and form such information was provided. Lists.

(d) FORM OF SUBMISSION.—The study required by subsection (b) and the report required by subsection (c) shall be submitted in an unclassified form but may include a classified annex.

TITLE VI—REPORTS AND OTHER MATTERS

SEC. 601. DECLASSIFICATION REVIEW WITH RESPECT TO DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—For each individual detained at United States Naval Station, Guantanamo Bay, Cuba, who was transferred or released from United States Naval Station, Guantanamo Bay, Cuba, the Director of National Intelligence shall—

(1)(A) complete a declassification review of intelligence reports regarding past terrorist activities of that individual prepared by the National Counterterrorism Center for the individual's Periodic Review Board sessions, transfer, or release; or Review.

(B) if the individual's transfer or release occurred prior to the date on which the National Counterterrorism Center first began to prepare such reports regarding detainees, such other intelligence report or reports that contain the same or similar information regarding the individual's past terrorist activities;

(2) make available to the public— Public information.

(A) any intelligence reports declassified as a result of the declassification review; and

(B) with respect to each individual transferred or released, for whom intelligence reports are declassified as a result of the declassification review, an unclassified summary which shall be prepared by the President of measures being taken by the country to which the individual was transferred or released to monitor the individual and to prevent the individual from carrying out future terrorist activities; and President.

(3) submit to the congressional intelligence committees a report setting out the results of the declassification review, including a description of intelligence reports covered by the review that were not declassified.

(b) SCHEDULE.—

Review.

(1) TRANSFER OR RELEASE PRIOR TO ENACTMENT.—Not later than 210 days after the date of the enactment of this Act, the Director of National Intelligence shall submit the report required by subsection (a)(3), which shall include the results of the declassification review completed for each individual detained at United States Naval Station, Guantanamo Bay, Cuba, who was transferred or released from United States Naval Station, Guantanamo Bay, prior to the date of the enactment of this Act.

(2) TRANSFER OR RELEASE AFTER ENACTMENT.—Not later than 120 days after the date an individual detained at United States Naval Station, Guantanamo Bay, on or after the date of the enactment of this Act is transferred or released from United States Naval Station, Guantanamo Bay, the Director shall submit the report required by subsection (a)(3) for such individual.

(c) PAST TERRORIST ACTIVITIES.—For purposes of this section, the past terrorist activities of an individual shall include all terrorist activities conducted by the individual before the individual's transfer to the detention facility at United States Naval Station, Guantanamo Bay, including, at a minimum, the following:

(1) The terrorist organization, if any, with which affiliated.

(2) The terrorist training, if any, received.

(3) The role in past terrorist attacks against United States interests or allies.

(4) The direct responsibility, if any, for the death of United States citizens or members of the Armed Forces.

(5) Any admission of any matter specified in paragraphs (1) through (4).

(6) A description of the intelligence supporting any matter specified in paragraphs (1) through (5), including the extent to which such intelligence was corroborated, the level of confidence held by the intelligence community, and any dissent or reassessment by an element of the intelligence community.

SEC. 602. CYBER CENTER FOR EDUCATION AND INNOVATION-HOME OF THE NATIONAL CRYPTOLOGIC MUSEUM.

(a) AUTHORITY TO ESTABLISH AND OPERATE CENTER.—Chapter 449 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 4781.

"§ 4781. Cyber Center for Education and Innovation-Home of the National Cryptologic Museum

"(a) ESTABLISHMENT.—(1) The Secretary of Defense may establish at a publicly accessible location at Fort George G. Meade the 'Cyber Center for Education and Innovation-Home of the National Cryptologic Museum' (in this section referred to as the 'Center').

"(2) The Center may be used for the identification, curation, storage, and public viewing of materials relating to the activities of the National Security Agency, its predecessor or successor organizations, and the history of cryptology.

"(3) The Center may contain meeting, conference, and classroom facilities that will be used to support such education, training, public outreach, and other purposes as the Secretary considers appropriate.

"(b) DESIGN, CONSTRUCTION, AND OPERATION.—The Secretary may enter into an agreement with the National Cryptologic Museum Foundation (in this section referred to as the 'Foundation'), a nonprofit organization, for the design, construction, and operation of the Center.

"(c) ACCEPTANCE AUTHORITY.—(1) If the Foundation constructs the Center pursuant to an agreement with the Foundation under subsection (b), upon satisfactory completion of the Center's construction or any phase thereof, as determined by the Secretary, and upon full satisfaction by the Foundation of any other obligations pursuant to such agreement, the Secretary may accept the Center (or any phase thereof) from the Foundation, and all right, title, and interest in the Center or such phase shall vest in the United States.

"(2) Notwithstanding section 1342 of title 31, the Secretary may accept services from the Foundation in connection with the design construction, and operation of the Center. For purposes of this section and any other provision of law, employees or personnel of the Foundation shall not be considered to be employees of the United States.

"(d) FEES AND USER CHARGES.—(1) The Secretary may assess fees and user charges to cover the cost of the use of Center facilities and property, including rental, user, conference, and concession fees.

"(2) Amounts received under paragraph (1) shall be deposited into the fund established under subsection (e).

"(e) FUND.—(1) Upon the Secretary's acceptance of the Center under subsection (c)(1)) there is established in the Treasury a fund to be known as the 'Cyber Center for Education and Innovation-Home of the National Cryptologic Museum Fund' (in this subsection referred to as the 'Fund').

"(2) The Fund shall consist of the following amounts:

"(A) Fees and user charges deposited by the Secretary under subsection (d).

"(B) Any other amounts received by the Secretary which are attributable to the operation of the Center.

"(3) Amounts in the Fund shall be available to the Secretary for the benefit and operation of the Center, including the costs of operation and the acquisition of books, manuscripts, works of art, historical artifacts, drawings, plans, models, and condemned or obsolete combat materiel.

"(4) Amounts in the Fund shall be available without fiscal year limitation.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 449 of title 10, United States Code, is amended by adding at the end the following new item:

10 USC prec. 4771.

"4781. Cyber Center for Education and Innovation-Home of the National Cryptologic Museum.".

SEC. 603. REPORT ON NATIONAL SECURITY SYSTEMS.

50 USC 3314.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the congressional intelligence committees;

(2) the Committee on Appropriations and the Committee on Armed Services of the Senate; and

(3) the Committee on Appropriations and the Committee on Armed Services of the House of Representatives.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter, the Director of the National Security Agency, in coordination with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, shall submit to the appropriate committees of Congress a report on national security systems.

(c) CONTENT.—Each report submitted under subsection (b) shall include information related to—

(1) national security systems or components thereof that have been decertified and are still in operational use;

(2) extension requests and the current status of any national security systems still in use or components thereof that have been decertified and are still in use;

(3) national security systems known to not be in compliance with the policies, principles, standards, and guidelines issued by the Committee on National Security Systems established pursuant to National Security Directive 42, signed by the President on July 5, 1990; and

(4) organizations which have not provided access or information to the Director of the National Security Agency that is adequate to enable the Director to make a determination as to whether such organizations are in compliance with the policies, principles, standards, and guidelines issued by such Committee on National Security Systems.

50 USC 3333.

SEC. 604. JOINT FACILITIES CERTIFICATION.

(a) FINDINGS.—Congress finds the following:

(1) The Director of National Intelligence set a strategic goal to use joint facilities as a means to save costs by consolidating administrative and support functions across multiple elements of the intelligence community.

(2) The use of joint facilities provides more opportunities for operational collaboration and information sharing among elements of the intelligence community.

(b) CERTIFICATION.—Before an element of the intelligence community purchases, leases, or constructs a new facility that is 20,000 square feet or larger, the head of that element of the intelligence community shall submit to the Director of National Intelligence—

(1) a written certification that, to the best of the knowledge of the head of such element, all prospective joint facilities in the vicinity have been considered and the element is unable to identify a joint facility that meets the operational requirements of such element; and

(2) a written statement listing the reasons for not participating in the prospective joint facilities considered by the element.

10 USC 2271 note.

SEC. 605. LEADERSHIP AND MANAGEMENT OF SPACE ACTIVITIES.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives.

(b) UPDATE TO STRATEGY FOR COMPREHENSIVE INTERAGENCY REVIEW OF THE UNITED STATES NATIONAL SECURITY OVERHEAD SATELLITE ARCHITECTURE.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence,

Consultation.

in consultation with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, shall issue a written update to the strategy required by section 312 of the Intelligence Authorization Act for Fiscal Year 2016 (division M of Public Law 114–113; 129 Stat. 2919).

(c) UNITY OF EFFORT IN SPACE OPERATIONS BETWEEN THE INTELLIGENCE COMMUNITY AND DEPARTMENT OF DEFENSE.—

(1) REQUIREMENT FOR PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, shall submit to the appropriate committees of Congress a plan to functionally integrate the governance, operations, analysis, collection, policy, and acquisition activities related to space and counterspace carried out by the intelligence community. The plan shall include analysis of no fewer than 2 alternative constructs to implement this plan, and an assessment of statutory, policy, organizational, programmatic, and resources changes that may be required to implement each alternative construct. Consultation.

(2) APPOINTMENT BY THE DIRECTOR OF NATIONAL INTELLIGENCE.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, shall appoint a single official to oversee development of the plan required by paragraph (1). Consultation.

(3) SCOPE OF PLAN.—The plan required by paragraph (1) shall include methods to functionally integrate activities carried out by—

(A) the National Reconnaissance Office;

(B) the functional managers for signals intelligence and geospatial intelligence;

(C) the Office of the Director of National Intelligence;

(D) other Intelligence Community elements with space-related programs;

(E) joint interagency efforts; and

(F) other entities as identified by the Director of National Intelligence in coordination with the Secretary of Defense.

(d) INTELLIGENCE COMMUNITY SPACE WORKFORCE.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a workforce plan to recruit, develop, and retain personnel in the intelligence community with skills and experience in space and counterspace operations, analysis, collection, policy, and acquisition. Workforce plan.

(e) JOINT INTERAGENCY COMBINED SPACE OPERATIONS CENTER.—

(1) SUBMISSION TO CONGRESS.—The Director of the National Reconnaissance Office and the Commander of the United States Strategic Command, in consultation with the Director of National Intelligence, the Under Secretary of Defense for Intelligence, and the Chairman of the Joint Chiefs of Staff, shall submit to the appropriate committees of Congress concept of operations and requirements documents for the Joint Interagency Combined Space Operations Center by the date that is the earlier of— Consultation.

(A) the completion of the experimental phase of such Center; or

(B) 30 days after the date of the enactment of this Act.

(2) QUARTERLY BRIEFINGS.—The Director of the National Reconnaissance Office and the Commander of the United States Strategic Command, in coordination with the Director of National Intelligence and Under Secretary of Defense for Intelligence, shall provide to the appropriate committees of Congress briefings providing updates on activities and progress of the Joint Interagency Combined Space Operations Center to begin 30 days after the date of the enactment of this Act. Such briefings shall be quarterly for the first year following enactment, and annually thereafter.

SEC. 606. ADVANCES IN LIFE SCIENCES AND BIOTECHNOLOGY.

Briefing.

(a) REQUIREMENT FOR PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall brief the congressional intelligence committees on a proposed plan to monitor advances in life sciences and biotechnology to be carried out by the Director.

(b) CONTENTS OF PLAN.—The plan required by subsection (a) shall include—

(1) a description of the approach the elements of the intelligence community will take to make use of organic life science and biotechnology expertise, within and outside the intelligence community on a routine and contingency basis;

Assessment.

(2) an assessment of the current collection and analytical posture of the life sciences and biotechnology portfolio as it relates to United States competitiveness and the global bioeconomy, the risks and threats evolving with advances in genetic editing technologies, and the implications of such advances on future biodefense requirements; and

Analysis.

(3) an analysis of organizational requirements and responsibilities, including potentially creating new positions.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a report and provide a briefing on the role of the intelligence community in the event of a biological attack on the United States, including an assessment of the capabilities and gaps in technical capabilities that exist to address the potential circumstance of a novel unknown pathogen.

SEC. 607. REPORTS ON DECLASSIFICATION PROPOSALS.

(a) COVERED STUDIES DEFINED.—In this section, the term "covered studies" means the studies that the Director of National Intelligence requested that the elements of the intelligence community produce in the course of producing the fundamental classification guidance review for fiscal year 2017 required by Executive Order No. 13526 (50 U.S.C. 3161 note), as follows:

(1) A study of the feasibility of reducing the number of original classification authorities in each element of the intelligence community to the minimum number required and any negative impacts that reduction could have on mission capabilities.

(2) A study of the actions required to implement a proactive discretionary declassification program distinct from the systematic, automatic, and mandatory declassification review programs outlined in part 2001 of title 32, Code of Federal Regulations, including section 2001.35 of such part.

(3) A study of the benefits and drawbacks of implementing a single classification guide that could be used by all elements of the intelligence community in the nonoperational and more common areas of such elements.

(4) A study of whether the classification level of "confidential" could be eliminated within agency-generated classification guides from use by elements of the intelligence community and any negative impacts that elimination could have on mission success.

(b) REPORTS AND BRIEFINGS TO CONGRESS.—

(1) PROGRESS REPORT.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall submit a report to the congressional intelligence committees and provide the congressional intelligence committees a briefing on the progress of the elements of the intelligence community in producing the covered studies.

(2) FINAL REPORT.—Not later than the earlier of 120 days after the date of the enactment of this Act or June 30, 2017, the Director of National Intelligence shall submit a report and provide a briefing to the congressional intelligence committees on— Briefing.

(A) the final versions of the covered studies that have been provided to the Director by the elements of the intelligence community; and

(B) a plan for implementation of each initiative included in each such covered study.

SEC. 608. IMPROVEMENT IN GOVERNMENT CLASSIFICATION AND DECLASSIFICATION.

(a) REVIEW OF GOVERNMENT CLASSIFICATION AND DECLASSIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) review the system by which the Government classifies and declassifies information; Review.

(2) develop recommendations—

(A) to make such system a more effective tool for the protection of information relating to national security;

(B) to improve the sharing of information with partners and allies of the Government; and

(C) to support the appropriate declassification of information; and

(3) submit to the congressional intelligence committees a report with—

(A) the findings of the Director with respect to the review conducted under paragraph (1); and

(B) the recommendations developed under paragraph (2).

(b) ANNUAL CERTIFICATION OF CONTROLLED ACCESS PROGRAMS.— 50 USC 3315.

(1) IN GENERAL.—Not less frequently than once each year, the Director of National Intelligence shall certify in writing

to the congressional intelligence committees whether the creation, validation, or substantial modification, including termination, for all existing and proposed controlled access programs, and the compartments and subcompartments within each, are substantiated and justified based on the information required by paragraph (2).

(2) INFORMATION REQUIRED.—Each certification pursuant to paragraph (1) shall include—

(A) the rationale for the revalidation, validation, or substantial modification, including termination, of each controlled access program, compartment and subcompartment;

(B) the identification of a control officer for each controlled access program; and

(C) a statement of protection requirements for each controlled access program.

SEC. 609. REPORT ON IMPLEMENTATION OF RESEARCH AND DEVELOPMENT RECOMMENDATIONS.

Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report that includes the following:

Assessment. (1) An assessment of the actions each element of the intelligence community has completed to implement the recommendations made by the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community established under section 1002 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 50 U.S.C. 3001 note).

Analysis. (2) An analysis of the balance between short-, medium-, and long-term research efforts carried out by each element of the intelligence community.

Assessment. **SEC. 610. REPORT ON INTELLIGENCE COMMUNITY RESEARCH AND DEVELOPMENT CORPS.**

Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report and provide briefing on a plan, with milestones and benchmarks, to implement an Intelligence Community Research and Development Corps, as recommended in the Report of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community, including an assessment—

(1) of the funding and modification to existing authorities needed to allow for the implementation of such Corps; and

(2) of additional legislative authorities, if any, necessary to undertake such implementation.

SEC. 611. REPORT ON INFORMATION RELATING TO ACADEMIC PROGRAMS, SCHOLARSHIPS, FELLOWSHIPS, AND INTERNSHIPS SPONSORED, ADMINISTERED, OR USED BY THE INTELLIGENCE COMMUNITY.

(a) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report by the intelligence community regarding covered academic programs. Such report shall include—

(1) a description of the extent to which the Director and the heads of the elements of the intelligence community independently collect information on covered academic programs, including with respect to—

(A) the number of applicants for such programs;

(B) the number of individuals who have participated in such programs; and

(C) the number of individuals who have participated in such programs and were hired by an element of the intelligence community after completing such program;

(2) to the extent that the Director and the heads independently collect the information described in paragraph (1), a chart, table, or other compilation illustrating such information for each covered academic program and element of the intelligence community, as appropriate, during the three-year period preceding the date of the report; and

(3) to the extent that the Director and the heads do not independently collect the information described in paragraph (1) as of the date of the report—

(A) whether the Director and the heads can begin collecting such information during fiscal year 2017; and

(B) the personnel, tools, and other resources required by the Director and the heads to independently collect such information.

(b) COVERED ACADEMIC PROGRAMS DEFINED.—In this section, the term "covered academic programs" means—

(1) the Federal Cyber Scholarship-for-Service Program under section 302 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442);

(2) the National Security Education Program under the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.);

(3) the Science, Mathematics, and Research for Transformation Defense Education Program under section 2192a of title 10, United States Code;

(4) the National Centers of Academic Excellence in Information Assurance and Cyber Defense of the National Security Agency and the Department of Homeland Security; and

(5) any other academic program, scholarship program, fellowship program, or internship program sponsored, administered, or used by an element of the intelligence community.

SEC. 612. REPORT ON INTELLIGENCE COMMUNITY EMPLOYEES DETAILED TO NATIONAL SECURITY COUNCIL.

Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a classified written report listing, by year, the number of employees of an element of the intelligence community who have been detailed to the National Security Council during the 10-year period preceding the date of the report.

SEC. 613. INTELLIGENCE COMMUNITY REPORTING TO CONGRESS ON FOREIGN FIGHTER FLOWS.

(a) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 180 days thereafter, the Director of National Intelligence, consistent with the protection of intelligence sources and methods, shall submit to the appropriate

congressional committees a report on foreign fighter flows to and from terrorist safe havens abroad.

(b) CONTENTS.—Each report submitted under subsection (a) shall include, with respect to each terrorist safe haven, the following:

(1) The total number of foreign fighters who have traveled or are suspected of having traveled to the terrorist safe haven since 2011, including the countries of origin of such foreign fighters.

(2) The total number of United States citizens present in the terrorist safe haven.

(3) The total number of foreign fighters who have left the terrorist safe haven or whose whereabouts are unknown.

(c) FORM.—The reports submitted under subsection (a) may be submitted in classified form. If such a report is submitted in classified form, such report shall also include an unclassified summary.

(d) SUNSET.—The requirement to submit reports under subsection (a) shall terminate on the date that is two years after the date of the enactment of this Act.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) in the Senate—

(A) the Committee on Armed Services;

(B) the Select Committee on Intelligence;

(C) the Committee on the Judiciary;

(D) the Committee on Homeland Security and Governmental Affairs;

(E) the Committee on Banking, Housing, and Urban Affairs;

(F) the Committee on Foreign Relations; and

(G) the Committee on Appropriations; and

(2) in the House of Representatives—

(A) the Committee on Armed Services;

(B) the Permanent Select Committee on Intelligence;

(C) the Committee on the Judiciary;

(D) the Committee on Homeland Security;

(E) the Committee on Financial Services;

(F) the Committee on Foreign Affairs; and

(G) the Committee on Appropriations.

SEC. 614. REPORT ON CYBERSECURITY THREATS TO SEAPORTS OF THE UNITED STATES AND MARITIME SHIPPING.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Homeland Security for Intelligence and Analysis, in consultation with the Director of National Intelligence, and consistent with the protection of sources and methods, shall submit to the appropriate congressional committees a report on the cybersecurity threats to, and the cyber vulnerabilities within, the software, communications networks, computer networks, or other systems employed by—

(1) entities conducting significant operations at seaports in the United States;

(2) the maritime shipping concerns of the United States; and

(3) entities conducting significant operations at transshipment points in the United States.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) A description of any recent and significant cyberattacks or cybersecurity threats directed against software, communications networks, computer networks, or other systems employed by the entities and concerns described in paragraphs (1) through (3) of subsection (a).

(2) An assessment of—

(A) any planned cyberattacks directed against such software, networks, and systems;

(B) any significant vulnerabilities to such software, networks, and systems; and

(C) how such entities and concerns are mitigating such vulnerabilities.

(3) An update on the status of the efforts of the Coast Guard to include cybersecurity concerns in the National Response Framework, Emergency Support Functions, or both, relating to the shipping or ports of the United States.

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

(1) the congressional intelligence committees;

(2) the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate; and

(3) the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 615. REPORT ON REPRISALS AGAINST CONTRACTORS OF THE INTELLIGENCE COMMUNITY.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community, consistent with the protection of sources and methods, shall submit to the congressional intelligence committees a report on reprisals made against covered contractor employees.

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

(1) Identification of the number of known or claimed reprisals made against covered contractor employees during the 3-year period preceding the date of the report and any evaluation of such reprisals.

(2) An evaluation of the usefulness of establishing a prohibition on reprisals against covered contractor employees as a means of encouraging such contractors to make protected disclosures.

(3) A description of any challenges associated with establishing such a prohibition, including with respect to the nature of the relationship between the Federal Government, the contractor, and the covered contractor employee.

(4) A description of any approaches taken by the Federal Government to account for reprisals against non-intelligence community contractors who make protected disclosures, including pursuant to section 2409 of title 10, United States

Code, and sections 4705 and 4712 of title 41, United States Code.

(5) Any recommendations the Inspector General determines appropriate.

(c) DEFINITIONS.—In this section:

(1) COVERED CONTRACTOR EMPLOYEE.—The term "covered contractor employee" means an employee of a contractor of an element of the intelligence community.

(2) REPRISAL.—The term "reprisal" means the discharge or other adverse personnel action made against a covered contractor employee for making a disclosure of information that would be a disclosure protected by law if the contractor were an employee of the Federal Government.

Honoring Investments in Recruiting and Employing American Military Veterans Act of 2017.

DIVISION O—HONORING INVESTMENTS IN RECRUITING AND EMPLOYING AMERICAN MILITARY VETERANS ACT OF 2017

38 USC 4100 note.

SECTION 1. SHORT TITLE.

This division may be cited as the "Honoring Investments in Recruiting and Employing American Military Veterans Act of 2017" or the "HIRE Vets Act".

SEC. 2. HIRE VETS MEDALLION AWARD PROGRAM.

(a) PROGRAM ESTABLISHED.—Not later than 2 years after the date of enactment of this Act, the Secretary of Labor shall establish, by rule, a HIRE Vets Medallion Program to solicit voluntary information from employers for purposes of recognizing, by means of an award to be designated a "HIRE Vets Medallion Award", verified efforts by such employers—

(1) to recruit, employ, and retain veterans; and

(2) to provide community and charitable services supporting the veteran community.

(b) APPLICATION PROCESS.—Beginning in the calendar year following the calendar year in which the Secretary establishes the program, the Secretary shall annually—

(1) solicit and accept voluntary applications from employers in order to consider whether those employers should receive a HIRE Vets Medallion Award;

(2) review applications received in each calendar year; and

(3) notify such recipients of their awards; and

(4) at a time to coincide with the annual commemoration of Veterans Day—

(A) announce the names of such recipients;

(B) recognize such recipients through publication in the Federal Register; and

(C) issue to each such recipient—

(i) a HIRE Vets Medallion Award of the level determined under section 3; and

(ii) a certificate stating that such employer is entitled to display such HIRE Vets Medallion Award.

(c) TIMING.—

(1) SOLICITATION PERIOD.—The Secretary shall solicit applications not later than January 31st of each calendar year

for the Awards to be awarded in November of that calendar year.

(2) END OF ACCEPTANCE PERIOD.—The Secretary shall stop accepting applications not earlier than April 30th of each calendar year for the Awards to be awarded in November of that calendar year.

(3) REVIEW PERIOD.—The Secretary shall finish reviewing applications not later than August 31st of each calendar year for the Awards to be awarded in November of that calendar year.

(4) SELECTION OF RECIPIENTS.—The Secretary shall select the employers to receive HIRE Vets Medallion Awards not later than September 30th of each calendar year for the Awards to be awarded in November of that calendar year.

(5) NOTICE TO RECIPIENTS.—The Secretary shall notify employers who will receive HIRE Vets Medallion Awards not later than October 11th of each calendar year for the Awards to be awarded in November of that calendar year.

(d) LIMITATION.—An employer who receives a HIRE Vets Medallion Award for one calendar year is not eligible to receive a HIRE Vets Medallion Award for the subsequent calendar year.

SEC. 3. SELECTION OF RECIPIENTS.

(a) APPLICATION REVIEW PROCESS.—

(1) IN GENERAL.—The Secretary shall review all applications received in a calendar year to determine whether an employer should receive a HIRE Vets Medallion Award, and, if so, of what level.

(2) APPLICATION CONTENTS.—The Secretary shall require that all applications provide information on the programs and other efforts of applicant employers during the calendar year prior to that in which the medallion is to be awarded, including the categories and activities governing the level of award for which the applicant is eligible under subsection (b).

(3) VERIFICATION.—The Secretary shall verify all information provided in the applications, to the extent that such information is relevant in determining whether or not an employer should receive a HIRE Vets Medallion Award or in determining the appropriate level of HIRE Vets Medallion Award for that employer to receive, including by requiring the chief executive officer or the chief human relations officer of the employer to attest under penalty of perjury that the employer has met the criteria described in subsection (b) for a particular level of Award.

(b) AWARDS.—

(1) LARGE EMPLOYERS.—

(A) IN GENERAL.—The Secretary shall establish 2 levels of HIRE Vets Medallion Awards to be awarded to employers employing 500 or more employees, to be designated the "Gold HIRE Vets Medallion Award" and the "Platinum HIRE Vets Medallion Award".

(B) GOLD HIRE VETS MEDALLION AWARD.—No employer shall be eligible to receive a Gold HIRE Vets Medallion Award in a given calendar year unless—

(i) veterans constitute not less than 7 percent of all employees hired by such employer during the prior calendar year;

(ii) such employer has retained not less than 75 percent of the veteran employees hired during the calendar year preceding the preceding calendar year for a period of at least 12 months from the date on which the employees were hired;

(iii) such employer has established an employee veteran organization or resource group to assist new veteran employees with integration, including coaching and mentoring; and

(iv) such employer has established programs to enhance the leadership skills of veteran employees during their employment.

(C) PLATINUM HIRE VETS MEDALLION AWARD.—No employer shall be eligible to receive a Platinum HIRE Vets Medallion Award in a given calendar year unless—

(i) the employer meets all the requirements for eligibility for a Gold HIRE Vets Medallion Award under subparagraph (B);

(ii) veterans constitute not less than 10 percent of all employees hired by such employer during the prior calendar year;

(iii) such employer has retained not less than 85 percent of the veteran employees hired during the calendar year preceding the preceding calendar year for a period of at least 12 months from the date on which the employees were hired;

(iv) such employer employs dedicated human resources professionals to support hiring and retention of veteran employees, including efforts focused on veteran hiring and training;

(v) such employer provides each of its employees serving on active duty in the United States National Guard or Reserve with compensation sufficient, in combination with the employee's active duty pay, to achieve a combined level of income commensurate with the employee's salary prior to undertaking active duty; and

(vi) such employer has a tuition assistance program to support veteran employees' attendance in post-secondary education during the term of their employment.

(D) EXEMPTION FOR SMALLER EMPLOYERS.—An employer shall be deemed to meet the requirements of subparagraph (C)(iv) if such employer—

(i) employs 5,000 or fewer employees; and

(ii) employs at least one human resources professional whose regular work duties include those described under subparagraph (C)(iv).

(E) ADDITIONAL CRITERIA.—The Secretary may provide, by rule, additional criteria with which to determine qualifications for receipt of each level of HIRE Vets Medallion Award.

(2) SMALL- AND MEDIUM-SIZED EMPLOYERS.—The Secretary shall establish similar awards in order to recognize achievements in supporting veterans by—

(A) employers with 50 or fewer employees; and

(B) employers with more than 50 but fewer than 500 employees.

(c) DESIGN BY SECRETARY.—The Secretary shall establish the shape, form, and design of each HIRE Vets Medallion Award, except that the Award shall be in the form of a certificate and shall state the year for which it was awarded.

SEC. 4. DISPLAY OF AWARD.

It is unlawful for any employer to publicly display a HIRE Vets Medallion Award, in connection with, or as a part of, any advertisement, solicitation, business activity, or product—

(1) for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression that the employer received the Award through the HIRE Vets Medallion Award Program, if such employer did not receive such Award through the HIRE Vets Medallion Award Program; or

(2) for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression that the employer received the Award through the HIRE Vets Medallion Award Program for a year for which such employer did not receive such Award.

SEC. 5. APPLICATION FEE AND FUNDING.

(a) FUND ESTABLISHED.—There is established in the Treasury of the United States a fund to be designated the "HIRE Vets Medallion Award Fund". Amounts appropriated to the fund pursuant to subsection (c) shall remain available until expended.

(b) FEE AUTHORIZED.—The Secretary may assess a reasonable fee on employers that apply for receipt of a HIRE Vets Medallion Award and the Secretary shall deposit such fees into the HIRE Vets Medallion Award Fund. The Secretary shall establish the amount of the fee such that the amounts collected as fees and deposited into the Fund are sufficient to cover the costs associated with carrying out this division.

(c) USE OF FUNDS.—Amounts in the HIRE Vets Medallion Award Fund shall be available, subject to appropriation, to the Secretary to carry out the HIRE Vets Medallion Award Program.

SEC. 6. INITIAL IMPLEMENTATION.

The HIRE Vets Medallion Program shall begin to solicit applications on January 31 of the year that is 2 fiscal years after the fiscal year during which funds are first appropriated to carry out this division.

SEC. 7. REPORT TO CONGRESS.

(a) REPORTS.—Beginning not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress annual reports on—

(1) the fees collected from applicants for HIRE Vets Medallion Awards in the prior year and any changes in fees to be proposed in the present year;

(2) the cost of administering the HIRE Vets Medallion Award Program in the prior year;

(3) the number of applications for HIRE Vets Medallion Awards received in the prior year; and

(4) the HIRE Vets Medallion Awards awarded in the prior year, including the name of each employer to whom a HIRE

Vets Medallion Award was awarded and the level of medallion awarded to each such employer.

(b) COMMITTEES.—The Secretary shall provide the reports required under subsection (a) to the Chairman and Ranking Member of—

(1) the Committees on Education and the Workforce and Veterans' Affairs of the House of Representatives; and

(2) the Committees on Health, Education, Labor, and Pensions and Veterans' Affairs of the Senate.

SEC. 8. DEFINITIONS.

In this division:

(a) The term "employer" means any person, institution, organization, or other entity that pays salary or wages for work performed or that has control over employee opportunities, except that such term does not include—

(1) the Federal Government; or

(2) any State government.

(b) The term "Secretary" means the Secretary of Labor.

(c) The term "veteran" has the meaning given such term under section 101 of title 38, United States Code.

Approved May 5, 2017.

LEGISLATIVE HISTORY—H.R. 244:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Feb. 13, considered and passed House.
Mar. 21, considered and passed Senate, amended.
May 3, House concurred in Senate amendments with an amendment.
May 4, Senate concurred in House amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2017):
May 5, Presidential statement.

ENDNOTE: The following appendixes were added pursuant to the provisions of section 431 of this Act (131 Stat. 502).

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The table of contents is as follows:

APPENDIX A—H.R. 2104

SECTION 1. SHORT TITLE.

Morley Nelson Snake River Birds of Prey National Conservation Area Boundary Modification Act of 2017.

This Act may be cited as the "Morley Nelson Snake River Birds of Prey National Conservation Area Boundary Modification Act of 2017".

SEC. 2. BOUNDARY MODIFICATION, MORLEY NELSON SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA, IDAHO.

(a) DEFINITIONS.—In this section:

(1) CONSERVATION AREA.—The term "Conservation Area" means the Morley Nelson Snake River Birds of Prey National Conservation Area.

(2) GATEWAY WEST.—The term "Gateway West" means the high-voltage transmission line project in Idaho and Wyoming jointly proposed by the entities Idaho Power Company, incorporated in the State of Idaho, and Rocky Mountain Power, a division of PacifiCorp, an Oregon Corporation.

(3) MAP.—The term "map" means the map titled "Proposed Snake River Birds of Prey NCA Boundary Adjustment" and dated October 13, 2016.

(4) SAGE-GROUSE SPECIES.—The term "sage-grouse species" means the greater sage-grouse (Centrocercus urophasianus) (including all distinct population segments).

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) AREAS TO BE ADDED TO AND REMOVED FROM MORLEY NELSON SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA.—The boundary of the Conservation Area is hereby modified—

(1) to include—

(A) the approximately 4,726 acres of land generally depicted as "BLM Administered Lands" on the map, to the extent such lands are part of the Lower Saylor Creek Allotment those lands would continue to be managed by the BLM Jarbidge Field Office until terms of the No. CV–04–181–S–BLW Stipulated Settlement Agreement are fully met, after which the lands would be managed by the Morley Nelson Snake River Birds of Prey National Conservation Area office; and

(B) the approximately 86 acres of land generally depicted as "BOR Administered Lands" on the map; and

(2) to exclude—

(A) the approximately 761 acres of land generally depicted as "Segment 8 Revised Proposed Route" on the map, including 125 feet on either side of the center line of the Gateway West Transmission line, the Gateway West

Transmission Line shall be sited so that the center line of Segment 8 is no more than 500 feet from the center line of the existing Summer Lake Transmission Line as described in the Summer Lake Transmission Line Right of Way Grant per FLPMA, IDI–008875; and

(B) the approximately 1,845 acres of land generally depicted as "Segment 9 Revised Proposed Route" on the map including 125 feet on either side of the center line of the Gateway West Transmission line.

(c) RIGHT-OF-WAY AND CONDITIONS.—

(1) RIGHT-OF-WAY.—Notwithstanding any other provision of law, not later than 90 days after the date of the enactment of this section, the Secretary shall issue to Gateway West a right-of-way for the lands described in subsection (b)(2) to be used for the construction and maintenance of transmission lines, including access roads and activities related to fire prevention and suppression. The right-of-way issued under this paragraph shall contain the conditions described in subsection (c)(2), and be in alignment with the revised proposed routes for segments 8 and 9 identified as Alternative 1 in the Supplementary Final Environmental Impact Analysis released October 5, 2016.

(2) CONDITIONS.—The conditions that the Secretary shall include in the right-of-way described in paragraph (1) shall be in accordance with section 505 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1765) and are as follows:

(A) MITIGATION.—During the time of construction of each respective line segment, Gateway West shall mitigate for the impacts related to the transmission lines in accordance with the Compensatory Mitigation and Enhancement framework described in the final Supplemental Environmental Impact Statement with the stipulation that Compensatory Mitigation and Enhancement costs shall not exceed $8,543,440.

(B) CONSERVATION.—Gateway West shall contribute $2,000 per acre of right-of-way in the Conservation Area during the time of construction of Segment 8 Revised Proposed Route (comprising 761 acres) and during the construction of Segment 9 Revised Proposed Route (comprising 1,845 acres) to the Bureau of Land Management Foundation that shall be used for the purpose of conservation, including enhancing National Landscape Conservation System Units in Idaho, also known as National Conservation Lands.

(C) COSTS.—Gateway West shall pay all costs associated with the boundary modification, including the costs of any surveys, recording costs, and other reasonable costs.

(D) OTHER.—Standard terms and conditions in accordance with section 505 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1765).

(d) ADMINISTRATION.—The Secretary shall—

(1) administer the lands described in subsection (b)(1) as part of the Conservation Area in accordance with Public Law 103–64 and as part of the National Landscape Conservation System; and

(2) continue to administer lands described in subsection (b)(2), but as lands that are not included in a Conservation Area or subject to Public Law 103–64.

(e) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the approximately 86 acres of land depicted as "BOR Administered Lands" on the map is hereby transferred from the Bureau of Reclamation to the Bureau of Land Management.

(f) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(g) MANAGEMENT PLAN AMENDMENT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall amend the management plan for the Conservation Area to address the long-term management of the lands described in subsection (b)(1) in order to—

(1) determine appropriate management activities and uses of the lands described in subsection (b)(1) consistent with Public Law 103–64 and this section;

(2) continue managing the grazing of livestock on the lands described in subsection (b)(1) in which grazing is established as of the date of the enactment of this section such that the grazing shall be allowed to continue, subject to such reasonable regulations, policies, and practices that the Secretary considers necessary;

(3) allow motorized access on roads existing on the lands described in subsection (b)(1) on the date of the enactment of this section, subject to such reasonable regulations, policies, and practices that the Secretary considers necessary; and

(4) allow hunting and fishing on the lands described in subsection (b)(1) consistent with applicable laws and regulations.

SEC. 3. COTTEREL WIND POWER PROJECT.

The approximately 203 acres of Federal land identified as "Project Area" on the map titled "Cotterel Wind Power Project" and dated March 1, 2006, may not be used for the production of electricity from wind.

APPENDIX B—S. 131

SECTION 1. SHORT TITLE.

Alaska Mental Health Trust Land Exchange Act of 2017.

This Act may be cited as the "Alaska Mental Health Trust Land Exchange Act of 2017".

SEC. 2. PURPOSE.

The purpose of this Act is to facilitate and expedite the exchange of land between the Alaska Mental Health Trust and the Secretary of Agriculture in accordance with this Act—

(1) to secure Federal ownership and protection of non-Federal land in the State of Alaska that has significant natural, scenic, watershed, recreational, wildlife, and other public values by—

(A) retaining the undeveloped natural character of the non-Federal land; and

(B) preserving recreational trails for hiking, biking, and skiing;

(2) to create jobs and provide economic opportunities for resource use in more remote areas of the State; and

(3) to facilitate the goals and objectives of the Alaska Mental Health Trust.

SEC. 3. DEFINITIONS.

In this Act:

(1) ALASKA MENTAL HEALTH TRUST.—The term "Alaska Mental Health Trust" means the Alaska Mental Health Trust Authority, an agency of the State.

(2) FEDERAL LAND.—The term "Federal land" means the following 7 parcels of National Forest System land, as generally depicted on maps 7 through 9, comprising a total of approximately 20,580 acres:

(A) The parcel generally depicted as "Naukati Phase 1" on map 8, comprising approximately 2,400 acres.

(B) The parcel generally depicted as "West Naukati" on map 8, comprising approximately 4,182 acres.

(C) The parcel generally depicted as "North Naukati" on map 8, comprising approximately 1,311 acres.

(D) The parcel generally depicted as "East Naukati/2016 Naukati addition" on map 8, comprising approximately 1,067 acres.

(E) The parcel generally depicted as "Central Naukati" on map 8, comprising approximately 1,858 acres.

(F) The parcel generally depicted as "Hollis" on map 9, comprising approximately 1,538 acres.

(G) The parcel generally depicted as "Shelter Cove Area" on map 7, comprising approximately 8,224 acres.

(3) MAP.—The term "map" means the applicable map prepared by the Alaska Region of the Forest Service to accompany this Act—

(A) numbered 1, 2, 3, 4, 5, 6, 7, 8, or 9 and dated March 3, 2017; or

(B) numbered 10 and dated March 9, 2017.

(4) NON-FEDERAL LAND.—The term "non-Federal land" means the following 20 parcels of non-Federal land, as generally depicted on maps 1 through 6 and map 10, comprising a total of approximately 18,258 acres:

(A) The parcel generally depicted as parcel K–1 on map 1, comprising approximately 1,878 acres.

(B) The parcel generally depicted as parcel K–2 on map 1, comprising approximately 707 acres.

(C) The parcel generally depicted as parcel K–3 on map 1, comprising approximately 901 acres, including the 12-acre conservation easement described in section 4(e)(1).

(D) The parcel generally depicted as parcel K–4A on map 1, comprising approximately 3,180 acres.

(E) The parcel generally depicted as parcel P–1A on map 2, comprising approximately 3,174 acres, including the administrative site described in section 5(c).

(F) The parcel generally depicted as parcel P–1B on map 2, comprising approximately 144 acres.

(G) The parcel generally depicted as parcel P–2B on map 2, comprising approximately 181 acres.

(H) The parcel generally depicted as parcel P–3B on map 2, comprising approximately 92 acres.

(I) The parcel generally depicted as parcel P–4 on map 2, comprising approximately 280 acres.

(J) The parcel generally depicted as parcel W–1 on map 3, comprising approximately 204 acres.

(K) The parcel generally depicted as parcel W–2 on map 3, comprising approximately 104 acres.

(L) The parcel generally depicted as parcel W–3 on map 3, comprising approximately 63 acres.

(M) The parcel generally depicted as parcel W–4 on map 3, comprising approximately 700 acres.

(N) The parcel generally depicted as parcel S–2 on map 4, comprising approximately 284 acres.

(O) The parcel generally depicted as parcel S–3 on map 4, comprising approximately 109 acres.

(P) The parcel generally depicted as parcel S–4 on map 4, comprising approximately 26 acres.

(Q) The parcel generally depicted as parcel MC–1 on map 5, comprising approximately 169 acres.

(R) The parcel generally depicted as parcel J–1B on map 6, comprising approximately 2,261 acres.

(S) The parcel generally depicted as parcel J–1A on map 6, comprising approximately 428 acres.

(T) The parcel generally depicted as parcel NB-1 on map 10, comprising approximately 3,374 acres.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(6) STATE.—The term "State" means the State of Alaska.

SEC. 4. LAND EXCHANGE.

(a) IN GENERAL.—If the Alaska Mental Health Trust offers to convey to the Secretary, in the 2 phases described in subsection (n), all right, title, and interest of the Alaska Mental Health Trust in and to the non-Federal land, the Secretary shall—

(1) accept the offer; and

(2) offer to exchange with the Alaska Mental Health Trust, in the 2 phases described in subsection (n), all right, title, and interest of the United States in and to the Federal land.

(b) CONDITION ON ACCEPTANCE.—Title to any non-Federal land conveyed by the Alaska Mental Health Trust to the Secretary under subsection (a) shall be in a form that is acceptable to the Secretary.

(c) VALID EXISTING RIGHTS.—The conveyances under subsection (a) shall be subject to any valid existing rights, reservations, rights-of-way, or other encumbrances of third parties in, to, or on the Federal land and the non-Federal land as of the date of enactment of this Act.

(d) RECIPROCAL ROAD EASEMENTS.—

(1) IN GENERAL.—The Secretary and the Alaska Mental Health Trust shall exchange at no cost reciprocal easements on existing roads as necessary to access the parcels each party acquires in the exchange.

(2) PUBLIC ACCESS.—The reciprocal easements exchanged under paragraph (1) shall provide for public access.

(3) COST-SHARE AGREEMENT.—The Secretary and the Alaska Mental Health Trust may enter into a separate cost-share agreement to cover the cost of road maintenance with respect to the reciprocal easements exchanged under paragraph (1).

(e) K–3 PARCEL LANDFILL BUFFER.—

(1) IN GENERAL.—As a condition of the exchange under subsection (a), in conveying the parcel of non-Federal land described in section 3(4)(C) to the United States, the Alaska Mental Health Trust shall grant to the United States a 300-foot conservation easement abutting that parcel along the interface of the parcel and the City of Ketchikan landfill (as in existence on the date of enactment of this Act), as generally depicted on map 1.

(2) DEVELOPMENT AND OWNERSHIP.—The conservation easement described in paragraph (1) shall provide that the land covered by the easement remains undeveloped and in the ownership of the Alaska Mental Health Trust.

(3) EQUALIZATION.—The value of the conservation easement described in paragraph (1) shall be included in the value of the non-Federal land for purposes of equalizing the values of the Federal land and the non-Federal land under subsection (j).

(f) RESEARCH EASEMENTS.—

(1) IN GENERAL.—In order to allow time for the completion of research activities of the Forest Service that are ongoing as of the date of enactment of this Act, in conveying the Federal land to the Alaska Mental Health Trust under subsection (a), the Secretary shall reserve research easements for the following Forest Service study plots (as in existence on the date of enactment of this Act):

(A) The Sarkar research easement study plot on the parcel of Federal land described in section 3(2)(B), as generally depicted on map 8, to remain in effect for the 10-year period beginning on the date of enactment of this Act.

(B) The Naukati commercial thinning study plot on the parcel of Federal land described in section 3(2)(B), as generally depicted on map 8, to remain in effect for the 15-year period beginning on the date of enactment of this Act.

(C) The POW Yatuk study plot on the parcel of Federal land described in section 3(2)(A), as generally depicted on map 8, to remain in effect for the 10-year period beginning on the date of enactment of this Act.

(D) The POW Naukati study plot on the parcel of Federal land described in section 3(2)(D), as generally depicted on map 8, to remain in effect for the 10-year period beginning on the date of enactment of this Act.

(E) The Revilla George study plot on the parcel of Federal land described in section 3(2)(G), as generally depicted on map 8, to remain in effect for the 10-year period beginning on the date of enactment of this Act.

(2) PROHIBITED ACTIVITIES.—The Alaska Mental Health Trust shall not construct any new road or harvest timber on any study plot covered by a research easement described in paragraph (1) during the period described in subparagraph (A), (B), (C), (D), or (E) of that paragraph, as applicable.

(g) AREA OF KARST CONCERN.—

(1) IN GENERAL.—In conveying the parcels of Federal land described in subparagraphs (A) and (D) of section 3(2) to the Alaska Mental Health Trust under subsection (a), the Secretary shall reserve to the United States a conservation easement that shall protect the aquatic and riparian habitat within the area labeled "Conservation Easement", as generally depicted on map 8.

(2) PROHIBITED ACTIVITIES.—The conservation easement described in paragraph (1) shall prohibit within the area covered by the conservation easement—

(A) new road construction and timber harvest within 100 feet of any anadromous water bodies (including underground water bodies); and

(B) commercial mineral extraction.

(h) COMPLIANCE WITH APPLICABLE LAW.—Prior to completing each phase of the land exchange described in subsection (n), the Secretary shall complete, for the land to be conveyed in the applicable phase, any necessary land surveys and required preexchange clearances, reviews, mitigation activities, and approvals relating to—

(1) threatened and endangered species;

(2) cultural and historic resources;

(3) wetland and floodplains; and

(4) hazardous materials.

(i) APPRAISALS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act—

(A) the Secretary and the Alaska Mental Health Trust shall select an appraiser to conduct appraisals of the Federal land and the non-Federal land; and

(B) the Secretary shall issue all appraisal instructions for those appraisals.

(2) REQUIREMENTS.—

(A) IN GENERAL.—All appraisals under paragraph (1) shall be conducted in accordance with nationally recognized appraisal standards, including—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(B) FINAL APPRAISED VALUE.—

(i) IN GENERAL.—During the 3-year period beginning on the date on which the final appraised values of the Federal land and the non-Federal land for each phase of the exchange described in subsection (n) are approved by the Secretary, the Secretary shall not be required to reappraise or update the final appraised values of the Federal land and the non-Federal land.

(ii) EXCHANGE AGREEMENT.—After the date on which an agreement to exchange the Federal land and non-Federal is entered into under this Act, no reappraisal or updates to the final appraised values of the Federal land and the non-Federal land approved by the Secretary shall be required.

(3) PUBLIC REVIEW.—Before completing each phase of the land exchange described in subsection (n), the Secretary shall make available for public review summaries of the appraisals of the Federal land and the non-Federal land for the applicable phase.

(j) EQUAL VALUE LAND EXCHANGE.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be exchanged under subsection (a) shall be—

(A) equal; or

(B) equalized in accordance with this subsection.

(2) SURPLUS OF FEDERAL LAND VALUE.—

(A) IN GENERAL.—If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land in phase 2 of the exchange (after applying any cash equalization credit or debit from phase 1 of the exchange under subsection (n)(2)), the Federal land shall be adjusted by removing 1 or more parcels, or 1 or more portions of parcels, as determined by the Alaska Mental Health Trust, with the concurrence of the Secretary, in accordance with subparagraph (B) until, to the maximum extent practicable, approximate equal value of the Federal land and non-Federal land is achieved.

(B) ORDER OF PRIORITY.—The parcels of Federal land shall be removed under subparagraph (A) in the reverse order in which the parcels are listed in section 3(2), beginning with subparagraph (G).

(3) SURPLUS OF NON-FEDERAL LAND VALUE.—

(A) IN GENERAL.—If the final appraised value of the non-Federal land exceeds the final appraised value of the

Federal land in phase 2 of the exchange (after applying any cash equalization credit or debit from phase 1 of the exchange under subsection (n)(2)), the non-Federal land shall be adjusted by removing 1 or more parcels, or 1 or more portions of parcels, as determined by the Alaska Mental Health Trust, with the concurrence of the Secretary, in accordance with subparagraph (B) until, to the maximum extent practicable, approximate equal value of the Federal land and non-Federal land is achieved.

(B) ORDER OF PRIORITY.—The parcels of non-Federal land shall be removed under subparagraph (A) in the reverse order in which the parcels are listed in section 3(4), beginning with subparagraph (T).

(C) WAIVER OF CASH EQUALIZATION.—In order to expedite completion of the exchange, if the values of the Federal land and the non-Federal land cannot be equalized under this paragraph, the Alaska Mental Health Trust may, at its sole discretion, elect to waive any cash equalization payment that would otherwise be due from the United States under paragraph (4).

(4) REMAINING DIFFERENCE.—Any remaining difference in value after adjusting the Federal land or non-Federal land under paragraph (2)(A) or (3)(A), respectively, shall be equalized by—

(A) removal of a portion of a parcel of the Federal land or the non-Federal land, as applicable, as determined by the Alaska Mental Health Trust, with the concurrence of the Secretary;

(B) the payment of a cash equalization, as necessary, by the Secretary or the Alaska Mental Health Trust, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(C) a combination of the methods described in subparagraphs (A) and (B), as determined by the Alaska Mental Health Trust, with the concurrence of the Secretary.

(k) COSTS.—As a condition of the land exchange under this Act, the Alaska Mental Health Trust shall agree to pay, without compensation, all costs that are associated with each phase of the exchange described in subsection (n), including—

(1) all costs to complete the land surveys, appraisals, and environmental reviews described in subsection (h) such that the exchange may be completed in accordance with the deadlines described in subsection (n); and

(2) on request of the Secretary, reimbursement of costs for agency staff, additional agency staff, or third-party contractors appropriate such that the exchange may be completed in accordance with the deadlines described in subsection (n).

(l) LAND SURVEYS, APPROVALS, USES.—

(1) SURVEY INSTRUCTIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior shall issue survey instructions to assist in the timely completion of all land surveys necessary to complete the land exchange under subsection (a) in accordance with the deadlines described in subsection (n).

(2) SURVEYS.—Unless otherwise agreed to by the Secretary and the Alaska Mental Health Trust, after consultation with

the Secretary of the Interior, land surveys shall not be required for—

(A) any portion of the boundaries of the non-Federal land that is contiguous to—

(i) National Forest System land, as in existence on the date of enactment of this Act; or

(ii) land that has been surveyed or lotted as of the date of enactment of this Act;

(B) any portion of the boundaries of the Federal land that is contiguous to—

(i) land owned as of the date of enactment of this Act by—

(I) the Alaska Mental Health Trust; or

(II) the State; or

(ii) land that has been surveyed or lotted as of the date of enactment of this Act;

(C) any portion of the boundaries that the Secretary and the Alaska Mental Health Trust agree, after consultation with the Secretary of the Interior, is adequately defined by a survey, mapping, or aliquot part, or other legal description; and

(D) any portion of the boundaries of the non-Federal land that—

(i) the United States tentatively conveyed to the State without survey;

(ii) is being reconveyed to the United States in the land exchange under subsection (a); and

(iii) is not surveyed as of the date of enactment of this Act.

(m) PARCEL ADJUSTMENT.—If a portion of a parcel of the Federal land or the non-Federal land to be conveyed under subsection (a) cannot be conveyed due to the presence of hazardous materials—

(1) the portion shall be removed from the exchange; and

(2) the final exchange values shall be equalized in accordance with subsection (j).

(n) LAND EXCHANGE PHASES.—

(1) IN GENERAL.—The land exchange under subsection (a) shall be completed in 2 phases, as specifically described in paragraphs (2) and (3).

(2) PHASE 1.—

(A) IN GENERAL.—Subject to subparagraph (B), not later than 1 year after the date of enactment of this Act—

(i) the Secretary shall convey to the Alaska Mental Health Trust the parcel of Federal land described in section 3(2)(A); and

(ii) the Alaska Mental Health Trust shall simultaneously convey to the United States the parcels of non-Federal land described in subparagraphs (A) and (B) of section 3(4).

(B) CONDITIONS.—Subparagraph (A) shall be subject to the following conditions:

(i) The land conveyed under this subparagraph shall be appraised—

(I) separately from the land described in paragraph (3); but

(II) in accordance with the nationally recognized appraisal standards described in subsection (i)(2)(A).

(ii) Any cash equalization payment that would otherwise be necessary to be paid by the Secretary or the Alaska Mental Health Trust on the completion of the conveyance under this paragraph shall be—

(I) deferred until the completion of the conveyance under paragraph (3); and

(II) debited or credited, as appropriate, to any final land or cash equalization that may be due from either party on the completion of the conveyance under paragraph (3).

(3) PHASE 2.—Subject to subsection (j), not later than 2 years after the date of enactment of this Act—

(A) the Secretary shall convey to the Alaska Mental Health Trust the Federal land described in subparagraphs (B) through (G) of section 3(2); and

(B) the Alaska Mental Health Trust shall simultaneously convey to the United States the non-Federal land described in subparagraphs (C) through (T) of section 3(4).

SEC. 5. USE OF THE FEDERAL LAND AND NON-FEDERAL LAND.

(a) FEDERAL LAND CONVEYED TO THE ALASKA MENTAL HEALTH TRUST.—On conveyance of the Federal land to the Alaska Mental Health Trust under this Act, the Federal land shall—

(1) become the property of the Alaska Mental Health Trust; and

(2) be available for any use permitted under applicable law (including regulations).

(b) NON-FEDERAL LAND ACQUIRED BY THE SECRETARY.—

(1) IN GENERAL.—On acquisition of the non-Federal land by the Secretary under this Act, the non-Federal land shall—

(A) become part of the Tongass National Forest;

(B) be administered in accordance with the laws applicable to the National Forest System; and

(C) be managed—

(i) to preserve—

(I) the undeveloped natural character of the non-Federal land, except as provided in paragraph (3); and

(II) the wildlife, watershed, and scenic values of the non-Federal land; and

(ii) to provide for recreational opportunities consistent with the purposes and values of the non-Federal land to be preserved under clause (i), including the development or maintenance of recreational trails as described in paragraph (3).

(2) BOUNDARY REVISION.—On acquisition of the non-Federal land by the Secretary under this Act, the boundaries of the Tongass National Forest shall be modified to reflect the inclusion of the non-Federal land.

(3) RECREATIONAL TRAILS.—Nothing in this subsection precludes the development or maintenance of recreational trails for hiking, biking, or skiing.

(c) ADMINISTRATIVE SITE.—On acquisition of the parcel of non-Federal land described in section 3(4)(E), the Secretary shall set

aside 42 acres of the parcel, in the location generally depicted on map 2, as an administrative site for purposes of the future administrative needs of the Tongass National Forest.

SEC. 6. WITHDRAWAL.

Subject to valid existing rights, the non-Federal land acquired by the Secretary under this Act shall be withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under the mineral leasing, mineral materials, and geothermal leasing laws.

SEC. 7. MISCELLANEOUS PROVISIONS.

(a) REVOCATION OF ORDERS; WITHDRAWAL.—

(1) REVOCATION OF ORDERS.—Any public land order or administrative action that withdraws the Federal land from appropriation or disposal under a public land law shall be revoked to the extent necessary to permit the conveyance of the Federal land.

(2) WITHDRAWAL.—

(A) IN GENERAL.—If the Federal land or any Federal interest in the non-Federal land is not withdrawn or segregated from entry and appropriation under a public land law (including logging and mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.)) as of the date of enactment of this Act, the Federal land or Federal interest in the non-Federal land shall be withdrawn, without further action by the Secretary, from entry and appropriation.

(B) TERMINATION.—The withdrawal under subparagraph (A) shall be terminated—

(i) on the date of the completion of the phase of the land exchange described in section 4(n) covering the applicable Federal land; or

(ii) if the Alaska Mental Health Trust notifies the Secretary in writing that the Alaska Mental Health Trust elects to withdraw from the land exchange under section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)), on the date on which the Secretary receives the notice of the election.

(b) MAPS, ESTIMATES, DESCRIPTIONS.—

(1) MINOR ERRORS.—The Secretary and the Alaska Mental Health Trust, by mutual agreement, may correct minor errors in any map, acreage estimate, or description of any land conveyed or exchanged under this Act.

(2) CONFLICT.—If there is a conflict between a map, acreage estimate, or description of land in this Act, the map shall be given effect unless the Secretary and the Alaska Mental Health Trust mutually agree otherwise.

(3) AVAILABILITY.—On the date of enactment of this Act, the Secretary shall file and make available for public inspection in the office of the Supervisor of the Tongass National Forest each map.

APPENDIX C—S. 847

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

Women's Suffrage Centennial Commission Act.

(a) SHORT TITLE.—This Act may be cited as the "Women's Suffrage Centennial Commission Act".

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

SEC. 2. FINDINGS.

Congress finds the following:

(1) From 1919 to 1920, the Sixty-Sixth United States Congress debated, and State legislatures considered, an amendment to the Constitution of the United States to provide suffrage for women.

(2) A proposed women's suffrage amendment was first introduced in the United States Senate in 1878 and was brought to a vote, unsuccessfully, in 1887, 1914, 1918, and 1919. Finally, on May 21, 1919, the House of Representatives approved a proposed amendment, followed by the Senate a few weeks later on June 4. Within days, the legislatures of Wisconsin, Illinois, and Michigan had voted to ratify the amendment.

(3) On August 18, 1920, Tennessee became the 36th State to ratify the amendment, providing the support of three-fourths of States necessary under article V of the Constitution of the United States.

(4) The introduction, passage, and ultimate ratification of the 19th Amendment to the Constitution of the United States were the culmination of decades of work and struggle by advocates for the rights of women across the United States and worldwide.

(5) Ratification of the 19th Amendment ensured women could more fully participate in their democracy and fundamentally changed the role of women in the civic life of our Nation.

(6) The centennial offers an opportunity for people in the United States to learn about and commemorate the efforts of the women's suffrage movement and the role of women in our democracy.

(7) Commemorative programs, activities, and sites allow people in the United States to learn about the women's suffrage

movement and to commemorate and honor the role of the ratification of the 19th Amendment in further fulfilling the promise of the Constitution of the United States and promoting the core values of our democracy.

SEC. 3. ESTABLISHMENT OF WOMEN'S SUFFRAGE CENTENNIAL COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the "Women's Suffrage Centennial Commission" (referred to in this Act as the "Centennial Commission").

(b) MEMBERSHIP.—

(1) The Centennial Commission shall be composed of 14 members, of whom—

(A) 2 shall be appointed by the President;

(B) 2 shall be appointed by the Speaker of the House of Representatives;

(C) 2 shall be appointed by the minority leader of the House of Representatives;

(D) 2 shall be appointed by the majority leader of the Senate;

(E) 2 shall be appointed by the minority leader of the Senate;

(F) 1 shall be the Librarian of Congress, or the designee of the Librarian;

(G) 1 shall be the Archivist of the United States, or the designee of the Archivist;

(H) 1 shall be the Secretary of the Smithsonian Institution, or the designee of the Secretary; and

(I) 1 shall be the Director of the National Park Service, or the designee of the Director.

(2) PERSONS ELIGIBLE.—

(A) IN GENERAL.—The members of the Commission shall be individuals who have knowledge or expertise, whether by experience or training, in matters to be studied by the Commission. The members may be from the public or private sector, and may include Federal, State, or local employees, former Members of Congress, members of academia, nonprofit organizations, or industry, or other interested individuals.

(B) DIVERSITY.—It is the intent of Congress that persons appointed to the Commission under paragraph (1) be persons who represent diverse economic, professional, and cultural backgrounds.

(3) CONSULTATION AND APPOINTMENT.—

(A) IN GENERAL.—The President, Speaker of the House of Representatives, minority leader of the House of Representatives, majority leader of the Senate, and minority leader of the Senate shall consult among themselves before appointing the members of the Commission in order to achieve, to the maximum extent practicable, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(B) COMPLETION OF APPOINTMENTS; VACANCIES.—The President, Speaker of the House of Representatives, minority leader of the House of Representatives, majority leader of the Senate, and minority leader of the Senate shall conduct the consultation under subparagraph (A) and

make their respective appointments not later than 60 days after the date of enactment of this Act.

(4) VACANCIES.—A vacancy in the membership of the Commission shall not affect the powers of the Commission and shall be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

(c) MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Centennial Commission have been appointed, the Centennial Commission shall hold its first meeting.

(2) SUBSEQUENT MEETINGS.—

(A) IN GENERAL.—The Centennial Commission shall meet at the call of the Chair.

(B) FREQUENCY.—The Chair shall call a meeting of the members of the Centennial Commission not less frequently than once every 6 months.

(3) QUORUM.—Seven members of the Centennial Commission shall constitute a quorum, but a lesser number may hold hearings.

(4) CHAIR AND VICE CHAIR.—The Centennial Commission shall select a Chair and Vice Chair from among its members.

SEC. 4. DUTIES OF CENTENNIAL COMMISSION.

(a) IN GENERAL.—The duties of the Centennial Commission are as follows:

(1) To encourage, plan, develop, and execute programs, projects, and activities to commemorate the centennial of the passage and ratification of the 19th Amendment.

(2) To encourage private organizations and State and local governments to organize and participate in activities commemorating the centennial of the passage and ratification of the 19th Amendment.

(3) To facilitate and coordinate activities throughout the United States relating to the centennial of the passage and ratification of the 19th Amendment.

(4) To serve as a clearinghouse for the collection and dissemination of information about events and plans for the centennial of the passage and ratification of the 19th Amendment.

(5) To develop recommendations for Congress and the President for commemorating the centennial of the passage and ratification of the 19th Amendment.

(b) CONSULTATION.—In conducting its work, the Centennial Commission shall consult the Historian of the Senate and the Historian of the House of Representatives when appropriate.

(c) REPORTS.—

(1) PERIODIC REPORT.—Not later than the last day of the 6-month period beginning on the date of the enactment of this Act, and not later than the last day of each 3-month period thereafter, the Centennial Commission shall submit to Congress and the President a report on the activities and plans of the Centennial Commission.

(2) RECOMMENDATIONS.—Not later than 2 years after the date of the enactment of this Act, the Centennial Commission shall submit to Congress and the President a report containing specific recommendations for commemorating the centennial

of the passage and ratification of the 19th Amendment and coordinating related activities.

SEC. 5. POWERS OF CENTENNIAL COMMISSION.

(a) HEARINGS.—The Centennial Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Centennial Commission considers appropriate to carry out its duties under this Act.

(b) POWERS OF MEMBER AND AGENTS.—If authorized by the Centennial Commission, any member or agent of the Centennial Commission may take any action which the Centennial Commission is authorized to take under this Act.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Centennial Commission shall secure directly from any Federal department or agency such information as the Centennial Commission considers necessary to carry out the provisions of this Act. Upon the request of the Chair of the Centennial Commission, the head of such department or agency shall furnish such information to the Centennial Commission.

(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Centennial Commission, the Administrator of the General Services Administration shall provide to the Centennial Commission, on a reimbursable basis, the administrative support services necessary for the Centennial Commission to carry out its responsibilities under this Act.

(e) CONTRACT AUTHORITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Centennial Commission is authorized—

(A) to procure supplies, services, and property; and

(B) to make or enter into contracts, leases, or other legal agreements.

(2) LIMITATION.—The Centennial Commission may not enter into any contract, lease, or other legal agreement that extends beyond the date of the termination of the Centennial Commission under section 7(a).

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

(g) GIFTS, BEQUESTS, AND DEVISES.—The Centennial Commission is authorized to solicit, accept, use, and dispose of gifts, bequests, or devises of money, services, or property, both real and personal, for the purpose of covering the costs incurred by the Centennial Commission to carry out its duties under this Act.

(h) GRANTS.—The Centennial Commission is authorized to award grants to States and the District of Columbia to support programs and activities related to commemorating the centennial of the passage and ratification of the 19th Amendment.

SEC. 6. CENTENNIAL COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Members of the Centennial Commission shall serve without compensation for such service.

(b) TRAVEL EXPENSES.—Each member of the Centennial Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with the applicable provisions of title 5, United States Code.

(c) STAFF.—

(1) IN GENERAL.—The Chair of the Centennial Commission shall, in consultation with the members of the Centennial Commission, appoint an executive director and such other additional personnel as may be necessary to enable the Centennial Commission to perform its duties.

(2) COMPENSATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Chair of the Centennial Commission may fix the compensation of the executive director and any other personnel appointed under paragraph (1).

(B) LIMITATION.—The Chair of the Centennial Commission may not fix the compensation of the executive director or other personnel appointed under paragraph (1) at a rate that exceeds the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Centennial Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any employee of that department or agency to the Centennial Commission to assist it in carrying out its duties under this Act.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chair of the Centennial Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(f) ACCEPTANCE OF VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Centennial Commission may accept and use voluntary and uncompensated services as the Centennial Commission deems necessary.

SEC. 7. TERMINATION OF CENTENNIAL COMMISSION.

(a) IN GENERAL.—The Centennial Commission shall terminate on the earlier of—

(1) the date that is 30 days after the date the completion of the activities under this Act honoring the centennial observation of the passage and ratification of the 19th Amendment; or

(2) April 15, 2021.

(b) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Centennial Commission under this Act.

(2) EXCEPTION.—Section 14(a)(2) of such Act (5 U.S.C. App.) shall not apply to the Centennial Commission.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act such sums as may be necessary for the period of fiscal years 2017 through 2021.

(b) AMOUNTS AVAILABLE.—Amounts appropriated in accordance with this section for any fiscal year shall remain available until the termination of the Centennial Commission.

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Public Law 115–32
115th Congress

An Act

To require the Secretary of State to take such actions as may be necessary for the United States to rejoin the Bureau of International Expositions, and for other purposes.

May 8, 2017
[H.R. 534]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

U.S. Wants to Compete for a World Expo Act. 22 USC 2452b note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "U.S. Wants to Compete for a World Expo Act".

22 USC 2452b note.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Bureau of International Expositions (BIE) is the organization responsible for governing World Fairs and International Expositions.

(2) Section 1(a) of Public Law 91–269 (22 U.S.C. 2801(a)) found that "international expositions . . . have a significant impact on the economic growth of the region surrounding the exposition and . . . are important instruments of national policy".

(3) The United States has not been an active member of the BIE since 2001.

(4) State and local governments and private entities in the United States have continued to participate in international expositions held in foreign countries as a means of promoting United States exports and creating jobs, but face significantly higher costs for such participation because the United States is not an active member.

(5) State and local governments and private entities in the United States have expressed interest in an international exposition being hosted in the United States, but the bid of a United States city, region, or State to host an international exposition is unlikely to be successful if the United States is not a member of the BIE.

22 USC 2452b note.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States should rejoin the BIE immediately to promote domestic job creation, global branding, and tourism to the United States; and

(2) the Secretary of State, in partnership with the Secretary of Commerce, State and local governments, and private and non-profit entities, should take all necessary steps to facilitate the timely submission of a request to rejoin the BIE.

22 USC 2452b note.

SEC. 4. AUTHORIZATION.

(a) IN GENERAL.—The Secretary of State is authorized to take such actions as the Secretary determines necessary for the United States to rejoin and maintain membership in the BIE.

(b) AUTHORIZATION TO ACCEPT PRIVATE CONTRIBUTIONS.—In addition to funds otherwise available to the Secretary to carry out this section, the Secretary is authorized to accept contributions for such purpose.

(c) NOTIFICATION.—The Secretary of State shall notify the Committees on Foreign Affairs and Appropriations of the House of Representatives and the Committees on Foreign Relations and Appropriations of the Senate upon taking any action under subsection (a).

22 USC 2452b note.

SEC. 5. CONTINUATION OF PROHIBITION ON USE OF FEDERAL FUNDS FOR WORLD'S FAIR PAVILIONS AND EXHIBITS.

(a) CONTINUATION OF PROHIBITION.—Nothing in this Act may be construed to authorize any obligation or expenditure prohibited by section 204 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (22 U.S.C. 2452b) (relating to limitations on the obligation or expenditure of funds by the Department of State for a United States pavilion or exhibit at an international exposition or world's fair registered by the BIE).

(b) PROHIBITION ON SOLICITATION OF FUNDS.—Section 204(b)(1)(C) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (22 U.S.C. 2452b(b)(1)(C)) is amended by inserting after "expositions" the following: ", except that no employees of the Department of State may, in their official capacity, solicit funds to pay expenses for a United States pavilion or other major exhibit at any international exposition or world's fair registered by the Bureau of International Expositions".

Approved May 8, 2017.

LEGISLATIVE HISTORY—H.R. 534:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Apr. 25, considered and passed House.
May 4, considered and passed Senate, amended. House concurred in Senate amendment.

Public Law 115–33
115th Congress

An Act

To repeal the rule issued by the Federal Highway Administration and the Federal Transit Administration entitled "Metropolitan Planning Organization Coordination and Planning Area Reform".

May 12, 2017
[S. 496]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL.

Applicability.

The rule issued by the Federal Highway Administration and the Federal Transit Administration entitled "Metropolitan Planning Organization Coordination and Planning Area Reform" (81 Fed. Reg. 93448 (December 20, 2016)) shall have no force or effect, and any regulation revised by that rule shall be applied as if that rule had not been issued.

Approved May 12, 2017.

LEGISLATIVE HISTORY—S. 496 (H.R. 1346):

HOUSE REPORTS: No. 115–85 (Comm. on Transportation and Infrastructure) accompanying H.R. 1346.
CONGRESSIONAL RECORD, Vol. 163 (2017):
Mar. 8, considered and passed Senate.
Apr. 25, 27, considered and passed House.

Public Law 115–34
115th Congress

An Act

May 16, 2017
[H.R. 274]

To provide for reimbursement for the use of modern travel services by Federal employees traveling on official Government business, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Modernizing Government Travel Act.
5 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Modernizing Government Travel Act".

5 USC 5707 note.

SEC. 2. FEDERAL EMPLOYEE REIMBURSEMENT FOR USE OF MODERN TRAVEL SERVICES.

Deadline.
Regulations.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of General Services shall prescribe regulations under section 5707 of title 5, United States Code, to provide for the reimbursement for the use of a transportation network company or innovative mobility technology company by any Federal employee traveling on official business under subchapter I of chapter 57 of such title, except that the Director of the Administrative Office of the United States Courts shall prescribe such regulations with respect to employees of the judicial branch of the Government.

(b) DEFINITIONS.—In this section:

(1) INNOVATIVE MOBILITY TECHNOLOGY COMPANY.—The term "innovative mobility technology company" means an organization, including a corporation, limited liability company, partnership, sole proprietorship, or any other entity, that applies technology to expand and enhance available transportation choices, better manages demand for transportation services, or provides alternatives to driving alone.

(2) TRANSPORTATION NETWORK COMPANY.—The term "transportation network company"—

(A) means a corporation, partnership, sole proprietorship, or other entity, that uses a digital network to connect riders to drivers affiliated with the entity in order for the driver to transport the rider using a vehicle owned, leased, or otherwise authorized for use by the driver to a point chosen by the rider; and

(B) does not include a shared-expense carpool or vanpool arrangement that is not intended to generate profit for the driver.

SEC. 3. REPORT ON TRANSPORTATION COSTS.

Section 5707(c) of title 5, United States Code, is amended to read as follows:

"(c)(1) Not later than November 30 of each year, the head of each agency shall submit to the Administrator of General Services, in a format prescribed by the Administrator and approved by the Director of the Office of Management and Budget— Data.

"(A) data on total agency payments for such items as travel and transportation of people, average costs and durations of trips, and purposes of official travel;

"(B) data on estimated total agency payments for employee relocation; and

"(C) an analysis of the total costs of transportation service by type, and the total number of trips utilizing each transportation type for purposes of official travel. Analysis.

"(2) The Administrator of General Services shall make the data submitted pursuant to paragraph (1) publicly available upon receipt. Public information.

"(3) Not later than January 31 of each year, the Administrator of General Services shall submit to the Director of the Office of Management and Budget, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate—

"(A) an analysis of the data submitted pursuant to paragraph (1) for the agencies listed in section 901(b) of title 31 and a survey of such data for each other agency; and Analysis. Survey.

"(B) a description of any new regulations promulgated or changes to existing regulations authorized under this section.".

Approved May 16, 2017.

LEGISLATIVE HISTORY—H.R. 274:

SENATE REPORTS: No. 115–31 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 163 (2017):
Jan. 10, considered and passed House.
May 2, considered and passed Senate.

Public Law 115–35
115th Congress

Joint Resolution

May 17, 2017
[H.J. Res. 66]

Disapproving the rule submitted by the Department of Labor relating to savings arrangements established by States for non-governmental employees.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Labor relating to "Savings Arrangements Established by States for Non-Governmental Employees" (published at 81 Fed. Reg. 59464 (August 30, 2016)), and such rule shall have no force or effect.

Approved May 17, 2017.

LEGISLATIVE HISTORY—H.J. Res. 66:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Feb. 15, considered and passed House.
May 3, considered and passed Senate.

Public Law 115–36
115th Congress

An Act

To require adequate reporting on the Public Safety Officers' Benefits program, and for other purposes.

June 2, 2017
[S. 419]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Public Safety Officers' Benefits Improvement Act of 2017.
42 USC 3711 note.

This Act may be cited as the "Public Safety Officers' Benefits Improvement Act of 2017".

SEC. 2. REPORTS.

Section 1205 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796c) is amended—

(1) in subsection (a), by inserting "Rules, regulations, and procedures issued under this part may include regulations based on standards developed by another Federal agency for programs related to public safety officer death or disability claims." before the last sentence;

(2) in subsection (b)—

(A) by inserting "(1)" before "In making"; and

(B) by adding at the end the following:

"(2) In making a determination under section 1201, the Bureau shall give substantial weight to the evidence and all findings of fact presented by a State, local, or Federal administrative or investigative agency regarding eligibility for death or disability benefits.

Determination.

"(3) If the head of a State, local, or Federal administrative or investigative agency, in consultation with the principal legal officer of the agency, provides a certification of facts regarding eligibility for death or disability benefits, the Bureau shall adopt the factual findings, if the factual findings are supported by substantial evidence."; and

Consultation.
Certification.

(3) by adding at the end the following:

"(e)(1)(A) Not later than 30 days after the date of enactment of this subsection, the Bureau shall make available on the public website of the Bureau information on all death, disability, and educational assistance claims submitted under this part that are pending as of the date on which the information is made available.

Deadlines.
Web posting.

"(B) Not less frequently than once per week, the Bureau shall make available on the public website of the Bureau updated information with respect to all death, disability, and educational assistance claims submitted under this part that are pending as of the date on which the information is made available.

"(C) The information made available under this paragraph shall include—

"(i) for each pending claim—

"(I) the date on which the claim was submitted to the Bureau;

"(II) the State of residence of the claimant;

"(III) an anonymized, identifying claim number; and

"(IV) the nature of the claim; and

"(ii) the total number of pending claims that were submitted to the Bureau more than 1 year before the date on which the information is made available.

Deadlines. Web posting. Time periods. Determinations. Claims.

"(2) Not later than 180 days after the date of enactment of this subsection, the Bureau shall publish on the public website of the Bureau a report, and shall update such report on such website not less than once every 180 days thereafter, containing—

"(A) the total number of claims for which a final determination has been made during the 180-day period preceding the report;

"(B) the amount of time required to process each claim for which a final determination has been made during the 180-day period preceding the report;

"(C) as of the last day of the 180-day period preceding the report, the total number of claims submitted to the Bureau on or before that date for which a final determination has not been made;

"(D) as of the last day of the 180-day period preceding the report, the total number of claims submitted to the Bureau on or before the date that is 1 year before that date for which a final determination has not been made;

"(E) for each claim described in subparagraph (D), a detailed description of the basis for delay;

"(F) as of the last day of the 180-day period preceding the report, the total number of claims submitted to the Bureau on or before that date relating to exposure due to the September 11th, 2001, terrorism attacks for which a final determination has not been made;

"(G) as of the last day of the 180-day period preceding the report, the total number of claims submitted to the Bureau on or before the date that is 1 year before that date relating to exposure due to the September 11th, 2001, terrorism attacks for which a final determination has not been made;

"(H) for each claim described in subparagraph (G), a detailed description of the basis for delay;

"(I) the total number of claims submitted to the Bureau relating to exposure due to the September 11th, 2001, terrorism attacks for which a final determination was made during the 180-day period preceding the report, and the average award amount for any such claims that were approved;

"(J) the result of each claim for which a final determination was made during the 180-day period preceding the report, including the number of claims rejected and the basis for any denial of benefits;

"(K) the number of final determinations which were appealed during the 180-day period preceding the report, regardless of when the final determination was first made;

"(L) the average number of claims processed per reviewer of the Bureau during the 180-day period preceding the report;

"(M) for any claim submitted to the Bureau that required the submission of additional information from a public agency, and for which the public agency completed providing all of

the required information during the 180-day period preceding the report, the average length of the period beginning on the date the public agency was contacted by the Bureau and ending on the date on which the public agency submitted all required information to the Bureau;

"(N) for any claim submitted to the Bureau for which the Bureau issued a subpoena to a public agency during the 180-day period preceding the report in order to obtain information or documentation necessary to determine the claim, the name of the public agency, the date on which the subpoena was issued, and the dates on which the public agency was contacted by the Bureau before the issuance of the subpoena; and

"(O) information on the compliance of the Bureau with the obligation to offset award amounts under section 1201(f)(3), including—

"(i) the number of claims that are eligible for compensation under both this part and the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107–42) (commonly referred to as the 'VCF');

"(ii) for each claim described in clause (i) for which compensation has been paid under the VCF, the amount of compensation paid under the VCF;

"(iii) the number of claims described in clause (i) for which the Bureau has made a final determination; and

"(iv) the number of claims described in clause (i) for which the Bureau has not made a final determination.

Deadlines. "(3) Not later than 2 years after the date of enactment of this subsection, and 2 years thereafter, the Comptroller General of the United States shall—

Study. "(A) conduct a study on the compliance of the Bureau with the obligation to offset award amounts under section 1201(f)(3); and

Assessment. "(B) submit to Congress a report on the study conducted under subparagraph (A) that includes an assessment of whether the Bureau has provided the information required under subparagraph (B)(ix) of paragraph (2) of this subsection in each report required under that paragraph.

Definition. "(4) In this subsection, the term 'nature of the claim' means whether the claim is a claim for—

"(A) benefits under this subpart with respect to the death of a public safety officer;

"(B) benefits under this subpart with respect to the disability of a public safety officer; or

"(C) education assistance under subpart 2.".

SEC. 3. AGE LIMITATION FOR CHILDREN.

Section 1212(c) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796d–1(c)) is amended—

(1) by striking "No child" and inserting the following:

"(1) IN GENERAL.—Subject to paragraph (2), no child"; and

(2) by adding at the end the following:

Time periods. "(2) DELAYED APPROVALS.—

Claims. "(A) EDUCATIONAL ASSISTANCE APPLICATION.—If a claim for assistance under this subpart is approved more than 1 year after the date on which the application for such assistance is filed with the Attorney General, the age

limitation under this subsection shall be extended by the length of the period—

"(i) beginning on the day after the date that is 1 year after the date on which the application is filed; and

"(ii) ending on the date on which the application is approved.

"(B) CLAIM FOR BENEFITS FOR DEATH OR PERMANENT AND TOTAL DISABILITY.—In addition to an extension under subparagraph (A), if any, for an application for assistance under this subpart that relates to a claim for benefits under subpart 1 that was approved more than 1 year after the date on which the claim was filed with the Attorney General, the age limitation under this subsection shall be extended by the length of the period—

"(i) beginning on the day after the date that is 1 year after the date on which the claim for benefits is submitted; and

"(ii) ending on the date on which the claim for benefits is approved.".

SEC. 4. DUE DILIGENCE IN PAYING BENEFIT CLAIMS.

Subpart 1 of part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended by adding at the end the following:

42 USC 3796c–3.

"SEC. 1206. DUE DILIGENCE IN PAYING BENEFIT CLAIMS.

"(a) IN GENERAL.—The Bureau, with all due diligence, shall expeditiously attempt to obtain the information and documentation necessary to adjudicate a benefit claim filed under this part, including a claim for financial assistance under subpart 2.

"(b) SUFFICIENT INFORMATION UNAVAILABLE.—If a benefit claim filed under this part, including a claim for financial assistance under subpart 2, is unable to be adjudicated by the Bureau because of a lack of information or documentation from a third party, such as a public agency, and such information is not readily available to the claimant, the Bureau may not abandon the benefit claim unless the Bureau has utilized the investigative tools available to the Bureau to obtain the necessary information or documentation, including subpoenas.".

SEC. 5. PRESUMPTION THAT OFFICER ACTED PROPERLY.

Section 1202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796a) is amended—

(1) by striking "No benefit" and inserting the following: "(a) IN GENERAL.—No benefit"; and

(2) by adding at the end the following:

Determinations.

"(b) PRESUMPTION.—In determining whether a benefit is payable under this part, the Bureau—

"(1) shall presume that none of the limitations described in subsection (a) apply; and

"(2) shall not determine that a limitation described in subsection (a) applies, absent clear and convincing evidence.".

42 USC 3796a note.

SEC. 6. EFFECTIVE DATE; APPLICABILITY.

The amendments made by this Act shall—

(1) take effect on the date of enactment of this Act; and

(2) apply to any benefit claim or application under part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) that is—

(A) pending before the Bureau of Justice Assistance on the date of enactment; or

(B) received by the Bureau on or after the date of enactment of this Act.

Approved June 2, 2017.

LEGISLATIVE HISTORY—S. 419:

CONGRESSIONAL RECORD, Vol. 163 (2017):
May 16, considered and passed Senate.
May 17, considered and passed House.

Public Law 115–37
115th Congress

An Act

June 2, 2017
[S. 583]

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize COPS grantees to use grant funds to hire veterans as career law enforcement officers, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

American Law Enforcement Heroes Act of 2017.
42 USC 3711 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Law Enforcement Heroes Act of 2017".

SEC. 2. PRIORITIZING HIRING AND TRAINING OF VETERANS.

Section 1701(b)(2) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)(2)) is amended by inserting ", including by prioritizing the hiring and training of veterans (as defined in section 101 of title 38, United States Code)" after "Nation".

Approved June 2, 2017.

LEGISLATIVE HISTORY—S. 583 (H.R. 1428):

CONGRESSIONAL RECORD, Vol. 163 (2017):
May 16, considered and passed Senate.
May 17, considered and passed House.

Public Law 115–38
115th Congress

An Act

To amend the Homeland Security Act of 2002 to direct the Under Secretary for Management of the Department of Homeland Security to make certain improvements in managing the Department's vehicle fleet, and for other purposes.

June 6, 2017
[H.R. 366]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DHS Stop Asset and Vehicle Excess Act.
6 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "DHS Stop Asset and Vehicle Excess Act" or the "DHS SAVE Act".

SEC. 2. DHS VEHICLE FLEETS.

Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in subsection (a)(5), by inserting "vehicle fleets (under subsection (c))," after "equipment,";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following new subsection:

"(c) VEHICLE FLEETS.—

"(1) IN GENERAL.—In carrying out responsibilities regarding vehicle fleets pursuant to subsection (a)(5), the Under Secretary for Management shall be responsible for overseeing and managing vehicle fleets throughout the Department. The Under Secretary shall also be responsible for the following:

"(A) Ensuring that components are in compliance with Federal law, Federal regulations, executive branch guidance, and Department policy (including associated guidance) relating to fleet management and use of vehicles from home to work.

"(B) Developing and distributing a standardized vehicle allocation methodology and fleet management plan for components to use to determine optimal fleet size in accordance with paragraph (4).

"(C) Ensuring that components formally document fleet management decisions.

"(D) Approving component fleet management plans, vehicle leases, and vehicle acquisitions.

"(2) COMPONENT RESPONSIBILITIES.—

"(A) IN GENERAL.—Component heads—

"(i) shall—

"(I) comply with Federal law, Federal regulations, executive branch guidance, and Department policy (including associated guidance) relating to

Compliance.

fleet management and use of vehicles from home to work;

"(II) ensure that data related to fleet management is accurate and reliable;

"(III) use such data to develop a vehicle allocation tool derived by using the standardized vehicle allocation methodology provided by the Under Secretary for Management to determine the optimal fleet size for the next fiscal year and a fleet management plan; and

"(IV) use vehicle allocation methodologies and fleet management plans to develop annual requests for funding to support vehicle fleets pursuant to paragraph (6); and

"(ii) may not, except as provided in subparagraph (B), lease or acquire new vehicles or replace existing vehicles without prior approval from the Under Secretary for Management pursuant to paragraph (5)(B).

"(B) EXCEPTION REGARDING CERTAIN LEASING AND ACQUISITIONS.—If exigent circumstances warrant such, a component head may lease or acquire a new vehicle or replace an existing vehicle without prior approval from the Under Secretary for Management. If under such exigent circumstances a component head so leases, acquires, or replaces a vehicle, such component head shall provide to the Under Secretary an explanation of such circumstances.

"(3) ONGOING OVERSIGHT.—

"(A) QUARTERLY MONITORING.—In accordance with paragraph (4), the Under Secretary for Management shall collect, on a quarterly basis, information regarding component vehicle fleets, including information on fleet size, composition, cost, and vehicle utilization.

"(B) AUTOMATED INFORMATION.—The Under Secretary for Management shall seek to achieve a capability to collect, on a quarterly basis, automated information regarding component vehicle fleets, including the number of trips, miles driven, hours and days used, and the associated costs of such mileage for leased vehicles.

"(C) MONITORING.—The Under Secretary for Management shall track and monitor component information provided pursuant to subparagraph (A) and, as appropriate, subparagraph (B), to ensure that component vehicle fleets are the optimal fleet size and cost effective. The Under Secretary shall use such information to inform the annual component fleet analyses referred to in paragraph (4).

"(4) ANNUAL REVIEW OF COMPONENT FLEET ANALYSES.—

Determination.
Effective date.
Plan.

"(A) IN GENERAL.—To determine the optimal fleet size and associated resources needed for each fiscal year beginning with fiscal year 2018, component heads shall annually submit to the Under Secretary for Management a vehicle allocation tool and fleet management plan using information described in paragraph (3)(A). Such tools and plans may be submitted in classified form if a component head determines that such is necessary to protect operations or mission requirements.

"(B) VEHICLE ALLOCATION TOOL.—Component heads shall develop a vehicle allocation tool in accordance with

subclause (III) of paragraph (2)(A)(i) that includes an analysis of the following:

"(i) Vehicle utilization data, including the number of trips, miles driven, hours and days used, and the associated costs of such mileage for leased vehicles, in accordance with such paragraph.

"(ii) The role of vehicle fleets in supporting mission requirements for each component.

"(iii) Any other information determined relevant by such component heads.

"(C) FLEET MANAGEMENT PLANS.—Component heads shall use information described in subparagraph (B) to develop a fleet management plan for each such component. Such fleet management plans shall include the following:

"(i) A plan for how each such component may achieve optimal fleet size determined by the vehicle allocation tool required under such subparagraph, including the elimination of excess vehicles in accordance with paragraph (5), if applicable.

"(ii) A cost benefit analysis supporting such plan.

"(iii) A schedule each such component will follow to obtain optimal fleet size.

"(iv) Any other information determined relevant by component heads.

Determination. Plan.

"(D) REVIEW.—The Under Secretary for Management shall review and make a determination on the results of each component's vehicle allocation tool and fleet management plan under this paragraph to ensure each such component's vehicle fleets are the optimal fleet size and that components are in compliance with applicable Federal law, Federal regulations, executive branch guidance, and Department policy (including associated guidance) pursuant to paragraph (2) relating to fleet management and use of vehicles from home to work. The Under Secretary shall use such tools and plans when reviewing annual component requests for vehicle fleet funding in accordance with paragraph (6).

"(5) GUIDANCE TO DEVELOP FLEET MANAGEMENT PLANS.—The Under Secretary for Management shall provide guidance, pursuant to paragraph (1)(B) on how component heads may achieve optimal fleet size in accordance with paragraph (4), including processes for the following:

"(A) Leasing or acquiring additional vehicles or replacing existing vehicles, if determined necessary.

"(B) Disposing of excess vehicles that the Under Secretary determines should not be reallocated under subparagraph (C).

"(C) Reallocating excess vehicles to other components that may need temporary or long-term use of additional vehicles.

Determinations.

"(6) ANNUAL REVIEW OF VEHICLE FLEET FUNDING REQUESTS.—As part of the annual budget process, the Under Secretary for Management shall review and make determinations regarding annual component requests for funding for vehicle fleets. If component heads have not taken steps in furtherance of achieving optimal fleet size in the prior fiscal year pursuant to paragraphs (4) and (5), the Under Secretary

Recommendations.

shall provide rescission recommendations to the Committee on Appropriations and the Committee on Homeland Security of the House of Representatives and the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate regarding such component vehicle fleets.

Effective date.

"(7) ACCOUNTABILITY FOR VEHICLE FLEET MANAGEMENT.—

"(A) PROHIBITION ON CERTAIN NEW VEHICLE LEASES AND ACQUISITIONS.—The Under Secretary for Management and component heads may not approve in any fiscal year beginning with fiscal year 2019 a vehicle lease, acquisition, or replacement request if such component heads did not comply in the prior fiscal year with paragraph (4).

"(B) PROHIBITION ON CERTAIN PERFORMANCE COMPENSATION.—No Department official with vehicle fleet management responsibilities may receive annual performance compensation in pay in any fiscal year beginning with fiscal year 2019 if such official did not comply in the prior fiscal year with paragraph (4).

"(C) PROHIBITION ON CERTAIN CAR SERVICES.—Notwithstanding any other provision of law, no senior executive service official of the Department whose office has a vehicle fleet may receive access to a car service in any fiscal year beginning with fiscal year 2019 if such official did not comply in the prior fiscal year with paragraph (4).

"(8) MOTOR POOL.—

"(A) IN GENERAL.—The Under Secretary for Management may determine the feasibility of operating a vehicle motor pool to permit components to share vehicles as necessary to support mission requirements to reduce the number of excess vehicles in the Department.

Determination.

"(B) REQUIREMENTS.—The determination of feasibility of operating a vehicle motor pool under subparagraph (A) shall—

"(i) include—

"(I) regions in the United States in which multiple components with vehicle fleets are located in proximity to one another, or a significant number of employees with authorization to use vehicles are located; and

"(II) law enforcement vehicles;

"(ii) cover the National Capital Region; and

"(iii) take into account different mission requirements.

"(C) REPORT.—The Secretary shall include in the Department's next annual performance report required under current law the results of the determination under this paragraph.

"(9) DEFINITIONS.—In this subsection:

"(A) COMPONENT HEAD.—The term 'component head' means the head of any component of the Department with a vehicle fleet.

"(B) EXCESS VEHICLE.—The term 'excess vehicle' means any vehicle that is not essential to support mission requirements of a component.

"(C) OPTIMAL FLEET SIZE.—The term 'optimal fleet size' means, with respect to a particular component, the appropriate number of vehicles to support mission requirements of such component.

"(D) VEHICLE FLEET.—The term 'vehicle fleet' means all owned, commercially leased, or Government-leased vehicles of the Department or of a component of the Department, as the case may be, including vehicles used for law enforcement and other purposes.".

SEC. 3. INSPECTOR GENERAL REVIEW.

The Inspector General of the Department of Homeland Security shall—

(1) conduct a review of the implementation of subsection (c)(4) of section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as added by section 2 of this Act, for fiscal year 2019, which shall include analysis of the effectiveness of such subsection (c)(4) with respect to cost avoidance, savings realized, and component operations; and Analysis.

(2) provide, upon request, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives information regarding the review required under paragraph (1).

Approved June 6, 2017.

LEGISLATIVE HISTORY—H.R. 366:

HOUSE REPORTS: No. 115–32 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 163 (2017):
Jan. 31, considered and passed House.
May 2, considered and passed Senate, amended.
May 23, House concurred in Senate amendments.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2017):
June 6, Presidential statement.

Public Law 115–39
115th Congress

An Act

June 6, 2017
[H.R. 375]

To designate the Federal building and United States courthouse located at 719 Church Street in Nashville, Tennessee, as the "Fred D. Thompson Federal Building and United States Courthouse".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 719 Church Street in Nashville, Tennessee, shall be known and designated as the "Fred D. Thompson Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Fred D. Thompson Federal Building and United States Courthouse".

Approved June 6, 2017.

LEGISLATIVE HISTORY—H.R. 375:

HOUSE REPORTS: No. 115–23 (Comm. on Transportation and Infrastructure).
CONGRESSIONAL RECORD, Vol. 163 (2017):
Mar. 7, considered and passed House.
May 24, considered and passed Senate.

Public Law 115–40
115th Congress

An Act

To amend title 5, United States Code, to extend certain protections against prohibited personnel practices, and for other purposes.

June 14, 2017
[H.R. 657]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Follow the Rules Act.
5 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Follow the Rules Act".

SEC. 2. PROHIBITED PERSONNEL ACTION BASED ON ORDERING INDIVIDUAL TO VIOLATE RULE OR REGULATION.

(a) IN GENERAL.—Subparagraph (D) of section 2302(b)(9) of title 5, United States Code, is amended by inserting ", rule, or regulation" after "law".

(b) TECHNICAL CORRECTION.—Such subparagraph is further amended by striking "for".

Approved June 14, 2017.

LEGISLATIVE HISTORY—H.R. 657:

HOUSE REPORTS: No. 115–67 (Comm. on Oversight and Government Reform).
CONGRESSIONAL RECORD, Vol. 163 (2017):
May 1, considered and passed House.
May 25, considered and passed Senate.

Public Law 115–41
115th Congress

An Act

June 23, 2017
[S. 1094]

To amend title 38, United States Code, to improve the accountability of employees of the Department of Veterans Affairs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Department of Veterans Affairs Accountability and Whistleblower Protection Act of 2017.
38 USC 101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Department of Veterans Affairs Accountability and Whistleblower Protection Act of 2017".

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

TITLE I—OFFICE OF ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION

SEC. 101. ESTABLISHMENT OF OFFICE OF ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION.

(a) IN GENERAL.—Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 323. Office of Accountability and Whistleblower Protection 38 USC 323.

"(a) ESTABLISHMENT.—There is established in the Department an office to be known as the 'Office of Accountability and Whistleblower Protection' (in this section referred to as the 'Office').

"(b) HEAD OF OFFICE.—(1) The head of the Office shall be responsible for the functions of the Office and shall be appointed by the President pursuant to section 308(a) of this title. President.

"(2) The head of the Office shall be known as the 'Assistant Secretary for Accountability and Whistleblower Protection'.

"(3) The Assistant Secretary shall report directly to the Secretary on all matters relating to the Office.

"(4) Notwithstanding section 308(b) of this title, the Secretary may only assign to the Assistant Secretary responsibilities relating to the functions of the Office set forth in subsection (c).

"(c) FUNCTIONS.—(1) The functions of the Office are as follows:

"(A) Advising the Secretary on all matters of the Department relating to accountability, including accountability of employees of the Department, retaliation against whistleblowers, and such matters as the Secretary considers similar and affect public trust in the Department.

"(B) Issuing reports and providing recommendations related to the duties described in subparagraph (A).

"(C) Receiving whistleblower disclosures.

"(D) Referring whistleblower disclosures received under subparagraph (C) for investigation to the Office of the Medical Inspector, the Office of Inspector General, or other investigative entity, as appropriate, if the Assistant Secretary has reason to believe the whistleblower disclosure is evidence of a violation of a provision of law, mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health or safety.

"(E) Receiving and referring disclosures from the Special Counsel for investigation to the Medical Inspector of the Department, the Inspector General of the Department, or such other person with investigatory authority, as the Assistant Secretary considers appropriate.

"(F) Recording, tracking, reviewing, and confirming implementation of recommendations from audits and investigations carried out by the Inspector General of the Department, the Medical Inspector of the Department, the Special Counsel, and the Comptroller General of the United States, including the imposition of disciplinary actions and other corrective actions contained in such recommendations.

"(G) Analyzing data from the Office and the Office of Inspector General telephone hotlines, other whistleblower disclosures, disaggregated by facility and area of health care if appropriate, and relevant audits and investigations to identify

trends and issue reports to the Secretary based on analysis conducted under this subparagraph.

"(H) Receiving, reviewing, and investigating allegations of misconduct, retaliation, or poor performance involving—

"(i) an individual in a senior executive position (as defined in section 713(d) of this title) in the Department;

"(ii) an individual employed in a confidential, policy-making, policy-determining, or policy-advocating position in the Department; or

"(iii) a supervisory employee, if the allegation involves retaliation against an employee for making a whistleblower disclosure.

"(I) Making such recommendations to the Secretary for disciplinary action as the Assistant Secretary considers appropriate after substantiating any allegation of misconduct or poor performance pursuant to an investigation carried out as described in subparagraph (F) or (H).

Communication and telecommunications. Website.

"(2) In carrying out the functions of the Office, the Assistant Secretary shall ensure that the Office maintains a toll-free telephone number and Internet website to receive anonymous whistleblower disclosures.

"(3) In any case in which the Assistant Secretary receives a whistleblower disclosure from an employee of the Department under paragraph (1)(C), the Assistant Secretary may not disclose the identity of the employee without the consent of the employee, except in accordance with the provisions of section 552a of title 5, or as required by any other applicable provision of Federal law.

"(d) STAFF AND RESOURCES.—The Secretary shall ensure that the Assistant Secretary has such staff, resources, and access to information as may be necessary to carry out the functions of the Office.

"(e) RELATION TO OFFICE OF GENERAL COUNSEL.—The Office shall not be established as an element of the Office of the General Counsel and the Assistant Secretary may not report to the General Counsel.

Effective date. Time period.

"(f) REPORTS.—(1)(A) Not later than June 30 of each calendar year, beginning with June 30, 2017, the Assistant Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the activities of the Office during the calendar year in which the report is submitted.

Recommendations.

"(B) Each report submitted under subparagraph (A) shall include, for the period covered by the report, the following:

Analysis.

"(i) A full and substantive analysis of the activities of the Office, including such statistical information as the Assistant Secretary considers appropriate.

"(ii) Identification of any issues reported to the Secretary under subsection (c)(1)(G), including such data as the Assistant Secretary considers relevant to such issues and any trends the Assistant Secretary may have identified with respect to such issues.

"(iii) Identification of such concerns as the Assistant Secretary may have regarding the size, staffing, and resources of the Office and such recommendations as the Assistant Secretary may have for legislative or administrative action to address such concerns.

"(iv) Such recommendations as the Assistant Secretary may have for legislative or administrative action to improve—

"(I) the process by which concerns are reported to the Office; and

"(II) the protection of whistleblowers within the Department.

"(v) Such other matters as the Assistant Secretary considers appropriate regarding the functions of the Office or other matters relating to the Office.

"(2) If the Secretary receives a recommendation for disciplinary action under subsection (c)(1)(I) and does not take or initiate the recommended disciplinary action before the date that is 60 days after the date on which the Secretary received the recommendation, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a detailed justification for not taking or initiating such disciplinary action. Deadline. Notification.

"(g) DEFINITIONS.—In this section:

"(1) The term 'supervisory employee' means an employee of the Department who is a supervisor as defined in section 7103(a) of title 5.

"(2) The term 'whistleblower' means one who makes a whistleblower disclosure.

"(3) The term 'whistleblower disclosure' means any disclosure of information by an employee of the Department or individual applying to become an employee of the Department which the employee or individual reasonably believes evidences—

"(A) a violation of a law, rule, or regulation; or

"(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.".

(b) CONFORMING AMENDMENT.—Section 308(b) of such title is amended by adding at the end the following new paragraph:

"(12) The functions set forth in section 323(c) of this title.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by adding at the end the following new item: 38 USC prec. 301.

"323. Office of Accountability and Whistleblower Protection.".

SEC. 102. PROTECTION OF WHISTLEBLOWERS IN DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subchapter II of chapter 7 of title 38, United States Code, is amended by—

(1) striking sections 731, 732, 734, 735, and 736;

(2) by redesignating section 733 as section 731; and

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

"§ 732. Protection of whistleblowers as criteria in evaluation of supervisors 38 USC 732.

"(a) DEVELOPMENT AND USE OF CRITERIA REQUIRED.—The Secretary, in consultation with the Assistant Secretary of Accountability and Whistleblower Protection, shall develop criteria that— Consultation.

"(1) the Secretary shall use as a critical element in any evaluation of the performance of a supervisory employee; and

"(2) promotes the protection of whistleblowers.

"(b) PRINCIPLES FOR PROTECTION OF WHISTLEBLOWERS.—The criteria required by subsection (a) shall include principles for the protection of whistleblowers, such as the degree to which supervisory employees respond constructively when employees of the Department report concerns, take responsible action to resolve such concerns, and foster an environment in which employees of the Department feel comfortable reporting concerns to supervisory employees or to the appropriate authorities.

"(c) SUPERVISORY EMPLOYEE AND WHISTLEBLOWER DEFINED.—In this section, the terms 'supervisory employee' and 'whistleblower' have the meanings given such terms in section 323 of this title.

38 USC 733.

"§ 733. Training regarding whistleblower disclosures

Time period.
Coordination.

"(a) TRAINING.—Not less frequently than once every two years, the Secretary, in coordination with the Whistleblower Protection Ombudsman designated under section 3(d)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.), shall provide to each employee of the Department training regarding whistleblower disclosures, including—

"(1) an explanation of each method established by law in which an employee may file a whistleblower disclosure;

"(2) the right of the employee to petition Congress regarding a whistleblower disclosure in accordance with section 7211 of title 5;

"(3) an explanation that the employee may not be prosecuted or reprised against for disclosing information to Congress, the Inspector General, or another investigatory agency in instances where such disclosure is permitted by law, including under sections 5701, 5705, and 7732 of this title, under section 552a of title 5 (commonly referred to as the Privacy Act), under chapter 93 of title 18, and pursuant to regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191);

"(4) an explanation of the language that is required to be included in all nondisclosure policies, forms, and agreements pursuant to section 115(a)(1) of the Whistleblower Protection Enhancement Act of 2012 (5 U.S.C. 2302 note); and

"(5) the right of contractors to be protected from reprisal for the disclosure of certain information under section 4705 or 4712 of title 41.

"(b) MANNER TRAINING IS PROVIDED.—The Secretary shall ensure, to the maximum extent practicable, that training provided under subsection (a) is provided in person.

Time period.

"(c) CERTIFICATION.—Not less frequently than once every two years, the Secretary shall provide training on merit system protection in a manner that the Special Counsel certifies as being satisfactory.

Web posting.

"(d) PUBLICATION.—The Secretary shall publish on the Internet website of the Department, and display prominently at each facility of the Department, the rights of an employee to make a whistleblower disclosure, including the information described in paragraphs (1) through (5) of subsection (a).

"(e) WHISTLEBLOWER DISCLOSURE DEFINED.—In this section, the term 'whistleblower disclosure' has the meaning given such term in section 323 of this title.".

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended— 38 USC prec. 701.

(1) by striking the items relating to sections 731 through 736; and

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

"731. Adverse actions against supervisory employees who commit prohibited personnel actions relating to whistleblower complaints.

"732. Protection of whistleblowers as criteria in evaluation of supervisors.

"733. Training regarding whistleblower disclosures.".

(c) CONFORMING AMENDMENTS.—Section 731 of such title, as redesignated by subsection (a)(2), is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by striking subparagraphs (A) and (B) and inserting the following:

"(A) making a whistleblower disclosure to the Assistant Secretary for Accountability and Whistleblower Protection, the Inspector General of the Department, the Special Counsel, or Congress;"; and

(ii) by redesignating subparagraphs (C) through (F) as subparagraphs (B) through (E), respectively; and

(iii) in subparagraph (B), as redesignated by clause (ii), by striking "complaint in accordance with section 732 or with" and inserting "disclosure made to the Assistant Secretary for Accountability and Whistleblower Protection,"; and

(B) in paragraph (2), by striking "through (F)" and inserting "through (E)"; and

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

"(d) WHISTLEBLOWER DISCLOSURE DEFINED.—In this section, the term 'whistleblower disclosure' has the meaning given such term in section 323(g) of this title.".

SEC. 103. REPORT ON METHODS USED TO INVESTIGATE EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) REPORT REQUIRED.—Not later than 540 days after the date of the enactment of this Act, the Assistant Secretary for Accountability and Whistleblower Protection shall submit to the Secretary of Veterans Affairs, the Committee on Veterans' Affairs of the Senate, and the Committee on Veterans' Affairs of the House of Representatives a report on methods used to investigate employees of the Department of Veterans Affairs and whether such methods are used to retaliate against whistleblowers.

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

(1) An assessment of the use of administrative investigation boards, peer review, searches of medical records, and other methods for investigating employees of the Department. Assessment.

(2) A determination of whether and to what degree the methods described in paragraph (1) are being used to retaliate against whistleblowers. Determination.

(3) Recommendations for legislative or administrative action to implement safeguards to prevent the retaliation described in paragraph (2). Recommendations.

(c) WHISTLEBLOWER DEFINED.—In this section, the term "whistleblower" has the meaning given such term in section 323 of title 38, United States Code, as added by section 101.

TITLE II—ACCOUNTABILITY OF SENIOR EXECUTIVES, SUPERVISORS, AND OTHER EMPLOYEES

SEC. 201. IMPROVED AUTHORITIES OF SECRETARY OF VETERANS AFFAIRS TO IMPROVE ACCOUNTABILITY OF SENIOR EXECUTIVES.

(a) IN GENERAL.—Section 713 of title 38, United States Code, is amended to read as follows:

"§ 713. Senior executives: removal, demotion, or suspension based on performance or misconduct

Determination.

"(a) AUTHORITY.—(1) The Secretary may, as provided in this section, reprimand or suspend, involuntarily reassign, demote, or remove a covered individual from a senior executive position at the Department if the Secretary determines that the misconduct or performance of the covered individual warrants such action.

"(2) If the Secretary so removes such an individual, the Secretary may remove the individual from the civil service (as defined in section 2101 of title 5).

"(b) RIGHTS AND PROCEDURES.—(1) A covered individual who is the subject of an action under subsection (a) is entitled to—

Notification.

"(A) advance notice of the action and a file containing all evidence in support of the proposed action;

"(B) be represented by an attorney or other representative of the covered individual's choice; and

Consultation.

"(C) grieve the action in accordance with an internal grievance process that the Secretary, in consultation with the Assistant Secretary for Accountability and Whistleblower Protection, shall establish for purposes of this subsection.

Time periods.

"(2)(A) The aggregate period for notice, response, and decision on an action under subsection (a) may not exceed 15 business days.

"(B) The period for the response of a covered individual to a notice under paragraph (1)(A) of an action under subsection (a) shall be 7 business days.

Deadline.
Notification.

"(C) A decision under this paragraph on an action under subsection (a) shall be issued not later than 15 business days after notice of the action is provided to the covered individual under paragraph (1)(A). The decision shall be in writing, and shall include the specific reasons therefor.

Time period.

"(3) The Secretary shall ensure that the grievance process established under paragraph (1)(C) takes fewer than 21 days.

"(4) A decision under paragraph (2) that is not grieved, and a grievance decision under paragraph (3), shall be final and conclusive.

"(5) A covered individual adversely affected by a decision under paragraph (2) that is not grieved, or by a grievance decision under paragraph (3), may obtain judicial review of such decision.

"(6) In any case in which judicial review is sought under paragraph (5), the court shall review the record and may set aside any Department action found to be— Courts. Review.

"(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with a provision of law;

"(B) obtained without procedures required by a provision of law having been followed; or

"(C) unsupported by substantial evidence.

"(c) RELATION TO OTHER PROVISIONS OF LAW.—Section 3592(b)(1) of title 5 and the procedures under section 7543(b) of such title do not apply to an action under subsection (a).

"(d) DEFINITIONS.—In this section:

"(1) The term 'covered individual' means—

"(A) a career appointee (as that term is defined in section 3132(a)(4) of title 5); or

"(B) any individual who occupies an administrative or executive position and who was appointed under section 7306(a), section 7401(1), or section 7401(4) of this title.

"(2) The term 'misconduct' includes neglect of duty, malfeasance, or failure to accept a directed reassignment or to accompany a position in a transfer of function.

"(3) The term 'senior executive position' means—

"(A) with respect to a career appointee (as that term is defined in section 3132(a) of title 5), a Senior Executive Service position (as such term is defined in such section); and

"(B) with respect to a covered individual appointed under section 7306(a) or section 7401(1) of this title, an administrative or executive position.".

(b) CONFORMING AMENDMENT.—Section 7461(c)(1) of such title is amended by inserting "employees in senior executive positions (as defined in section 713(d) of this title) and" before "interns".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 713 and inserting the following new item: 38 USC prec. 701.

"713. Senior executives: removal, demotion, or suspension based on performance or misconduct.".

SEC. 202. IMPROVED AUTHORITIES OF SECRETARY OF VETERANS AFFAIRS TO IMPROVE ACCOUNTABILITY OF EMPLOYEES.

(a) IN GENERAL.—Subchapter I of chapter 7 of title 38, United States Code, is amended by inserting after section 713 the following new section:

"§ 714. Employees: removal, demotion, or suspension based on performance or misconduct 38 USC 714.

"(a) IN GENERAL.—(1) The Secretary may remove, demote, or suspend a covered individual who is an employee of the Department if the Secretary determines the performance or misconduct of the covered individual warrants such removal, demotion, or suspension. Determinations.

"(2) If the Secretary so removes, demotes, or suspends such a covered individual, the Secretary may—

"(A) remove the covered individual from the civil service (as defined in section 2101 of title 5);

"(B) demote the covered individual by means of a reduction in grade for which the covered individual is qualified, that

the Secretary determines is appropriate, and that reduces the annual rate of pay of the covered individual; or

"(C) suspend the covered individual.

Effective date.

"(b) PAY OF CERTAIN DEMOTED INDIVIDUALS.—(1) Notwithstanding any other provision of law, any covered individual subject to a demotion under subsection (a)(2) shall, beginning on the date of such demotion, receive the annual rate of pay applicable to such grade.

"(2)(A) A covered individual so demoted may not be placed on administrative leave during the period during which an appeal (if any) under this section is ongoing, and may only receive pay if the covered individual reports for duty or is approved to use accrued unused annual, sick, family medical, military, or court leave.

"(B) If a covered individual so demoted does not report for duty or receive approval to use accrued unused leave, such covered individual shall not receive pay or other benefits pursuant to subsection (d)(5).

Time periods.

"(c) PROCEDURE.—(1)(A) The aggregate period for notice, response, and final decision in a removal, demotion, or suspension under this section may not exceed 15 business days.

"(B) The period for the response of a covered individual to a notice of a proposed removal, demotion, or suspension under this section shall be 7 business days.

Applicability.

"(C) Paragraph (3) of subsection (b) of section 7513 of title 5 shall apply with respect to a removal, demotion, or suspension under this section.

"(D) The procedures in this subsection shall supersede any collective bargaining agreement to the extent that such agreement is inconsistent with such procedures.

Deadline.
Notification.

"(2) The Secretary shall issue a final decision with respect to a removal, demotion, or suspension under this section not later than 15 business days after the Secretary provides notice, including a file containing all the evidence in support of the proposed action, to the covered individual of the removal, demotion, or suspension. The decision shall be in writing and shall include the specific reasons therefor.

"(3) The procedures under chapter 43 of title 5 shall not apply to a removal, demotion, or suspension under this section.

Time period.

"(4)(A) Subject to subparagraph (B) and subsection (d), any removal or demotion under this section, and any suspension of more than 14 days under this section, may be appealed to the Merit Systems Protection Board, which shall refer such appeal to an administrative judge pursuant to section 7701(b)(1) of title 5.

Deadline.

"(B) An appeal under subparagraph (A) of a removal, demotion, or suspension may only be made if such appeal is made not later than 10 business days after the date of such removal, demotion, or suspension.

Deadline.

"(d) EXPEDITED REVIEW.—(1) Upon receipt of an appeal under subsection (c)(4)(A), the administrative judge shall expedite any such appeal under section 7701(b)(1) of title 5 and, in any such case, shall issue a final and complete decision not later than 180 days after the date of the appeal.

"(2)(A) Notwithstanding section 7701(c)(1)(B) of title 5, the administrative judge shall uphold the decision of the Secretary

to remove, demote, or suspend an employee under subsection (a) if the decision is supported by substantial evidence.

"(B) Notwithstanding title 5 or any other provision of law, if the decision of the Secretary is supported by substantial evidence, the administrative judge shall not mitigate the penalty prescribed by the Secretary.

"(3)(A) The decision of the administrative judge under paragraph (1) may be appealed to the Merit Systems Protection Board.

"(B) Notwithstanding section 7701(c)(1)(B) of title 5, the Merit Systems Protection Board shall uphold the decision of the Secretary to remove, demote, or suspend an employee under subsection (a) if the decision is supported by substantial evidence.

"(C) Notwithstanding title 5 or any other provision of law, if the decision of the Secretary is supported by substantial evidence, the Merit Systems Protection Board shall not mitigate the penalty prescribed by the Secretary.

"(4) In any case in which the administrative judge cannot issue a decision in accordance with the 180-day requirement under paragraph (1), the Merit Systems Protection Board shall, not later than 14 business days after the expiration of the 180-day period, submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that explains the reasons why a decision was not issued in accordance with such requirement. Time period. Deadline. Reports.

"(5)(A) A decision of the Merit Systems Protection Board under paragraph (3) may be appealed to the United States Court of Appeals for the Federal Circuit pursuant to section 7703 of title 5 or to any court of appeals of competent jurisdiction pursuant to subsection (b)(1)(B) of such section.

"(B) Any decision by such Court shall be in compliance with section 7462(f)(2) of this title. Compliance.

"(6) The Merit Systems Protection Board may not stay any removal or demotion under this section, except as provided in section 1214(b) of title 5.

"(7) During the period beginning on the date on which a covered individual appeals a removal from the civil service under subsection (c) and ending on the date that the United States Court of Appeals for the Federal Circuit issues a final decision on such appeal, such covered individual may not receive any pay, awards, bonuses, incentives, allowances, differentials, student loan repayments, special payments, or benefits related to the employment of the individual by the Department. Time period.

"(8) To the maximum extent practicable, the Secretary shall provide to the Merit Systems Protection Board such information and assistance as may be necessary to ensure an appeal under this subsection is expedited.

"(9) If an employee prevails on appeal under this section, the employee shall be entitled to backpay (as provided in section 5596 of title 5).

"(10) If an employee who is subject to a collective bargaining agreement chooses to grieve an action taken under this section through a grievance procedure provided under the collective bargaining agreement, the timelines and procedures set forth in subsection (c) and this subsection shall apply. Applicability.

"(e) WHISTLEBLOWER PROTECTION.—(1) In the case of a covered individual seeking corrective action (or on behalf of whom corrective action is sought) from the Office of Special Counsel based on an

alleged prohibited personnel practice described in section 2302(b) of title 5, the Secretary may not remove, demote, or suspend such covered individual under subsection (a) without the approval of the Special Counsel under section 1214(f) of title 5.

Determinations.

"(2) In the case of a covered individual who has made a whistleblower disclosure to the Assistant Secretary for Accountability and Whistleblower Protection, the Secretary may not remove, demote, or suspend such covered individual under subsection (a) until—

"(A) in the case in which the Assistant Secretary determines to refer the whistleblower disclosure under section 323(c)(1)(D) of this title to an office or other investigative entity, a final decision with respect to the whistleblower disclosure has been made by such office or other investigative entity; or

"(B) in the case in which the Assistant Secretary determines not to the refer the whistleblower disclosure under such section, the Assistant Secretary makes such determination.

"(f) TERMINATION OF INVESTIGATIONS BY OFFICE OF SPECIAL COUNSEL.—(1) Notwithstanding any other provision of law, the Special Counsel (established by section 1211 of title 5) may terminate an investigation of a prohibited personnel practice alleged by an employee or former employee of the Department after the Special Counsel provides to the employee or former employee a written statement of the reasons for the termination of the investigation.

"(2) Such statement may not be admissible as evidence in any judicial or administrative proceeding without the consent of such employee or former employee.

"(g) VACANCIES.—In the case of a covered individual who is removed or demoted under subsection (a), to the maximum extent feasible, the Secretary shall fill the vacancy arising as a result of such removal or demotion.

"(h) DEFINITIONS.—In this section:

"(1) The term 'covered individual' means an individual occupying a position at the Department, but does not include—

"(A) an individual occupying a senior executive position (as defined in section 713(d) of this title);

"(B) an individual appointed pursuant to sections 7306, 7401(1), 7401(4), or 7405 of this title;

"(C) an individual who has not completed a probationary or trial period; or

"(D) a political appointee.

Time period.

"(2) The term 'suspend' means the placing of an employee, for disciplinary reasons, in a temporary status without duties and pay for a period in excess of 14 days.

"(3) The term 'grade' has the meaning given such term in section 7511(a) of title 5.

"(4) The term 'misconduct' includes neglect of duty, malfeasance, or failure to accept a directed reassignment or to accompany a position in a transfer of function.

"(5) The term 'political appointee' means an individual who is—

"(A) employed in a position described under sections 5312 through 5316 of title 5 (relating to the Executive Schedule);

"(B) a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive

Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5; or

"(C) employed in a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, or successor regulation.

"(6) The term 'whistleblower disclosure' has the meaning given such term in section 323(g) of this title.".

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) CLERICAL.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 713 the following new item: 38 USC prec. 701.

"714. Employees: removal, demotion, or suspension based on performance or misconduct.".

(2) CONFORMING.—Section 4303(f) of title 5, United States Code, is amended—

(A) in paragraph (2), by striking "or" at the end;

(B) in paragraph (3), by striking the period at the end and inserting ", or"; and

(C) by adding at the end the following:

"(4) any removal or demotion under section 714 of title 38.".

SEC. 203. REDUCTION OF BENEFITS FOR DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES CONVICTED OF CERTAIN CRIMES.

(a) REDUCTION OF BENEFITS.—

(1) IN GENERAL.—Subchapter I of chapter 7 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 719. Reduction of benefits of employees convicted of certain crimes 38 USC 719.

"(a) REDUCTION OF ANNUITY FOR REMOVED EMPLOYEE.—(1) The Secretary shall order that the covered service of an employee of the Department removed from a position for performance or misconduct under section 713, 714, or 7461 of this title or any other provision of law shall not be taken into account for purposes of calculating an annuity with respect to such individual under chapter 83 or chapter 84 of title 5, if— Deadlines.

"(A) the Secretary determines that the individual is convicted of a felony (and the conviction is final) that influenced the individual's performance while employed in the position; and Determination.

"(B) before such order is made, the individual is afforded—

"(i) notice of the proposed order; and Notification.

"(ii) an opportunity to respond to the proposed order by not later than ten business days following receipt of such notice; and

"(C) the Secretary issues the order—

"(i) in the case of a proposed order to which an individual responds under subparagraph (B)(ii), not later than five business days after receiving the response of the individual; or

"(ii) in the case of a proposed order to which an individual does not respond, not later than 15 business days after the Secretary provides notice to the individual under subparagraph (B)(i).

"(2) Any individual with respect to whom an annuity is reduced under this subsection may appeal the reduction to the Director of the Office of Personnel Management pursuant to such regulations as the Director may prescribe for purposes of this subsection.

Deadlines.

"(b) REDUCTION OF ANNUITY FOR RETIRED EMPLOYEE.—(1) The Secretary may order that the covered service of an individual who the Secretary proposes to remove for performance or misconduct under section 713, 714, or 7461 of this title or any other provision of law but who leaves employment at the Department prior to the issuance of a final decision with respect to such action shall not be taken into account for purposes of calculating an annuity with respect to such individual under chapter 83 or chapter 84 of title 5, if—

Determination.

"(A) the Secretary determines that individual is convicted of a felony (and the conviction is final) that influenced the individual's performance while employed in the position; and

"(B) before such order is made, the individual is afforded—

Notification.

"(i) notice of the proposed order;

"(ii) opportunity to respond to the proposed order by not later than ten business days following receipt of such notice; and

"(C) the Secretary issues the order—

"(i) in the case of a proposed order to which an individual responds under subparagraph (B)(ii), not later than five business days after receiving the response of the individual; or

"(ii) in the case of a proposed order to which an individual does not respond, not later than 15 business days after the Secretary provides notice to the individual under subparagraph (B)(i).

Time period.

"(2) Upon the issuance of an order by the Secretary under paragraph (1), the individual shall have an opportunity to appeal the order to the Director of the Office of Personnel Management before the date that is seven business days after the date of such issuance.

"(3) The Director of the Office of Personnel Management shall make a final decision with respect to an appeal under paragraph (2) within 30 business days of receiving the appeal.

Deadline.

"(c) ADMINISTRATIVE REQUIREMENTS.—Not later than 37 business days after the Secretary issues a final order under subsection (a) or (b) with respect to an individual, the Director of the Office of Personnel Management shall recalculate the annuity of the individual.

"(d) LUMP-SUM ANNUITY CREDIT.—Any individual with respect to whom an annuity is reduced under subsection (a) or (b) shall be entitled to be paid so much of such individual's lump-sum credit as is attributable to the period of covered service.

Consultation.
Regulations.

"(e) SPOUSE OR CHILDREN EXCEPTION.—(1) The Secretary, in consultation with the Director of the Office of Personnel Management, shall prescribe regulations that may provide for the payment to the spouse or children of any individual referred to in subsection (a) or (b) of any amounts which (but for this subsection) would otherwise have been nonpayable by reason of such subsections.

"(2) Regulations prescribed under paragraph (1) shall be consistent with the requirements of section 8332(o)(5) and 8411(l)(5) of title 5, as the case may be.

"(f) DEFINITIONS.—In this section:

"(1) The term 'covered service' means, with respect to an individual subject to a removal for performance or misconduct under section 719 or 7461 of this title or any other provision of law, the period of service beginning on the date that the Secretary determines under such applicable provision that the individual engaged in activity that gave rise to such action and ending on the date that the individual is removed from or leaves a position of employment at the Department prior to the issuance of a final decision with respect to such action. Time period. Determination.

"(2) The term 'lump-sum credit' has the meaning given such term in section 8331(8) or section 8401(19) of title 5, as the case may be.

"(3) The term 'service' has the meaning given such term in section 8331(12) or section 8401(26) of title 5, as the case may be.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 717 the following new item: 38 USC prec. 701.

"719. Reduction of benefits of employees convicted of certain crimes.".

(b) APPLICATION.—Section 719 of title 38, United States Code, as added by subsection (a)(1), shall apply to any action of removal of an employee of the Department of Veterans Affairs under section 719 or 7461 of such title or any other provision of law, commencing on or after the date of the enactment of this Act. 38 USC 719 note.

SEC. 204. AUTHORITY TO RECOUP BONUSES OR AWARDS PAID TO EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subchapter I of chapter 7 of title 38, United States Code, as amended by section 203, is further amended by adding at the end the following new section:

"§ 721. Recoupment of bonuses or awards paid to employees of Department 38 USC 721.

"(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may issue an order directing an employee of the Department to repay the amount, or a portion of the amount, of any award or bonus paid to the employee under title 5, including under chapters 45 or 53 of such title, or this title if— Deadlines.

"(1) the Secretary determines that the individual engaged in misconduct or poor performance prior to payment of the award or bonus, and that such award or bonus would not have been paid, in whole or in part, had the misconduct or poor performance been known prior to payment; and Determination.

"(2) before such repayment, the employee is afforded—

"(A) notice of the proposed order; and Notification.

"(B) an opportunity to respond to the proposed order by not later than 10 business days after the receipt of such notice; and

"(3) the Secretary issues the order—

"(A) in the case of a proposed order to which an individual responds under paragraph (2)(B), not later than five business days after receiving the response of the individual; or

"(B) in the case of a proposed order to which an individual does not respond, not later than 15 business days

after the Secretary provides notice to the individual under paragraph (2)(A).

Time period.

"(b) APPEAL OF ORDER OF SECRETARY.—(1) Upon the issuance of an order by the Secretary under subsection (a) with respect to an individual, the individual shall have an opportunity to appeal the order to the Director of the Office of Personnel Management before the date that is seven business days after the date of such issuance.

Deadline.

"(2) The Director shall make a final decision with respect to an appeal under paragraph (1) within 30 business days after receiving such appeal.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 203(a)(2), is further amended by inserting after the item relating to section 719 the following new item:

38 USC prec. 701.

"721. Recoupment of bonuses or awards paid to employees of Department.".

Applicability. 38 USC 721 note.

(c) EFFECTIVE DATE.—Section 721 of title 38, United States Code, as added by subsection (a), shall apply with respect to an award or bonus paid by the Secretary of Veterans Affairs to an employee of the Department of Veterans Affairs on or after the date of the enactment of this Act.

38 USC 713 note.

(d) CONSTRUCTION.—Nothing in this Act or the amendments made by this Act may be construed to modify the certification issued by the Office of Personnel Management and the Office of Management and Budget regarding the performance appraisal system of the Senior Executive Service of the Department of Veterans Affairs.

SEC. 205. AUTHORITY TO RECOUP RELOCATION EXPENSES PAID TO OR ON BEHALF OF EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subchapter I of chapter 7 of title 38, United States Code, as amended by section 204, is further amended by adding at the end the following new section:

38 USC 723.

"§ 723. Recoupment of relocation expenses paid on behalf of employees of Department

"(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may issue an order directing an employee of the Department to repay the amount, or a portion of the amount, paid to or on behalf of the employee under title 5 for relocation expenses, including any expenses under section 5724 or 5724a of such title, or this title if—

Determination.

"(1) the Secretary determines that relocation expenses were paid following an act of fraud or malfeasance that influenced the authorization of the relocation expenses;

"(2) before such repayment, the employee is afforded—

Notification.

"(A) notice of the proposed order; and

"(B) an opportunity to respond to the proposed order not later than ten business days following the receipt of such notice; and

"(3) the Secretary issues the order—

"(A) in the case of a proposed order to which an individual responds under paragraph (2)(B), not later than five business days after receiving the response of the individual; or

"(B) in the case of a proposed order to which an individual does not respond, not later than 15 business days after the Secretary provides notice to the individual under paragraph (2)(A).

"(b) APPEAL OF ORDER OF SECRETARY.—(1) Upon the issuance of an order by the Secretary under subsection (a) with respect to an individual, the individual shall have an opportunity to appeal the order to the Director of the Office of Personnel Management before the date that is seven business days after the date of such issuance. Time period.

"(2) The Director shall make a final decision with respect to an appeal under paragraph (1) within 30 days after receiving such appeal.". Deadline.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is further amended by inserting after the item relating to section 721, as added by section 204(b), the following new item: 38 USC prec. 701.

"723. Recoupment of relocation expenses paid on behalf of employees of Department.".

(c) EFFECTIVE DATE.—Section 723 of title 38, United States Code, as added by subsection (a), shall apply with respect to an amount paid by the Secretary of Veterans Affairs to or on behalf of an employee of the Department of Veterans Affairs for relocation expenses on or after the date of the enactment of this Act. Applicability. 38 USC 723 note.

SEC. 206. TIME PERIOD FOR RESPONSE TO NOTICE OF ADVERSE ACTIONS AGAINST SUPERVISORY EMPLOYEES WHO COMMIT PROHIBITED PERSONNEL ACTIONS.

Section 731(a)(2)(B) of title 38, United States Code, as redesignated by section 102(a)(2), is amended—

(1) in clause (i), by striking "14 days" and inserting "10 days"; and

(2) in clause (ii), by striking "14-day period" and inserting "10-day period".

SEC. 207. DIRECT HIRING AUTHORITY FOR MEDICAL CENTER DIRECTORS AND VISN DIRECTORS.

(a) IN GENERAL.—Section 7401 of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(4) Directors of medical centers and directors of Veterans Integrated Service Networks with demonstrated ability in the medical profession, in health care administration, or in health care fiscal management.".

(b) CONFORMING AMENDMENTS.—Section 7404(a)(1) of such title is amended—

(1) by inserting "(A)" before "The annual"; and

(2) in subparagraph (A), as designated by paragraph (1)—

(A) by inserting "and 7401(4)" after "7306"; and

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

"(B) Section 5377 of title 5 shall apply to a position under section 7401(4) of this title as if such position were included in the definition of 'position' in section 5377(a) of title 5.". Applicability.

SEC. 208. TIME PERIODS FOR REVIEW OF ADVERSE ACTIONS WITH RESPECT TO CERTAIN EMPLOYEES.

(a) PHYSICIANS, DENTISTS, PODIATRISTS, CHIROPRACTORS, OPTOMETRISTS, REGISTERED NURSES, PHYSICIAN ASSISTANTS, AND EXPANDED-FUNCTION DENTAL AUXILIARIES.—Paragraph (2) of section 7461(b) of title 38, United States Code, is amended to read as follows:

Appeal.

"(2) In any case other than a case described in paragraph (1) that involves or includes a question of professional conduct or competence in which a major adverse action was not taken, such an appeal shall be made through Department grievance procedures under section 7463 of this title.".

(b) MAJOR ADVERSE ACTIONS INVOLVING PROFESSIONAL CONDUCT OR COMPETENCE.—Section 7462(b) of such title is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting ", within the aggregate time period specified in paragraph (5)(A)," after "is entitled";

(B) in subparagraph (A)—

(i) by striking "At least 30 days advance written notice" and inserting "Advance written notice";

(ii) by striking "and a statement" and inserting "a statement"; and

(iii) by inserting "and a file containing all the evidence in support of each charge," after "with respect to each charge,"; and

(C) in subparagraph (B), by striking "A reasonable time, but not less than seven days" and inserting "The opportunity, within the time period provided for in paragraph (4)(A)";

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

"(3) After considering the employee's answer, if any, and within the time period provided for in paragraph (5)(B), the deciding official shall render a decision on the charges. The decision shall be in writing and shall include the specific reasons therefor.";

(3) in paragraph (4)—

(A) by striking subparagraph (A) and inserting the following new subparagraph (A):

"(A) The period for the response of an employee under paragraph (1)(B) to advance written under paragraph (1)(A) shall be seven business days."; and

(B) in subparagraph (B), by striking "30 days" and inserting "seven business days"; and

(4) by adding at the end the following new paragraphs:

"(5)(A) The aggregate period for the resolution of charges against an employee under this subsection may not exceed 15 business days.

Deadline. Notification.

"(B) The deciding official shall render a decision under paragraph (3) on charges under this subsection not later than 15 business days after the Under Secretary provides notice on the charges for purposes of paragraph (1)(A).

"(6) The procedures in this subsection shall supersede any collective bargaining agreement to the extent that such agreement is inconsistent with such procedures.".

(c) OTHER ADVERSE ACTIONS.—Section 7463(c) of such title is amended—

(1) in paragraph (1), by striking "the same notice and opportunity to answer with respect to those charges as provided in subparagraphs (A) and (B) of section 7462(b)(1) of this title" and inserting "notice and an opportunity to answer with respect to those charges in accordance with subparagraphs (A) and (B) of section 7462(b)(1) of this title, but within the time periods specified in paragraph (3)";

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting ", within the aggregate time period specified in paragraph (3)(A)," after "is entitled";

(B) in subparagraph (A), by striking "an advance written notice" and inserting "written notice"; and

(C) in subparagraph (B), by striking "a reasonable time" and inserting "time to answer"; and

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

"(3)(A) The aggregate period for the resolution of charges against an employee under paragraph (1) or (2) may not exceed 15 business days.

"(B) The period for the response of an employee under paragraph (1) or (2)(B) to written notice of charges under paragraph (1) or (2)(A), as applicable, shall be seven business days.

"(C) The deciding official shall render a decision on charges under paragraph (1) or (2) not later than 15 business days after notice is provided on the charges for purposes of paragraph (1) or (2)(A), as applicable.". Deadline.

SEC. 209. IMPROVEMENT OF TRAINING FOR SUPERVISORS. 38 USC 735 note.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall provide to each employee of the Department of Veterans Affairs who is employed as a supervisor periodic training on the following:

(1) The rights of whistleblowers and how to address a report by an employee of a hostile work environment, reprisal, or harassment.

(2) How to effectively motivate, manage, and reward the employees who report to the supervisor.

(3) How to effectively manage employees who are performing at an unacceptable level and access assistance from the human resources office of the Department and the Office of the General Counsel of the Department with respect to those employees.

(b) DEFINITIONS.—In this section:

(1) SUPERVISOR.—The term "supervisor" has the meaning given such term in section 7103(a) of title 5, United States Code.

(2) WHISTLEBLOWER.—The term "whistleblower" has the meaning given such term in section 323(g) of title 38, United States Code, as added by section 101.

SEC. 210. ASSESSMENT AND REPORT ON EFFECT ON SENIOR EXECUTIVES AT DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(1) measure and assess the effect of the enactment of this title on the morale, engagement, hiring, promotion, retention, discipline, and productivity of individuals in senior executive positions at the Department of Veterans Affairs; and

(2) submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the findings of the Secretary with respect to the measurement and assessment carried out under paragraph (1).

(b) ELEMENTS.—The assessment required by subsection (a)(1) shall include the following:

(1) With respect to engagement, trends in morale of individuals in senior executive positions and individuals aspiring to senior executive positions.

(2) With respect to promotions—

(A) whether the Department is experiencing an increase or decrease in the number of employees participating in leadership development and candidate development programs with the intention of becoming candidates for senior executive positions; and

(B) trends in applications to senior executive positions within the Department.

(3) With respect to retention—

(A) trends in retirement rates of individuals in senior executive positions at the Department;

(B) trends in quit rates of individuals in senior executive positions at the Department;

(C) rates of transfer of—

(i) individuals from other Federal agencies into senior executive positions at the Department; and

(ii) individuals from senior executive positions at the Department to other Federal agencies; and

(D) trends in total loss rates by job function.

(4) With respect to disciplinary processes—

(A) regarding individuals in senior executive positions at the Department who are the subject of disciplinary action—

(i) the length of the disciplinary process in days for such individuals both before the date of the enactment of this Act and under the provisions of this Act described in subsection (a)(1); and

(ii) the extent to which appeals by such individuals are upheld under such provisions as compared to before the date of the enactment of this Act;

(B) the components or offices of the Department which experience the greatest number of proposed adverse actions against individuals in senior executive positions and components and offices which experience the least relative to the size of the components or offices' total number of senior executive positions;

(C) the tenure of individuals in senior executive positions who are the subject of disciplinary action;

(D) whether the individuals in senior executive positions who are the subject of disciplinary action have previously been disciplined; and

(E) the number of instances of disciplinary action taken by the Secretary against individuals in senior executive positions at the Department as compared to government-wide discipline against individuals in Senior Executive Service positions (as defined in section 3132(a) of title 5, United States Code) as a percentage of the total number

of individuals in senior executive positions at the Department and Senior Executive Service positions (as so defined).

(5) With respect to hiring—

(A) the degree to which the skills of newly hired individuals in senior executive positions at the Department are appropriate with respect to the needs of the Department;

(B) the types of senior executive positions at the Department most commonly filled under the authorities in the provisions described in subsection (a)(1);

(C) the number of senior executive positions at the Department filled by hires outside of the Department compared to hires from within the Department;

(D) the length of time to fill a senior executive position at the Department and for a new hire to begin working in a new senior executive position;

(E) the mission-critical deficiencies filled by newly hired individuals in senior executive positions and the connection between mission-critical deficiencies filled under the provisions described in subsection (a) and annual performance of the Department;

(F) the satisfaction of applicants for senior executive positions at the Department with the hiring process, including the clarity of job announcements, reasons for withdrawal of applications, communication regarding status of applications, and timeliness of hiring decision; and

(G) the satisfaction of newly hired individuals in senior executive positions at the Department with the hiring process and the process of joining and becoming oriented with the Department.

(c) SENIOR EXECUTIVE POSITION DEFINED.—In this section, the term "senior executive position" has the meaning given such term in section 713 of title 38, United States Code.

SEC. 211. MEASUREMENT OF DEPARTMENT OF VETERANS AFFAIRS DISCIPLINARY PROCESS OUTCOMES AND EFFECTIVENESS.

(a) MEASURING AND COLLECTING.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall measure and collect information on the outcomes of disciplinary actions carried out by the Department of Veterans Affairs during the three-year period ending on the date of the enactment of this Act and the effectiveness of such actions. Time period.

(2) ELEMENTS.—In measuring and collecting pursuant to paragraph (1), the Secretary shall measure and collect information regarding the following:

(A) The average time from the initiation of an adverse action against an employee at the Department to the final resolution of that action.

(B) The number of distinct steps and levels of review within the Department involved in the disciplinary process and the average length of time required to complete these steps.

(C) The rate of use of alternate disciplinary procedures compared to traditional disciplinary procedures and the frequency with which employees who are subject to alternative disciplinary procedures commit additional offenses.

(D) The number of appeals from adverse actions filed against employees of the Department, the number of appeals upheld, and the reasons for which the appeals were upheld.

(E) The use of paid administrative leave during the disciplinary process and the length of such leave.

(b) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2017, the Secretary shall submit to the appropriate committees of Congress a report on the disciplinary procedures and actions of the Department.

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) The information collected under subsection (a).

(B) The findings of the Secretary with respect to the measurement and collection carried out under subsection (a).

Analysis.

(C) An analysis of the disciplinary procedures and actions of the Department.

(D) Suggestions for improving the disciplinary procedures and actions of the Department.

(E) Such other matters as the Secretary considers appropriate.

Definition.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.

Approved June 23, 2017.

LEGISLATIVE HISTORY—S. 1094:

CONGRESSIONAL RECORD, Vol. 163 (2017):
June 6, considered and passed Senate.
June 13, considered and passed House.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2017):
June 23, Presidential remarks.

Public Law 115–42
115th Congress

An Act

To amend section 1214 of title 5, United States Code, to provide for stays during a period that the Merit Systems Protection Board lacks a quorum.

June 27, 2017
[S. 1083]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STAYS BY MSPB DURING PERIODS WITH NO QUORUM.

Section 1214(b)(1)(B) of title 5, United States Code, is amended—

(1) by inserting "(i)" before "The Board may"; and

(2) by adding at the end the following:

"(ii) If the Board lacks the number of members appointed under section 1201 required to constitute a quorum, any remaining member of the Board who was appointed, by and with the advice and consent of the Senate, may, upon request by the Special Counsel, extend the period of any stay granted under subparagraph (A).".

Approved June 27, 2017.

LEGISLATIVE HISTORY—S. 1083:

CONGRESSIONAL RECORD, Vol. 163 (2017):
May 11, considered and passed Senate.
May 25, considered and passed House, amended.
June 14, Senate concurred in House amendment.

Public Law 115–43
115th Congress

An Act

To amend the Homeland Security Act of 2002 to make the Assistant Secretary of Homeland Security for Health Affairs responsible for coordinating the efforts of the Department of Homeland Security related to food, agriculture, and veterinary defense against terrorism, and for other purposes.

June 30, 2017
[H.R. 1238]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Securing our Agriculture and Food Act.
6 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Securing our Agriculture and Food Act".

SEC. 2. COORDINATION OF FOOD, AGRICULTURE, AND VETERINARY DEFENSE AGAINST TERRORISM.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following new section:

6 USC 321q.

"SEC. 528. COORDINATION OF DEPARTMENT OF HOMELAND SECURITY EFFORTS RELATED TO FOOD, AGRICULTURE, AND VETERINARY DEFENSE AGAINST TERRORISM.

"(a) PROGRAM REQUIRED.—The Secretary, acting through the Assistant Secretary for Health Affairs, shall carry out a program to coordinate the Department's efforts related to defending the food, agriculture, and veterinary systems of the United States against terrorism and other high-consequence events that pose a high risk to homeland security.

"(b) PROGRAM ELEMENTS.—The coordination program required by subsection (a) shall include, at a minimum, the following:

"(1) Providing oversight and management of the Department's responsibilities pursuant to Homeland Security Presidential Directive 9–Defense of United States Agriculture and Food.

"(2) Providing oversight and integration of the Department's activities related to veterinary public health, food defense, and agricultural security.

"(3) Leading the Department's policy initiatives relating to food, animal, and agricultural incidents, and the impact of such incidents on animal and public health.

"(4) Leading the Department's policy initiatives relating to overall domestic preparedness for and collective response to agricultural terrorism.

"(5) Coordinating with other Department components, including U.S. Customs and Border Protection, as appropriate,

on activities related to food and agriculture security and screening procedures for domestic and imported products.

"(6) Coordinating with appropriate Federal departments and agencies.

"(7) Other activities as determined necessary by the Secretary.

"(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed as altering or superseding the authority of the Secretary of Agriculture or the Secretary of Health and Human Services.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended—

(1) by striking the items relating to sections 523, 524, 525, 526, and 527; and

(2) by inserting after the item relating to section 522 the following:

"Sec. 523. Guidance and recommendations.
"Sec. 524. Voluntary private sector preparedness accreditation and certification program.
"Sec. 525. Acceptance of gifts.
"Sec. 526. Integrated public alert and warning system modernization.
"Sec. 527. National planning and education.
"Sec. 528. Coordination of Department of Homeland Security efforts related to food, agriculture, and veterinary defense against terrorism.".

Approved June 30, 2017.

LEGISLATIVE HISTORY—H.R. 1238 (S. 500):

HOUSE REPORTS: No. 115–42, Pt. 1 (Comm. on Homeland Security).
SENATE REPORTS: No. 115–29 (Comm. on Homeland Security and Governmental Affairs) accompanying S. 500.
CONGRESSIONAL RECORD, Vol. 163 (2017):
Mar. 22, considered and passed House.
May 24, considered and passed Senate, amended.
June 20, House concurred in Senate amendments.

Public Law 115–44
115th Congress

An Act

Aug. 2, 2017
[H.R. 3364]

To provide congressional review and to counter aggression by the Governments of Iran, the Russian Federation, and North Korea, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Countering America's Adversaries Through Sanctions Act. 22 USC 9401 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Countering America's Adversaries Through Sanctions Act".

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

TITLE III—SANCTIONS WITH RESPECT TO NORTH KOREA

Countering Iran's Destabilizing Activities Act of 2017.

TITLE I—SANCTIONS WITH RESPECT TO IRAN

22 USC 9401 note.

SEC. 101. SHORT TITLE.

This title may be cited as the "Countering Iran's Destabilizing Activities Act of 2017".

22 USC 9401 note.

SEC. 102. DEFINITIONS.

In this title:

(1) ACT OF INTERNATIONAL TERRORISM.—The term "act of international terrorism" has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(3) FOREIGN PERSON.—The term "foreign person" means a person that is not a United States person.

(4) IRANIAN PERSON.—The term "Iranian person" means—

(A) an individual who is a citizen or national of Iran; or

(B) an entity organized under the laws of Iran or otherwise subject to the jurisdiction of the Government of Iran.

(5) IRGC.—The term "IRGC" means Iran's Islamic Revolutionary Guard Corps.

(6) KNOWINGLY.—The term "knowingly" has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(7) UNITED STATES PERSON.—The term "United States person" means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

SEC. 103. REGIONAL STRATEGY FOR COUNTERING CONVENTIONAL AND ASYMMETRIC IRANIAN THREATS IN THE MIDDLE EAST AND NORTH AFRICA. 22 USC 9402.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 2 years thereafter, the Secretary of State, the Secretary of Defense, the Secretary of the Treasury, and the Director of National Intelligence shall jointly develop and submit to the appropriate congressional committees and leadership a strategy for deterring conventional and asymmetric Iranian activities and threats that directly threaten the United States and key allies in the Middle East, North Africa, and beyond. Deadlines.

(b) ELEMENTS.—The strategy required by subsection (a) shall include at a minimum the following: Summaries. Assessments.

(1) A summary of the near- and long-term United States objectives, plans, and means for countering Iran's destabilizing activities, including identification of countries that share the objective of countering Iran's destabilizing activities.

(2) A summary of the capabilities and contributions of individual countries to shared efforts to counter Iran's destabilizing activities, and a summary of additional actions or contributions that each country could take to further contribute.

(3) An assessment of Iran's conventional force capabilities and an assessment of Iran's plans to upgrade its conventional force capabilities, including its acquisition, development, and deployment of ballistic and cruise missile capabilities, unmanned aerial vehicles, and maritime offensive and anti-access or area denial capabilities.

(4) An assessment of Iran's chemical and biological weapons capabilities and an assessment of Iranian plans to upgrade its chemical or biological weapons capabilities.

(5) An assessment of Iran's asymmetric activities in the region, including—

(A) the size, capabilities, and activities of the IRGC, including the Quds Force;

(B) the size, capabilities, and activities of Iran's cyber operations;

(C) the types and amount of support, including funding, lethal and nonlethal contributions, and training, provided to Hezbollah, Hamas, special groups in Iraq, the regime of Bashar al-Assad in Syria, Houthi fighters in Yemen, and other violent groups across the Middle East; and

(D) the scope and objectives of Iran's information operations and use of propaganda.

(6) A summary of United States actions, unilaterally and in cooperation with foreign governments, to counter destabilizing Iranian activities, including—

(A) interdiction of Iranian lethal arms bound for groups designated as foreign terrorist organizations under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189);

(B) Iran's interference in international commercial shipping lanes;

(C) attempts by Iran to undermine or subvert internationally recognized governments in the Middle East region; and

(D) Iran's support for the regime of Bashar al-Assad in Syria, including—

(i) financial assistance, military equipment and personnel, and other support provided to that regime; and

(ii) support and direction to other armed actors that are not Syrian or Iranian and are acting on behalf of that regime.

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

(d) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP DEFINED.—In this section, the term "appropriate congressional committees and leadership" means—

(1) the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the majority and minority leaders of the Senate; and

(2) the Committee on Ways and Means, the Committee on Financial Services, the Committee on Foreign Affairs, and the Speaker, the majority leader, and the minority leader of the House of Representatives.

23 USC 9403.

SEC. 104. IMPOSITION OF ADDITIONAL SANCTIONS IN RESPONSE TO IRAN'S BALLISTIC MISSILE PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Treasury and the Secretary of State should continue to implement Executive Order No. 13382 (50 U.S.C. 1701 note; relating to blocking property of weapons of mass destruction delivery system proliferators and their supporters).

President. Determination.

(b) IMPOSITION OF SANCTIONS.—The President shall impose the sanctions described in subsection (c) with respect to any person that the President determines, on or after the date of the enactment of this Act—

(1) knowingly engages in any activity that materially contributes to the activities of the Government of Iran with respect to its ballistic missile program, or any other program in Iran for developing, deploying, or maintaining systems capable of delivering weapons of mass destruction, including any efforts to manufacture, acquire, possess, develop, transport, transfer, or use such capabilities;

(2) is a successor entity to a person referred to in paragraph (1);

(3) owns or controls or is owned or controlled by a person referred to in paragraph (1);

(4) forms an entity with the purpose of evading sanctions that would otherwise be imposed pursuant to paragraph (3);

(5) is acting for or on behalf of a person referred to in paragraph (1), (2), (3), or (4); or

(6) knowingly provides or attempts to provide financial, material, technological, or other support for, or goods or services in support of, a person referred to in paragraph (1), (2), (3), (4) or (5).

(c) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) BLOCKING OF PROPERTY.—The President shall block, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), all transactions in all property and interests in property of any person subject to subsection (b) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person. President.

(2) EXCLUSION FROM UNITED STATES.—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any person subject to subsection (b) that is an alien.

(d) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (c)(1) or any regulation, license, or order issued to carry out that subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(e) REPORT ON CONTRIBUTIONS TO IRAN'S BALLISTIC MISSILE PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report describing each person that—

(A) has, during the period specified in paragraph (2), conducted any activity that has materially contributed to the activities of the Government of Iran with respect to its ballistic missile program, or any other program in Iran for developing, deploying, or maintaining systems capable of delivering weapons of mass destruction, including any efforts to manufacture, acquire, possess, develop, transport, transfer, or use such capabilities;

(B) is a successor entity to a person referred to in subparagraph (A);

(C) owns or controls or is owned or controlled by a person referred to in subparagraph (A);

(D) forms an entity with the purpose of evading sanctions that could be imposed as a result of a relationship described in subparagraph (C);

(E) is acting for or on behalf of a person referred to in subparagraph (A), (B), (C), or (D); or

(F) is known or believed to have provided, or attempted to provide, during the period specified in paragraph (2), financial, material, technological, or other support for, or goods or services in support of, any material contribution to a program described in subparagraph (A) carried out

by a person described in subparagraph (A), (B), (C), (D), or (E).

(2) PERIOD SPECIFIED.—The period specified in this paragraph is—

(A) in the case of the first report submitted under paragraph (1), the period beginning January 1, 2016, and ending on the date the report is submitted; and

(B) in the case of a subsequent such report, the 180-day period preceding the submission of the report.

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

22 USC 9404.

SEC. 105. IMPOSITION OF TERRORISM-RELATED SANCTIONS WITH RESPECT TO THE IRGC.

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

(1) The IRGC is subject to sanctions pursuant to Executive Order No. 13382 (50 U.S.C. 1701 note; relating to blocking property of weapons of mass destruction delivery system proliferators and their supporters), the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.), Executive Order No. 13553 (50 U.S.C. 1701 note; relating to blocking property of certain persons with respect to serious human rights abuses by the Government of Iran), and Executive Order No. 13606 (50 U.S.C. 1701 note; relating to blocking the property and suspending entry into the United States of certain persons with respect to grave human rights abuses by the Governments of Iran and Syria via information technology).

(2) The Iranian Revolutionary Guard Corps–Quds Force (in this section referred to as the "IRGC–QF") is the primary arm of the Government of Iran for executing its policy of supporting terrorist and insurgent groups. The IRGC–QF provides material, logistical assistance, training, and financial support to militants and terrorist operatives throughout the Middle East and South Asia and was designated for the imposition of sanctions by the Secretary of the Treasury pursuant to Executive Order No. 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism) in October 2007 for its support of terrorism.

(3) The IRGC, not just the IRGC–QF, is responsible for implementing Iran's international program of destabilizing activities, support for acts of international terrorism, and ballistic missile program.

Effective date. President.

(b) IN GENERAL.—Beginning on the date that is 90 days after the date of the enactment of this Act, the President shall impose the sanctions described in subsection (c) with respect to the IRGC and foreign persons that are officials, agents, or affiliates of the IRGC.

(c) SANCTIONS DESCRIBED.—The sanctions described in this subsection are sanctions applicable with respect to a foreign person pursuant to Executive Order No. 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism).

SEC. 106. IMPOSITION OF ADDITIONAL SANCTIONS WITH RESPECT TO PERSONS RESPONSIBLE FOR HUMAN RIGHTS ABUSES.

22 USC 9405.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a list of each person the Secretary determines, based on credible evidence, on or after the date of the enactment of this Act—

Deadline. Lists. Determination.

(1) is responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals in Iran who seek—

(A) to expose illegal activity carried out by officials of the Government of Iran; or

(B) to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedoms of religion, expression, association, and assembly, and the rights to a fair trial and democratic elections; or

(2) acts as an agent of or on behalf of a foreign person in a matter relating to an activity described in paragraph (1).

(b) SANCTIONS DESCRIBED.—

(1) IN GENERAL.—The President may, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block all transactions in all property and interests in property of a person on the list required by subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of paragraph (1) or any regulation, license, or order issued to carry out paragraph (1) shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

SEC. 107. ENFORCEMENT OF ARMS EMBARGOS.

22 USC 9406.

(a) IN GENERAL.—Except as provided in subsection (d), the President shall impose the sanctions described in subsection (b) with respect to any person that the President determines—

President. Determination.

(1) knowingly engages in any activity that materially contributes to the supply, sale, or transfer directly or indirectly to or from Iran, or for the use in or benefit of Iran, of any battle tanks, armored combat vehicles, large caliber artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems, as defined for the purpose of the United Nations Register of Conventional Arms, or related materiel, including spare parts; or

(2) knowingly provides to Iran any technical training, financial resources or services, advice, other services or assistance related to the supply, sale, transfer, manufacture, maintenance, or use of arms and related materiel described in paragraph (1).

(b) SANCTIONS DESCRIBED.—

(1) BLOCKING OF PROPERTY.—The President shall block, in accordance with the International Emergency Economic

President.

Powers Act (50 U.S.C. 1701 et seq.), all transactions in all property and interests in property of any person subject to subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) EXCLUSION FROM UNITED STATES.—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any person subject to subsection (a) that is an alien.

(c) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (b)(1) or any regulation, license, or order issued to carry out that subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

President. Certification.

(d) EXCEPTION.—The President is not required to impose sanctions under subsection (a) with respect to a person for engaging in an activity described in that subsection if the President certifies to the appropriate congressional committees that—

(1) permitting the activity is in the national security interest of the United States;

(2) Iran no longer presents a significant threat to the national security of the United States and to the allies of the United States; and

(3) the Government of Iran has ceased providing operational or financial support for acts of international terrorism and no longer satisfies the requirements for designation as a state sponsor of terrorism.

(e) STATE SPONSOR OF TERRORISM DEFINED.—In this section, the term "state sponsor of terrorism" means a country the government of which the Secretary of State has determined to be a government that has repeatedly provided support for acts of international terrorism for purposes of—

(1) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. 4605(j)(1)(A)) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.));

(2) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a));

(3) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(4) any other provision of law.

22 USC 9407.

SEC. 108. REVIEW OF APPLICABILITY OF SANCTIONS RELATING TO IRAN'S SUPPORT FOR TERRORISM AND ITS BALLISTIC MISSILE PROGRAM.

Deadline. President. Assessment.

(a) IN GENERAL.—Not later than 5 years after the date of the enactment of this Act, the President shall conduct a review of all persons on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury for activities relating to Iran—

(1) to assess the conduct of such persons as that conduct relates to—

(A) any activity that materially contributes to the activities of the Government of Iran with respect to its ballistic missile program; or

(B) support by the Government of Iran for acts of international terrorism; and

(2) to determine the applicability of sanctions with respect to such persons under— Determination.

(A) Executive Order No. 13382 (50 U.S.C. 1701 note; relating to blocking property of weapons of mass destruction delivery system proliferators and their supporters); or

(B) Executive Order No. 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism).

(b) IMPLEMENTATION OF SANCTIONS.—If the President determines under subsection (a) that sanctions under an Executive order specified in paragraph (2) of that subsection are applicable with respect to a person, the President shall— President.

(1) impose sanctions with respect to that person pursuant to that Executive order; or

(2) exercise the waiver authority provided under section 112.

SEC. 109. REPORT ON COORDINATION OF SANCTIONS BETWEEN THE UNITED STATES AND THE EUROPEAN UNION. 22 USC 9408.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report that includes the following: President.

(1) A description of each instance, during the period specified in subsection (b)—

(A) in which the United States has imposed sanctions with respect to a person for activity related to the proliferation of weapons of mass destruction or delivery systems for such weapons to or by Iran, support for acts of international terrorism by Iran, or human rights abuses in Iran, but in which the European Union has not imposed corresponding sanctions; and

(B) in which the European Union has imposed sanctions with respect to a person for activity related to the proliferation of weapons of mass destruction or delivery systems for such weapons to or by Iran, support for acts of international terrorism by Iran, or human rights abuses in Iran, but in which the United States has not imposed corresponding sanctions.

(2) An explanation for the reason for each discrepancy between sanctions imposed by the European Union and sanctions imposed by the United States described in subparagraphs (A) and (B) of paragraph (1).

(b) PERIOD SPECIFIED.—The period specified in this subsection is—

(1) in the case of the first report submitted under subsection (a), the period beginning on the date of the enactment of this Act and ending on the date the report is submitted; and

(2) in the case of a subsequent such report, the 180-day period preceding the submission of the report.

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

22 USC 9409.

SEC. 110. REPORT ON UNITED STATES CITIZENS DETAINED BY IRAN.

President.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees and leadership a report on United States citizens, including United States citizens who are also citizens of other countries, detained by Iran or groups supported by Iran that includes—

(1) information regarding any officials of the Government of Iran involved in any way in the detentions; and

Summary.

(2) a summary of efforts the United States Government has taken to secure the swift release of those United States citizens.

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

(c) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP DEFINED.—In this section, the term "appropriate congressional committees and leadership" means—

(1) the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the majority and minority leaders of the Senate; and

(2) the Committee on Ways and Means, the Committee on Financial Services, the Committee on Foreign Affairs, and the Speaker, the majority leader, and the minority leader of the House of Representatives.

22 USC 9410.

SEC. 111. EXCEPTIONS FOR NATIONAL SECURITY AND HUMANITARIAN ASSISTANCE; RULE OF CONSTRUCTION.

Exemptions.

(a) IN GENERAL.—The following activities shall be exempt from sanctions under sections 104, 105, 106, and 107:

(1) Any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.), or to any authorized intelligence activities of the United States.

(2) The admission of an alien to the United States if such admission is necessary to comply with United States obligations under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, or under the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other applicable international obligations of the United States.

(3) The conduct or facilitation of a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran, including engaging in a financial transaction relating to humanitarian assistance or for humanitarian purposes or transporting goods or services that are necessary to carry out operations relating to humanitarian assistance or humanitarian purposes.

(b) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this Act.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to limit the authority of the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(d) DEFINITIONS.—In this section:

(1) AGRICULTURAL COMMODITY.—The term "agricultural commodity" has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) GOOD.—The term "good" has the meaning given that term in section 16 of the Export Administration Act of 1979 (50 U.S.C. 4618) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(3) MEDICAL DEVICE.—The term "medical device" has the meaning given the term "device" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(4) MEDICINE.—The term "medicine" has the meaning given the term "drug" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

SEC. 112. PRESIDENTIAL WAIVER AUTHORITY.

22 USC 9411.

(a) CASE-BY-CASE WAIVER AUTHORITY.—

Time periods. Determinations. Reports.

(1) IN GENERAL.—The President may waive, on a case-by-case basis and for a period of not more than 180 days, a requirement under section 104, 105, 106, 107, or 108 to impose or maintain sanctions with respect to a person, and may waive the continued imposition of such sanctions, not less than 30 days after the President determines and reports to the appropriate congressional committees that it is vital to the national security interests of the United States to waive such sanctions.

Deadline.

(2) RENEWAL OF WAIVERS.—The President may, on a case-by-case basis, renew a waiver under paragraph (1) for an additional period of not more than 180 days if, not later than 15 days before that waiver expires, the President makes the determination and submits to the appropriate congressional committees a report described in paragraph (1).

(3) SUCCESSIVE RENEWAL.—The renewal authority provided under paragraph (2) may be exercised for additional successive periods of not more than 180 days if the President follows the procedures set forth in paragraph (2), and submits the report described in paragraph (1), for each such renewal.

(b) CONTENTS OF WAIVER REPORTS.—Each report submitted under subsection (a) in connection with a waiver of sanctions under section 104, 105, 106, 107, or 108 with respect to a person, or the renewal of such a waiver, shall include—

(1) a specific and detailed rationale for the determination that the waiver is vital to the national security interests of the United States;

(2) a description of the activity that resulted in the person being subject to sanctions;

(3) an explanation of any efforts made by the United States, as applicable, to secure the cooperation of the government with primary jurisdiction over the person or the location where

the activity described in paragraph (2) occurred in terminating or, as appropriate, penalizing the activity; and

Assessment.

(4) an assessment of the significance of the activity described in paragraph (2) in contributing to the ability of Iran to threaten the interests of the United States or allies of the United States, develop systems capable of delivering weapons of mass destruction, support acts of international terrorism, or violate the human rights of any person in Iran.

(c) EFFECT OF REPORT ON WAIVER.—If the President submits a report under subsection (a) in connection with a waiver of sanctions under section 104, 105, 106, 107, or 108 with respect to a person, or the renewal of such a waiver, the President shall not be required to impose or maintain sanctions under section 104, 105, 106, 107, or 108, as applicable, with respect to the person described in the report during the 30-day period referred to in subsection (a).

Countering Russian Influence in Europe and Eurasia Act of 2017.

TITLE II—SANCTIONS WITH RESPECT TO THE RUSSIAN FEDERATION AND COMBATING TERRORISM AND ILLICIT FINANCING

22 USC 9501 note.

SEC. 201. SHORT TITLE.

This title may be cited as the "Countering Russian Influence in Europe and Eurasia Act of 2017".

Subtitle A—Sanctions and Other Measures With Respect to the Russian Federation

22 USC 9501.

SEC. 211. FINDINGS.

Congress makes the following findings:

(1) On March 6, 2014, President Barack Obama issued Executive Order No. 13660 (79 Fed. Reg. 13493; relating to blocking property of certain persons contributing to the situation in Ukraine), which authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to impose sanctions on those determined to be undermining democratic processes and institutions in Ukraine or threatening the peace, security, stability, sovereignty, and territorial integrity of Ukraine. President Obama subsequently issued Executive Order No. 13661 (79 Fed. Reg. 15535; relating to blocking property of additional persons contributing to the situation in Ukraine) and Executive Order No. 13662 (79 Fed. Reg. 16169; relating to blocking property of additional persons contributing to the situation in Ukraine) to expand sanctions on certain persons contributing to the situation in Ukraine.

(2) On December 18, 2014, the Ukraine Freedom Support Act of 2014 was enacted (Public Law 113–272; 22 U.S.C. 8921 et seq.), which includes provisions directing the President to impose sanctions on foreign persons that the President determines to be entities owned or controlled by the Government

of the Russian Federation or nationals of the Russian Federation that manufacture, sell, transfer, or otherwise provide certain defense articles into Syria.

(3) On April 1, 2015, President Obama issued Executive Order No. 13694 (80 Fed. Reg. 18077; relating to blocking the property of certain persons engaging in significant malicious cyber-enabled activities), which authorizes the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to impose sanctions on persons determined to be engaged in malicious cyber-hacking.

(4) On July 26, 2016, President Obama approved a Presidential Policy Directive on United States Cyber Incident Coordination, which states, "certain cyber incidents that have significant impacts on an entity, our national security, or the broader economy require a unique approach to response efforts".

(5) On December 29, 2016, President Obama issued an annex to Executive Order No. 13694, which authorized sanctions on the following entities and individuals:

(A) The Main Intelligence Directorate (also known as Glavnoe Razvedyvatel'noe Upravlenie or the GRU) in Moscow, Russian Federation.

(B) The Federal Security Service (also known as Federalnaya Sluzhba Bezopasnosti or the FSB) in Moscow, Russian Federation.

(C) The Special Technology Center (also known as STLC, Ltd. Special Technology Center St. Petersburg) in St. Petersburg, Russian Federation.

(D) Zorsecurity (also known as Esage Lab) in Moscow, Russian Federation.

(E) The autonomous noncommercial organization known as the Professional Association of Designers of Data Processing Systems (also known as ANO PO KSI) in Moscow, Russian Federation.

(F) Igor Valentinovich Korobov.

(G) Sergey Aleksandrovich Gizunov.

(H) Igor Olegovich Kostyukov.

(I) Vladimir Stepanovich Alexseyev.

(6) On January 6, 2017, an assessment of the United States intelligence community entitled, "Assessing Russian Activities and Intentions in Recent U.S. Elections" stated, "Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the United States presidential election." The assessment warns that "Moscow will apply lessons learned from its Putin-ordered campaign aimed at the U.S. Presidential election to future influence efforts worldwide, including against U.S. allies and their election processes".

SEC. 212. SENSE OF CONGRESS. 22 USC 9502.

It is the sense of Congress that the President—

(1) should continue to uphold and seek unity with European and other key partners on sanctions implemented against the Russian Federation, which have been effective and instrumental in countering Russian aggression in Ukraine;

(2) should engage to the fullest extent possible with partner governments with regard to closing loopholes, including the allowance of extended prepayment for the delivery of goods

and commodities and other loopholes, in multilateral and unilateral restrictive measures against the Russian Federation, with the aim of maximizing alignment of those measures; and

(3) should increase efforts to vigorously enforce compliance with sanctions in place as of the date of the enactment of this Act with respect to the Russian Federation in response to the crisis in eastern Ukraine, cyber intrusions and attacks, and human rights violators in the Russian Federation.

Russia Sanctions Review Act of 2017.

PART 1—CONGRESSIONAL REVIEW OF SANCTIONS IMPOSED WITH RESPECT TO THE RUSSIAN FEDERATION

22 USC 9501 note.

SEC. 215. SHORT TITLE.

This part may be cited as the "Russia Sanctions Review Act of 2017".

22 USC 9511.

SEC. 216. CONGRESSIONAL REVIEW OF CERTAIN ACTIONS RELATING TO SANCTIONS IMPOSED WITH RESPECT TO THE RUSSIAN FEDERATION.

(a) SUBMISSION TO CONGRESS OF PROPOSED ACTION.—

President. Reports.

(1) IN GENERAL.—Notwithstanding any other provision of law, before taking any action described in paragraph (2), the President shall submit to the appropriate congressional committees and leadership a report that describes the proposed action and the reasons for that action.

(2) ACTIONS DESCRIBED.—

(A) IN GENERAL.—An action described in this paragraph is—

(i) an action to terminate the application of any sanctions described in subparagraph (B);

(ii) with respect to sanctions described in subparagraph (B) imposed by the President with respect to a person, an action to waive the application of those sanctions with respect to that person; or

(iii) a licensing action that significantly alters United States' foreign policy with regard to the Russian Federation.

(B) SANCTIONS DESCRIBED.—The sanctions described in this subparagraph are—

(i) sanctions provided for under—

(I) this title or any provision of law amended by this title, including the Executive orders codified under section 222;

(II) the Support for the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014 (22 U.S.C. 8901 et seq.); or

(III) the Ukraine Freedom Support Act of 2014 (22 U.S.C. 8921 et seq.); and

(ii) the prohibition on access to the properties of the Government of the Russian Federation located in Maryland and New York that the President ordered vacated on December 29, 2016.

(3) DESCRIPTION OF TYPE OF ACTION.—Each report submitted under paragraph (1) with respect to an action described

in paragraph (2) shall include a description of whether the action—

(A) is not intended to significantly alter United States foreign policy with regard to the Russian Federation; or

(B) is intended to significantly alter United States foreign policy with regard to the Russian Federation.

(4) INCLUSION OF ADDITIONAL MATTER.—

(A) IN GENERAL.—Each report submitted under paragraph (1) that relates to an action that is intended to significantly alter United States foreign policy with regard to the Russian Federation shall include a description of—

(i) the significant alteration to United States foreign policy with regard to the Russian Federation;

(ii) the anticipated effect of the action on the national security interests of the United States; and

(iii) the policy objectives for which the sanctions affected by the action were initially imposed.

(B) REQUESTS FROM BANKING AND FINANCIAL SERVICES COMMITTEES.—The Committee on Banking, Housing, and Urban Affairs of the Senate or the Committee on Financial Services of the House of Representatives may request the submission to the Committee of the matter described in clauses (ii) and (iii) of subparagraph (A) with respect to a report submitted under paragraph (1) that relates to an action that is not intended to significantly alter United States foreign policy with regard to the Russian Federation.

(5) CONFIDENTIALITY OF PROPRIETARY INFORMATION.—Proprietary information that can be associated with a particular person with respect to an action described in paragraph (2) may be included in a report submitted under paragraph (1) only if the appropriate congressional committees and leadership provide assurances of confidentiality, unless such person otherwise consents in writing to such disclosure.

(6) RULE OF CONSTRUCTION.—Paragraph (2)(A)(iii) shall not be construed to require the submission of a report under paragraph (1) with respect to the routine issuance of a license that does not significantly alter United States foreign policy with regard to the Russian Federation.

(b) PERIOD FOR REVIEW BY CONGRESS.—

(1) IN GENERAL.—During the period of 30 calendar days beginning on the date on which the President submits a report under subsection (a)(1)— Effective date. President.

(A) in the case of a report that relates to an action that is not intended to significantly alter United States foreign policy with regard to the Russian Federation, the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives should, as appropriate, hold hearings and briefings and otherwise obtain information in order to fully review the report; and

(B) in the case of a report that relates to an action that is intended to significantly alter United States foreign policy with regard to the Russian Federation, the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives should, as appropriate, hold hearings and briefings and

otherwise obtain information in order to fully review the report.

(2) EXCEPTION.—The period for congressional review under paragraph (1) of a report required to be submitted under subsection (a)(1) shall be 60 calendar days if the report is submitted on or after July 10 and on or before September 7 in any calendar year.

(3) LIMITATION ON ACTIONS DURING INITIAL CONGRESSIONAL REVIEW PERIOD.—Notwithstanding any other provision of law, during the period for congressional review provided for under paragraph (1) of a report submitted under subsection (a)(1) proposing an action described in subsection (a)(2), including any additional period for such review as applicable under the exception provided in paragraph (2), the President may not take that action unless a joint resolution of approval with respect to that action is enacted in accordance with subsection (c).

(4) LIMITATION ON ACTIONS DURING PRESIDENTIAL CONSIDERATION OF A JOINT RESOLUTION OF DISAPPROVAL.—Notwithstanding any other provision of law, if a joint resolution of disapproval relating to a report submitted under subsection (a)(1) proposing an action described in subsection (a)(2) passes both Houses of Congress in accordance with subsection (c), the President may not take that action for a period of 12 calendar days after the date of passage of the joint resolution of disapproval.

(5) LIMITATION ON ACTIONS DURING CONGRESSIONAL RECONSIDERATION OF A JOINT RESOLUTION OF DISAPPROVAL.—Notwithstanding any other provision of law, if a joint resolution of disapproval relating to a report submitted under subsection (a)(1) proposing an action described in subsection (a)(2) passes both Houses of Congress in accordance with subsection (c), and the President vetoes the joint resolution, the President may not take that action for a period of 10 calendar days after the date of the President's veto.

(6) EFFECT OF ENACTMENT OF A JOINT RESOLUTION OF DISAPPROVAL.—Notwithstanding any other provision of law, if a joint resolution of disapproval relating to a report submitted under subsection (a)(1) proposing an action described in subsection (a)(2) is enacted in accordance with subsection (c), the President may not take that action.

(c) JOINT RESOLUTIONS OF DISAPPROVAL OR APPROVAL DEFINED.—In this subsection:

(1) JOINT RESOLUTION OF APPROVAL.—The term "joint resolution of approval" means only a joint resolution of either House of Congress—

(A) the title of which is as follows: "A joint resolution approving the President's proposal to take an action relating to the application of certain sanctions with respect to the Russian Federation."; and

(B) the sole matter after the resolving clause of which is the following: "Congress approves of the action relating to the application of sanctions imposed with respect to the Russian Federation proposed by the President in the report submitted to Congress under section 216(a)(1) of the Russia Sanctions Review Act of 2017 on _____ relating to _____.", with the first blank space

being filled with the appropriate date and the second blank space being filled with a short description of the proposed action.

(2) JOINT RESOLUTION OF DISAPPROVAL.—The term "joint resolution of disapproval" means only a joint resolution of either House of Congress—

(A) the title of which is as follows: "A joint resolution disapproving the President's proposal to take an action relating to the application of certain sanctions with respect to the Russian Federation."; and

(B) the sole matter after the resolving clause of which is the following: "Congress disapproves of the action relating to the application of sanctions imposed with respect to the Russian Federation proposed by the President in the report submitted to Congress under section 216(a)(1) of the Russia Sanctions Review Act of 2017 on _____ relating to _____.", with the first blank space being filled with the appropriate date and the second blank space being filled with a short description of the proposed action.

(3) INTRODUCTION.—During the period of 30 calendar days provided for under subsection (b)(1), including any additional period as applicable under the exception provided in subsection (b)(2), a joint resolution of approval or joint resolution of disapproval may be introduced— Time period.

(A) in the House of Representatives, by the majority leader or the minority leader; and

(B) in the Senate, by the majority leader (or the majority leader's designee) or the minority leader (or the minority leader's designee).

(4) FLOOR CONSIDERATION IN HOUSE OF REPRESENTATIVES.— Deadline. If a committee of the House of Representatives to which a joint resolution of approval or joint resolution of disapproval has been referred has not reported the joint resolution within 10 calendar days after the date of referral, that committee shall be discharged from further consideration of the joint resolution.

(5) CONSIDERATION IN THE SENATE.—

(A) COMMITTEE REFERRAL.—A joint resolution of approval or joint resolution of disapproval introduced in the Senate shall be—

(i) referred to the Committee on Banking, Housing, and Urban Affairs if the joint resolution relates to a report under subsection (a)(3)(A) that relates to an action that is not intended to significantly alter United States foreign policy with regard to the Russian Federation; and

(ii) referred to the Committee on Foreign Relations if the joint resolution relates to a report under subsection (a)(3)(B) that relates to an action that is intended to significantly alter United States foreign policy with respect to the Russian Federation.

(B) REPORTING AND DISCHARGE.—If the committee to Deadline. which a joint resolution of approval or joint resolution of disapproval was referred has not reported the joint resolution within 10 calendar days after the date of referral of the joint resolution, that committee shall be discharged

from further consideration of the joint resolution and the joint resolution shall be placed on the appropriate calendar.

(C) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the Committee on Banking, Housing, and Urban Affairs or the Committee on Foreign Relations, as the case may be, reports a joint resolution of approval or joint resolution of disapproval to the Senate or has been discharged from consideration of such a joint resolution (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(D) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution of approval or joint resolution of disapproval shall be decided without debate.

Time period.

(E) CONSIDERATION OF VETO MESSAGES.—Debate in the Senate of any veto message with respect to a joint resolution of approval or joint resolution of disapproval, including all debatable motions and appeals in connection with the joint resolution, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(6) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

Procedures.
Applicability.

(A) TREATMENT OF SENATE JOINT RESOLUTION IN HOUSE.—In the House of Representatives, the following procedures shall apply to a joint resolution of approval or a joint resolution of disapproval received from the Senate (unless the House has already passed a joint resolution relating to the same proposed action):

(i) The joint resolution shall be referred to the appropriate committees.

Deadline.

(ii) If a committee to which a joint resolution has been referred has not reported the joint resolution within 2 calendar days after the date of referral, that committee shall be discharged from further consideration of the joint resolution.

Effective date.

(iii) Beginning on the third legislative day after each committee to which a joint resolution has been referred reports the joint resolution to the House or has been discharged from further consideration thereof, it shall be in order to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the

vote by which the motion is disposed of shall not be in order.

(iv) The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except 2 hours of debate equally divided and controlled by the sponsor of the joint resolution (or a designee) and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

(B) TREATMENT OF HOUSE JOINT RESOLUTION IN SENATE.—

(i) If, before the passage by the Senate of a joint resolution of approval or joint resolution of disapproval, the Senate receives an identical joint resolution from the House of Representatives, the following procedures shall apply:

(I) That joint resolution shall not be referred to a committee.

(II) With respect to that joint resolution—

(aa) the procedure in the Senate shall be the same as if no joint resolution had been received from the House of Representatives; but

(bb) the vote on passage shall be on the joint resolution from the House of Representatives.

(ii) If, following passage of a joint resolution of approval or joint resolution of disapproval in the Senate, the Senate receives an identical joint resolution from the House of Representatives, that joint resolution shall be placed on the appropriate Senate calendar.

(iii) If a joint resolution of approval or a joint resolution of disapproval is received from the House, and no companion joint resolution has been introduced in the Senate, the Senate procedures under this subsection shall apply to the House joint resolution. Applicability.

(C) APPLICATION TO REVENUE MEASURES.—The provisions of this paragraph shall not apply in the House of Representatives to a joint resolution of approval or joint resolution of disapproval that is a revenue measure.

(7) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, and supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP DEFINED.—In this section, the term "appropriate congressional committees and leadership" means—

(1) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the majority and minority leaders of the Senate; and

(2) the Committee on Financial Services, the Committee on Foreign Affairs, and the Speaker, the majority leader, and the minority leader of the House of Representatives.

PART 2—SANCTIONS WITH RESPECT TO THE RUSSIAN FEDERATION

22 USC 9521.

SEC. 221. DEFINITIONS.

In this part:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on Finance of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Ways and Means of the House of Representatives.

(2) GOOD.—The term "good" has the meaning given that term in section 16 of the Export Administration Act of 1979 (50 U.S.C. 4618) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(3) INTERNATIONAL FINANCIAL INSTITUTION.—The term "international financial institution" has the meaning given that term in section 1701(c) of the International Financial Institutions Act (22 U.S.C. 262r(c)).

(4) KNOWINGLY.—The term "knowingly", with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(5) PERSON.—The term "person" means an individual or entity.

(6) UNITED STATES PERSON.—The term "United States person" means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

President.
Waiver authority.
Determination.
Certification.
22 USC 9522.

SEC. 222. CODIFICATION OF SANCTIONS RELATING TO THE RUSSIAN FEDERATION.

(a) CODIFICATION.—United States sanctions provided for in Executive Order No. 13660 (79 Fed. Reg. 13493; relating to blocking property of certain persons contributing to the situation in Ukraine), Executive Order No. 13661 (79 Fed. Reg. 15535; relating to blocking property of additional persons contributing to the situation in Ukraine), Executive Order No. 13662 (79 Fed. Reg. 16169; relating to blocking property of additional persons contributing to the situation in Ukraine), Executive Order No. 13685 (79 Fed. Reg. 77357; relating to blocking property of certain persons and prohibiting certain transactions with respect to the Crimea region of Ukraine), Executive Order No. 13694 (80 Fed. Reg. 18077; relating to blocking

the property of certain persons engaging in significant malicious cyber-enabled activities), and Executive Order No. 13757 (82 Fed. Reg. 1; relating to taking additional steps to address the national emergency with respect to significant malicious cyber-enabled activities), as in effect on the day before the date of the enactment of this Act, including with respect to all persons sanctioned under such Executive orders, shall remain in effect except as provided in subsection (b).

(b) TERMINATION OF CERTAIN SANCTIONS.—Subject to section 216, the President may terminate the application of sanctions described in subsection (a) that are imposed on a person in connection with activity conducted by the person if the President submits to the appropriate congressional committees a notice that— Notice.

(1) the person is not engaging in the activity that was the basis for the sanctions or has taken significant verifiable steps toward stopping the activity; and

(2) the President has received reliable assurances that the person will not knowingly engage in activity subject to sanctions described in subsection (a) in the future.

(c) APPLICATION OF NEW CYBER SANCTIONS.—The President may waive the initial application under subsection (a) of sanctions with respect to a person under Executive Order No. 13694 or 13757 only if the President submits to the appropriate congressional committees—

(1) a written determination that the waiver—

(A) is in the vital national security interests of the United States; or

(B) will further the enforcement of this title; and

(2) a certification that the Government of the Russian Federation has made significant efforts to reduce the number and intensity of cyber intrusions conducted by that Government.

(d) APPLICATION OF NEW UKRAINE-RELATED SANCTIONS.—The President may waive the initial application under subsection (a) of sanctions with respect to a person under Executive Order No. 13660, 13661, 13662, or 13685 only if the President submits to the appropriate congressional committees—

(1) a written determination that the waiver—

(A) is in the vital national security interests of the United States; or

(B) will further the enforcement of this title; and

(2) a certification that the Government of the Russian Federation is taking steps to implement the Minsk Agreement to address the ongoing conflict in eastern Ukraine, signed in Minsk, Belarus, on February 11, 2015, by the leaders of Ukraine, Russia, France, and Germany, the Minsk Protocol, which was agreed to on September 5, 2014, and any successor agreements that are agreed to by the Government of Ukraine.

SEC. 223. MODIFICATION OF IMPLEMENTATION OF EXECUTIVE ORDER NO. 13662. 22 USC 9523.

(a) DETERMINATION THAT CERTAIN ENTITIES ARE SUBJECT TO SANCTIONS.—The Secretary of the Treasury may determine that a person meets one or more of the criteria in section 1(a) of Executive Order No. 13662 if that person is a state-owned entity operating in the railway or metals and mining sector of the economy of the Russian Federation. Deadlines.

(b) MODIFICATION OF DIRECTIVE 1 WITH RESPECT TO THE FINANCIAL SERVICES SECTOR OF THE RUSSIAN FEDERATION ECONOMY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall modify Directive 1 (as amended), dated September 12, 2014, issued by the Office of Foreign Assets Control under Executive Order No. 13662, or any successor directive (which shall be effective beginning on the date that is 60 days after the date of such modification), to ensure that the directive prohibits the conduct by United States persons or persons within the United States of all transactions in, provision of financing for, and other dealings in new debt of longer than 14 days maturity or new equity of persons determined to be subject to the directive, their property, or their interests in property.

(c) MODIFICATION OF DIRECTIVE 2 WITH RESPECT TO THE ENERGY SECTOR OF THE RUSSIAN FEDERATION ECONOMY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall modify Directive 2 (as amended), dated September 12, 2014, issued by the Office of Foreign Assets Control under Executive Order No. 13662, or any successor directive (which shall be effective beginning on the date that is 60 days after the date of such modification), to ensure that the directive prohibits the conduct by United States persons or persons within the United States of all transactions in, provision of financing for, and other dealings in new debt of longer than 60 days maturity of persons determined to be subject to the directive, their property, or their interests in property.

(d) MODIFICATION OF DIRECTIVE 4.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall modify Directive 4, dated September 12, 2014, issued by the Office of Foreign Assets Control under Executive Order No. 13662, or any successor directive (which shall be effective beginning on the date that is 90 days after the date of such modification), to ensure that the directive prohibits the provision, exportation, or reexportation, directly or indirectly, by United States persons or persons within the United States, of goods, services (except for financial services), or technology in support of exploration or production for new deepwater, Arctic offshore, or shale projects—

(1) that have the potential to produce oil; and

(2) that involve any person determined to be subject to the directive or the property or interests in property of such a person who has a controlling interest or a substantial non-controlling ownership interest in such a project defined as not less than a 33 percent interest.

President. Determination. 22 USC 9524.

SEC. 224. IMPOSITION OF SANCTIONS WITH RESPECT TO ACTIVITIES OF THE RUSSIAN FEDERATION UNDERMINING CYBERSECURITY.

(a) IN GENERAL.—On and after the date that is 60 days after the date of the enactment of this Act, the President shall—

(1) impose the sanctions described in subsection (b) with respect to any person that the President determines—

(A) knowingly engages in significant activities undermining cybersecurity against any person, including a democratic institution, or government on behalf of the Government of the Russian Federation; or

(B) is owned or controlled by, or acts or purports to act for or on behalf of, directly or indirectly, a person described in subparagraph (A);

(2) impose five or more of the sanctions described in section 235 with respect to any person that the President determines knowingly materially assists, sponsors, or provides financial, material, or technological support for, or goods or services (except financial services) in support of, an activity described in paragraph (1)(A); and

(3) impose three or more of the sanctions described in section 4(c) of the of the Ukraine Freedom Support Act of 2014 (22 U.S.C. 8923(c)) with respect to any person that the President determines knowingly provides financial services in support of an activity described in paragraph (1)(A).

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) ASSET BLOCKING.—The exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of a person determined by the President to be subject to subsection (a)(1) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) EXCLUSION FROM THE UNITED STATES AND REVOCATION OF VISA OR OTHER DOCUMENTATION.—In the case of an alien determined by the President to be subject to subsection (a)(1), denial of a visa to, and exclusion from the United States of, the alien, and revocation in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), of any visa or other documentation of the alien.

Waiver authority.

(c) APPLICATION OF NEW CYBER SANCTIONS.—The President may waive the initial application under subsection (a) of sanctions with respect to a person only if the President submits to the appropriate congressional committees—

(1) a written determination that the waiver—

(A) is in the vital national security interests of the United States; or

(B) will further the enforcement of this title; and

Certification.

(2) a certification that the Government of the Russian Federation has made significant efforts to reduce the number and intensity of cyber intrusions conducted by that Government.

(d) SIGNIFICANT ACTIVITIES UNDERMINING CYBERSECURITY DEFINED.—In this section, the term "significant activities undermining cybersecurity" includes—

(1) significant efforts—

(A) to deny access to or degrade, disrupt, or destroy an information and communications technology system or network; or

(B) to exfiltrate, degrade, corrupt, destroy, or release information from such a system or network without authorization for purposes of—

(i) conducting influence operations; or

(ii) causing a significant misappropriation of funds, economic resources, trade secrets, personal identifications, or financial information for commercial or competitive advantage or private financial gain;

(2) significant destructive malware attacks; and

(3) significant denial of service activities.

Time period. President. Determination.

SEC. 225. IMPOSITION OF SANCTIONS RELATING TO SPECIAL RUSSIAN CRUDE OIL PROJECTS.

Section 4(b)(1) of the Ukraine Freedom Support Act of 2014 (22 U.S.C. 8923(b)(1)) is amended by striking "on and after the date that is 45 days after the date of the enactment of this Act, the President may impose" and inserting "on and after the date that is 30 days after the date of the enactment of the Countering Russian Influence in Europe and Eurasia Act of 2017, the President shall impose, unless the President determines that it is not in the national interest of the United States to do so,".

President. Determination. Effective dates.

SEC. 226. IMPOSITION OF SANCTIONS WITH RESPECT TO RUSSIAN AND OTHER FOREIGN FINANCIAL INSTITUTIONS.

Section 5 of the Ukraine Freedom Support Act of 2014 (22 U.S.C. 8924) is amended—

(1) in subsection (a)—

(A) by striking "may impose" and inserting "shall impose, unless the President determines that it is not in the national interest of the United States to do so,"; and

(B) by striking "on or after the date of the enactment of this Act" and inserting "on or after the date of the enactment of the Countering Russian Influence in Europe and Eurasia Act of 2017"; and

(2) in subsection (b)—

(A) by striking "may impose" and inserting "shall impose, unless the President determines that it is not in the national interest of the United States to do so,"; and

(B) by striking "on or after the date that is 180 days after the date of the enactment of this Act" and inserting "on or after the date that is 30 days after the date of the enactment of the Countering Russian Influence in Europe and Eurasia Act of 2017".

President. Determinations.

SEC. 227. MANDATORY IMPOSITION OF SANCTIONS WITH RESPECT TO SIGNIFICANT CORRUPTION IN THE RUSSIAN FEDERATION.

Section 9 of the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014 (22 U.S.C. 8908(a)) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "is authorized and encouraged to" and inserting "shall"; and

(B) in paragraph (1)—

(i) by striking "President determines is" and inserting "President determines is, on or after the date of the enactment of the Countering Russian Influence in Europe and Eurasia Act of 2017,"; and

(ii) by inserting "or elsewhere" after "in the Russian Federation";

(2) by redesignating subsection (d) as subsection (e);

(3) in subsection (c), by striking "The President" and inserting "except as provided in subsection (d), the President"; and

(4) by inserting after subsection (c) the following:

"(d) APPLICATION OF NEW SANCTIONS.—The President may waive the initial application of sanctions under subsection (b) with respect to a person only if the President submits to the appropriate congressional committees— Waiver authority.

"(1) a written determination that the waiver—

"(A) is in the vital national security interests of the United States; or

"(B) will further the enforcement of this Act; and

"(2) a certification that the Government of the Russian Federation is taking steps to implement the Minsk Agreement to address the ongoing conflict in eastern Ukraine, signed in Minsk, Belarus, on February 11, 2015, by the leaders of Ukraine, Russia, France, and Germany, the Minsk Protocol, which was agreed to on September 5, 2014, and any successor agreements that are agreed to by the Government of Ukraine.". Certification.

SEC. 228. MANDATORY IMPOSITION OF SANCTIONS WITH RESPECT TO CERTAIN TRANSACTIONS WITH FOREIGN SANCTIONS EVADERS AND SERIOUS HUMAN RIGHTS ABUSERS IN THE RUSSIAN FEDERATION.

(a) IN GENERAL.—The Support for the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014 (22 U.S.C. 8901 et seq.) is amended by adding at the end the following:

"SEC. 10. MANDATORY IMPOSITION OF SANCTIONS WITH RESPECT TO CERTAIN TRANSACTIONS WITH PERSONS THAT EVADE SANCTIONS IMPOSED WITH RESPECT TO THE RUSSIAN FEDERATION. President. Determinations. 22 USC 8909.

"(a) IN GENERAL.—The President shall impose the sanctions described in subsection (b) with respect to a foreign person if the President determines that the foreign person knowingly, on or after the date of the enactment of the Countering Russian Influence in Europe and Eurasia Act of 2017—

"(1) materially violates, attempts to violate, conspires to violate, or causes a violation of any license, order, regulation, or prohibition contained in or issued pursuant to any covered Executive order, this Act, or the Ukraine Freedom Support Act of 2014 (22 U.S.C. 8921 et seq.); or

"(2) facilitates a significant transaction or transactions, including deceptive or structured transactions, for or on behalf of—

"(A) any person subject to sanctions imposed by the United States with respect to the Russian Federation; or

"(B) any child, spouse, parent, or sibling of an individual described in subparagraph (A).

"(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of a person determined by the President to be subject to subsection (a) if such property and interests in property are in the United States, come

within the United States, or are or come within the possession or control of a United States person.

"(c) IMPLEMENTATION; PENALTIES.—

"(1) IMPLEMENTATION.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out subsection (b).

"(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (b) or any regulation, license, or order issued to carry out subsection (b) shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

Waiver authority. Determinations.

"(d) APPLICATION OF NEW SANCTIONS.—The President may waive the initial application of sanctions under subsection (b) with respect to a person only if the President submits to the appropriate congressional committees—

"(1) a written determination that the waiver—

"(A) is in the vital national security interests of the United States; or

"(B) will further the enforcement of this Act;

"(2) in the case of sanctions imposed under this section in connection with a covered Executive order described in subparagraph (A), (B), (C), or (D) of subsection (f)(1), a certification that the Government of the Russian Federation is taking steps to implement the Minsk Agreement to address the ongoing conflict in eastern Ukraine, signed in Minsk, Belarus, on February 11, 2015, by the leaders of Ukraine, Russia, France, and Germany, the Minsk Protocol, which was agreed to on September 5, 2014, and any successor agreements that are agreed to by the Government of Ukraine; and

"(3) in the case of sanctions imposed under this section in connection with a covered Executive order described in subparagraphs (E) or (F) of subsection (f)(1), a certification that the Government of the Russian Federation has made significant efforts to reduce the number and intensity of cyber intrusions conducted by that Government.

Notices.

"(e) TERMINATION.—Subject to section 216 of the Russia Sanctions Review Act of 2017, the President may terminate the application of sanctions under subsection (b) with respect to a person if the President submits to the appropriate congressional committees—

"(1) a notice of and justification for the termination; and

"(2) a notice that—

"(A) the person is not engaging in the activity that was the basis for the sanctions or has taken significant verifiable steps toward stopping the activity; and

"(B) the President has received reliable assurances that the person will not knowingly engage in activity subject to sanctions under subsection (a) in the future.

"(f) DEFINITIONS.—In this section:

"(1) COVERED EXECUTIVE ORDER.—The term 'covered Executive order' means any of the following:

"(A) Executive Order No. 13660 (79 Fed. Reg. 13493; relating to blocking property of certain persons contributing to the situation in Ukraine).

"(B) Executive Order No. 13661 (79 Fed. Reg. 15535; relating to blocking property of additional persons contributing to the situation in Ukraine).

"(C) Executive Order No. 13662 (79 Fed. Reg. 16169; relating to blocking property of additional persons contributing to the situation in Ukraine).

"(D) Executive Order No. 13685 (79 Fed. Reg. 77357; relating to blocking property of certain persons and prohibiting certain transactions with respect to the Crimea region of Ukraine).

"(E) Executive Order No. 13694 (80 Fed. Reg. 18077; relating to blocking the property of certain persons engaging in significant malicious cyber-enabled activities), relating to the Russian Federation.

"(F) Executive Order No. 13757 (82 Fed. Reg. 1; relating to taking additional steps to address the national emergency with respect to significant malicious cyber-enabled activities), relating to the Russian Federation.

"(2) FOREIGN PERSON.—The term 'foreign person' has the meaning given such term in section 595.304 of title 31, Code of Federal Regulations (as in effect on the date of the enactment of this section).

"(3) STRUCTURED.—The term 'structured', with respect to a transaction, has the meaning given the term 'structure' in paragraph (xx) of section 1010.100 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

"SEC. 11. MANDATORY IMPOSITION OF SANCTIONS WITH RESPECT TO TRANSACTIONS WITH PERSONS RESPONSIBLE FOR HUMAN RIGHTS ABUSES.

President. Determinations. 22 USC 8910.

"(a) IN GENERAL.—The President shall impose the sanctions described in subsection (b) with respect to a foreign person if the President determines that the foreign person, based on credible information, on or after the date of the enactment of this section—

"(1) is responsible for, complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses in any territory forcibly occupied or otherwise controlled by the Government of the Russian Federation;

"(2) materially assists, sponsors, or provides financial, material, or technological support for, or goods or services to, a foreign person described in paragraph (1); or

"(3) is owned or controlled by, or acts or purports to act for or on behalf of, directly or indirectly, a foreign person described in paragraph (1).

"(b) SANCTIONS DESCRIBED.—

"(1) ASSET BLOCKING.—The exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of a person determined by the President to be subject to subsection (a) if such property and interests in property are in the United States, come within the United

States, or are or come within the possession or control of a United States person.

"(2) EXCLUSION FROM THE UNITED STATES AND REVOCATION OF VISA OR OTHER DOCUMENTATION.—In the case of an alien determined by the President to be subject to subsection (a), denial of a visa to, and exclusion from the United States of, the alien, and revocation in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), of any visa or other documentation of the alien.

Waiver authority.

"(c) APPLICATION OF NEW SANCTIONS.—The President may waive the initial application of sanctions under subsection (b) with respect to a person only if the President submits to the appropriate congressional committees—

"(1) a written determination that the waiver—

"(A) is in the vital national security interests of the United States; or

"(B) will further the enforcement of this Act; and

Certification.

"(2) a certification that the Government of the Russian Federation has made efforts to reduce serious human rights abuses in territory forcibly occupied or otherwise controlled by that Government.

"(d) IMPLEMENTATION; PENALTIES.—

"(1) IMPLEMENTATION.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out subsection (b)(1).

"(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (b)(1) or any regulation, license, or order issued to carry out subsection (b)(1) shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

Notices.

"(e) TERMINATION.—Subject to section 216 of Russia Sanctions Review Act of 2017, the President may terminate the application of sanctions under subsection (b) with respect to a person if the President submits to the appropriate congressional committees—

"(1) a notice of and justification for the termination; and

"(2) a notice—

"(A) that—

"(i) the person is not engaging in the activity that was the basis for the sanctions or has taken significant verifiable steps toward stopping the activity; and

"(ii) the President has received reliable assurances that the person will not knowingly engage in activity subject to sanctions under subsection (a) in the future; or

"(B) that the President determines that insufficient basis exists for the determination by the President under subsection (a) with respect to the person.".

(b) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.—Section 2(2) of the Support for the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014 (22 U.S.C. 8901(2)) is amended—

(1) in subparagraph (A), by inserting "the Committee on Banking, Housing, and Urban Affairs," before "the Committee on Foreign Relations"; and

(2) in subparagraph (B), by inserting "the Committee on Financial Services" before "the Committee on Foreign Affairs".

SEC. 229. NOTIFICATIONS TO CONGRESS UNDER UKRAINE FREEDOM SUPPORT ACT OF 2014. President.

(a) SANCTIONS RELATING TO DEFENSE AND ENERGY SECTORS OF THE RUSSIAN FEDERATION.—Section 4 of the Ukraine Freedom Support Act of 2014 (22 U.S.C. 8923) is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively;

(2) by inserting after subsection (f) the following:

"(g) NOTIFICATIONS AND CERTIFICATIONS TO CONGRESS.—

"(1) IMPOSITION OF SANCTIONS.—The President shall notify the appropriate congressional committees in writing not later than 15 days after imposing sanctions with respect to a foreign person under subsection (a) or (b). Deadline.

"(2) TERMINATION OF SANCTIONS WITH RESPECT TO RUSSIAN PRODUCERS, TRANSFERORS, OR BROKERS OF DEFENSE ARTICLES.—Subject to section 216 of the Russia Sanctions Review Act of 2017, the President may terminate the imposition of sanctions under subsection (a)(2) with respect to a foreign person if the President submits to the appropriate congressional committees— Notices.

"(A) a notice of and justification for the termination; and

"(B) a notice that—

"(i) the foreign person is not engaging in the activity that was the basis for the sanctions or has taken significant verifiable steps toward stopping the activity; and

"(ii) the President has received reliable assurances that the foreign person will not knowingly engage in activity subject to sanctions under subsection (a)(2) in the future."; and

(3) in subparagraph (B)(ii) of subsection (a)(3), by striking "subsection (h)" and inserting "subsection (i)".

(b) SANCTIONS ON RUSSIAN AND OTHER FOREIGN FINANCIAL INSTITUTIONS.—Section 5 of the Ukraine Freedom Support Act of 2014 (22 U.S.C. 8924) is amended—

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

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

"(e) NOTIFICATION TO CONGRESS ON IMPOSITION OF SANCTIONS.—The President shall notify the appropriate congressional committees in writing not later than 15 days after imposing sanctions with respect to a foreign financial institution under subsection (a) or (b)."; and Deadline.

(3) in subsection (g), as redesignated by paragraph (1), by striking "section 4(h)" and inserting "section 4(i)".

SEC. 230. STANDARDS FOR TERMINATION OF CERTAIN SANCTIONS WITH RESPECT TO THE RUSSIAN FEDERATION. President. Notices.

(a) SANCTIONS RELATING TO UNDERMINING THE PEACE, SECURITY, STABILITY, SOVEREIGNTY, OR TERRITORIAL INTEGRITY OF UKRAINE.—Section 8 of the Sovereignty, Integrity, Democracy, and

Economic Stability of Ukraine Act of 2014 (22 U.S.C. 8907) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) TERMINATION.—Subject to section 216 of the Russia Sanctions Review Act of 2017, the President may terminate the application of sanctions under subsection (b) with respect to a person if the President submits to the appropriate congressional committees a notice that—

"(1) the person is not engaging in the activity that was the basis for the sanctions or has taken significant verifiable steps toward stopping the activity; and

"(2) the President has received reliable assurances that the person will not knowingly engage in activity subject to sanctions under subsection (a) in the future.".

(b) SANCTIONS RELATING TO CORRUPTION.—Section 9 of the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014 (22 U.S.C. 8908) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) TERMINATION.—Subject to section 216 of the Russia Sanctions Review Act of 2017, the President may terminate the application of sanctions under subsection (b) with respect to a person if the President submits to the appropriate congressional committees a notice that—

"(1) the person is not engaging in the activity that was the basis for the sanctions or has taken significant verifiable steps toward stopping the activity; and

"(2) the President has received reliable assurances that the person will not knowingly engage in activity subject to sanctions under subsection (a) in the future.".

President.
22 USC 9525.

SEC. 231. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS ENGAGING IN TRANSACTIONS WITH THE INTELLIGENCE OR DEFENSE SECTORS OF THE GOVERNMENT OF THE RUSSIAN FEDERATION.

Effective date.
Determination.

(a) IN GENERAL.—On and after the date that is 180 days after the date of the enactment of this Act, the President shall impose five or more of the sanctions described in section 235 with respect to a person the President determines knowingly, on or after such date of enactment, engages in a significant transaction with a person that is part of, or operates for or on behalf of, the defense or intelligence sectors of the Government of the Russian Federation, including the Main Intelligence Agency of the General Staff of the Armed Forces of the Russian Federation or the Federal Security Service of the Russian Federation.

Waiver authority.

(b) APPLICATION OF NEW SANCTIONS.—The President may waive the initial application of sanctions under subsection (a) with respect to a person only if the President submits to the appropriate congressional committees—

Determination.

(1) a written determination that the waiver—

(A) is in the vital national security interests of the United States; or

(B) will further the enforcement of this title; and

Certification.

(2) a certification that the Government of the Russian Federation has made significant efforts to reduce the number

and intensity of cyber intrusions conducted by that Government.

(c) DELAY OF IMPOSITION OF SANCTIONS.—The President may delay the imposition of sanctions under subsection (a) with respect to a person if the President certifies to the appropriate congressional committees, not less frequently than every 180 days while the delay is in effect, that the person is substantially reducing the number of significant transactions described in subsection (a) in which that person engages. Certification. Time period.

(d) REQUIREMENT TO ISSUE GUIDANCE.—Not later than 60 days after the date of the enactment of this Act, the President shall issue regulations or other guidance to specify the persons that are part of, or operate for or on behalf of, the defense and intelligence sectors of the Government of the Russian Federation. Deadline. Regulations.

(e) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (a) or any regulation, license, or order issued to carry out subsection (a) shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

SEC. 232. SANCTIONS WITH RESPECT TO THE DEVELOPMENT OF PIPELINES IN THE RUSSIAN FEDERATION. 22 USC 9526.

(a) IN GENERAL.—The President, in coordination with allies of the United States, may impose five or more of the sanctions described in section 235 with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of this Act, makes an investment described in subsection (b) or sells, leases, or provides to the Russian Federation, for the construction of Russian energy export pipelines, goods, services, technology, information, or support described in subsection (c)— President. Coordination. Determination. Effective date.

(1) any of which has a fair market value of $1,000,000 or more; or

(2) that, during a 12-month period, have an aggregate fair market value of $5,000,000 or more. Time period.

(b) INVESTMENT DESCRIBED.—An investment described in this subsection is an investment that directly and significantly contributes to the enhancement of the ability of the Russian Federation to construct energy export pipelines.

(c) GOODS, SERVICES, TECHNOLOGY, INFORMATION, OR SUPPORT DESCRIBED.—Goods, services, technology, information, or support described in this subsection are goods, services, technology, information, or support that could directly and significantly facilitate the maintenance or expansion of the construction, modernization, or repair of energy export pipelines by the Russian Federation.

SEC. 233. SANCTIONS WITH RESPECT TO INVESTMENT IN OR FACILITATION OF PRIVATIZATION OF STATE-OWNED ASSETS BY THE RUSSIAN FEDERATION. President. Determination. 22 USC 9527.

(a) IN GENERAL.—The President shall impose five or more of the sanctions described in section 235 if the President determines that a person, with actual knowledge, on or after the date of the enactment of this Act, makes an investment of $10,000,000 or more (or any combination of investments of not less than $1,000,000 each, which in the aggregate equals or exceeds

$10,000,000 in any 12-month period), or facilitates such an investment, if the investment directly and significantly contributes to the ability of the Russian Federation to privatize state-owned assets in a manner that unjustly benefits—

(1) officials of the Government of the Russian Federation; or

(2) close associates or family members of those officials.

Waiver authority.

(b) APPLICATION OF NEW SANCTIONS.—The President may waive the initial application of sanctions under subsection (a) with respect to a person only if the President submits to the appropriate congressional committees—

(1) a written determination that the waiver—

(A) is in the vital national security interests of the United States; or

(B) will further the enforcement of this title; and

Certification.

(2) a certification that the Government of the Russian Federation is taking steps to implement the Minsk Agreement to address the ongoing conflict in eastern Ukraine, signed in Minsk, Belarus, on February 11, 2015, by the leaders of Ukraine, Russia, France, and Germany, the Minsk Protocol, which was agreed to on September 5, 2014, and any successor agreements that are agreed to by the Government of Ukraine.

President.
22 USC 9528.

SEC. 234. SANCTIONS WITH RESPECT TO THE TRANSFER OF ARMS AND RELATED MATERIEL TO SYRIA.

(a) IMPOSITION OF SANCTIONS.—

Determination.

(1) IN GENERAL.—The President shall impose on a foreign person the sanctions described in subsection (b) if the President determines that such foreign person has, on or after the date of the enactment of this Act, knowingly exported, transferred, or otherwise provided to Syria significant financial, material, or technological support that contributes materially to the ability of the Government of Syria to—

(A) acquire or develop chemical, biological, or nuclear weapons or related technologies;

(B) acquire or develop ballistic or cruise missile capabilities;

(C) acquire or develop destabilizing numbers and types of advanced conventional weapons;

(D) acquire significant defense articles, defense services, or defense information (as such terms are defined under the Arms Export Control Act (22 U.S.C. 2751 et seq.)); or

(E) acquire items designated by the President for purposes of the United States Munitions List under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

(2) APPLICABILITY TO OTHER FOREIGN PERSONS.—The sanctions described in subsection (b) shall also be imposed on any foreign person that—

(A) is a successor entity to a foreign person described in paragraph (1); or

(B) is owned or controlled by, or has acted for or on behalf of, a foreign person described in paragraph (1).

(b) SANCTIONS DESCRIBED.—The sanctions to be imposed on a foreign person described in subsection (a) are the following:

(1) BLOCKING OF PROPERTY.—The President shall exercise all powers granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (except that the requirements of section 202 of such Act (50 U.S.C. 1701) shall not apply) to the extent necessary to block and prohibit all transactions in all property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) ALIENS INELIGIBLE FOR VISAS, ADMISSION, OR PAROLE.—

(A) EXCLUSION FROM THE UNITED STATES.—If the foreign person is an individual, the Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, the foreign person.

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall revoke any visa or other entry documentation issued to the foreign person regardless of when issued.

(ii) EFFECT OF REVOCATION.—A revocation under clause (i) shall take effect immediately and shall automatically cancel any other valid visa or entry documentation that is in the possession of the foreign person.

(c) WAIVER.—Subject to section 216, the President may waive the application of sanctions under subsection (b) with respect to a person if the President determines that such a waiver is in the national security interest of the United States. Determination.

(d) DEFINITIONS.—In this section:

(1) FINANCIAL, MATERIAL, OR TECHNOLOGICAL SUPPORT.—The term "financial, material, or technological support" has the meaning given such term in section 542.304 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(2) FOREIGN PERSON.—The term "foreign person" has the meaning given such term in section 594.304 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(3) SYRIA.—The term "Syria" has the meaning given such term in section 542.316 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

SEC. 235. SANCTIONS DESCRIBED.

President. 22 USC 9529.

(a) SANCTIONS DESCRIBED.—The sanctions to be imposed with respect to a person under section 224(a)(2), 231(b), 232(a), or 233(a) are the following:

(1) EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS TO SANCTIONED PERSONS.—The President may direct the Export-Import Bank of the United States not to give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit in connection with the export of any goods or services to the sanctioned person.

(2) EXPORT SANCTION.—The President may order the United States Government not to issue any specific license and not to grant any other specific permission or authority

to export any goods or technology to the sanctioned person under—

(A) the Export Administration Act of 1979 (50 U.S.C. 4601 et seq.) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.));

(B) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(C) the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(D) any other statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services.

Time period.

(3) LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.—The President may prohibit any United States financial institution from making loans or providing credits to the sanctioned person totaling more than $10,000,000 in any 12-month period unless the person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities.

(4) LOANS FROM INTERNATIONAL FINANCIAL INSTITUTIONS.—The President may direct the United States executive director to each international financial institution to use the voice and vote of the United States to oppose any loan from the international financial institution that would benefit the sanctioned person.

(5) PROHIBITIONS ON FINANCIAL INSTITUTIONS.—The following prohibitions may be imposed against the sanctioned person if that person is a financial institution:

(A) PROHIBITION ON DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, the financial institution as a primary dealer in United States Government debt instruments.

(B) PROHIBITION ON SERVICE AS A REPOSITORY OF GOVERNMENT FUNDS.—The financial institution may not serve as agent of the United States Government or serve as repository for United States Government funds.

The imposition of either sanction under subparagraph (A) or (B) shall be treated as one sanction for purposes of subsection (b), and the imposition of both such sanctions shall be treated as two sanctions for purposes of subsection (b).

(6) PROCUREMENT SANCTION.—The United States Government may not procure, or enter into any contract for the procurement of, any goods or services from the sanctioned person.

(7) FOREIGN EXCHANGE.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the sanctioned person has any interest.

(8) BANKING TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the

extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person.

(9) PROPERTY TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, importing, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the sanctioned person has any interest;

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(10) BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON.—The President may, pursuant to such regulations or guidelines as the President may prescribe, prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of the sanctioned person.

(11) EXCLUSION OF CORPORATE OFFICERS.—The President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines is a corporate officer or principal of, or a shareholder with a controlling interest in, the sanctioned person. Determination.

(12) SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.—The President may impose on the principal executive officer or officers of the sanctioned person, or on persons performing similar functions and with similar authorities as such officer or officers, any of the sanctions under this subsection.

(b) SANCTIONED PERSON DEFINED.—In this section, the term "sanctioned person" means a person subject to sanctions under section 224(a)(2), 231(b), 232(a), or 233(a).

SEC. 236. EXCEPTIONS, WAIVER, AND TERMINATION.

President. 22 USC 9530.

(a) EXCEPTIONS.—The provisions of this part and amendments made by this part shall not apply with respect to the following:

(1) Activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.), or any authorized intelligence activities of the United States.

(2) The admission of an alien to the United States if such admission is necessary to comply with United States obligations under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, under the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or under other international agreements.

(b) WAIVER OF SANCTIONS THAT ARE IMPOSED.—Subject to section 216, if the President imposes sanctions with respect to a person under this part or the amendments made by this part, the President may waive the application of those sanctions if the President determines that such a waiver is in the national security interest of the United States. Determination.

Notice.

(c) TERMINATION.—Subject to section 216, the President may terminate the application of sanctions under section 224, 231, 232, 233, or 234 with respect to a person if the President submits to the appropriate congressional committees—

(1) a notice of and justification for the termination; and

(2) a notice that—

(A) the person is not engaging in the activity that was the basis for the sanctions or has taken significant verifiable steps toward stopping the activity; and

(B) the President has received reliable assurances that the person will not knowingly engage in activity subject to sanctions under this part in the future.

22 USC 9531.

SEC. 237. EXCEPTION RELATING TO ACTIVITIES OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

(a) IN GENERAL.—This Act and the amendments made by this Act shall not apply with respect to activities of the National Aeronautics and Space Administration.

(b) RULE OF CONSTRUCTION.—Nothing in this Act or the amendments made by this Act shall be construed to authorize the imposition of any sanction or other condition, limitation, restriction, or prohibition, that directly or indirectly impedes the supply by any entity of the Russian Federation of any product or service, or the procurement of such product or service by any contractor or subcontractor of the United States or any other entity, relating to or in connection with any space launch conducted for—

(1) the National Aeronautics and Space Administration; or

(2) any other non-Department of Defense customer.

22 USC 9532.

SEC. 238. RULE OF CONSTRUCTION.

Nothing in this part or the amendments made by this part shall be construed—

(1) to supersede the limitations or exceptions on the use of rocket engines for national security purposes under section 1608 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3626; 10 U.S.C. 2271 note), as amended by section 1607 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1100) and section 1602 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2582); or

(2) to prohibit a contractor or subcontractor of the Department of Defense from acquiring components referred to in such section 1608.

PART 3—REPORTS

SEC. 241. REPORT ON OLIGARCHS AND PARASTATAL ENTITIES OF THE RUSSIAN FEDERATION.

Consultation.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Director of National Intelligence and the Secretary of State, shall submit to the appropriate congressional committees a detailed report on the following:

(1) Senior foreign political figures and oligarchs in the Russian Federation, including the following:

(A) An identification of the most significant senior foreign political figures and oligarchs in the Russian Federation, as determined by their closeness to the Russian regime and their net worth.

(B) An assessment of the relationship between individuals identified under subparagraph (A) and President Vladimir Putin or other members of the Russian ruling elite. Assessment. Vladimir Putin.

(C) An identification of any indices of corruption with respect to those individuals.

(D) The estimated net worth and known sources of income of those individuals and their family members (including spouses, children, parents, and siblings), including assets, investments, other business interests, and relevant beneficial ownership information. Estimate.

(E) An identification of the non-Russian business affiliations of those individuals.

(2) Russian parastatal entities, including an assessment of the following: Assessment.

(A) The emergence of Russian parastatal entities and their role in the economy of the Russian Federation.

(B) The leadership structures and beneficial ownership of those entities.

(C) The scope of the non-Russian business affiliations of those entities.

(3) The exposure of key economic sectors of the United States to Russian politically exposed persons and parastatal entities, including, at a minimum, the banking, securities, insurance, and real estate sectors.

(4) The likely effects of imposing debt and equity restrictions on Russian parastatal entities, as well as the anticipated effects of adding Russian parastatal entities to the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury.

(5) The potential impacts of imposing secondary sanctions with respect to Russian oligarchs, Russian state-owned enterprises, and Russian parastatal entities, including impacts on the entities themselves and on the economy of the Russian Federation, as well as on the economies of the United States and allies of the United States.

(b) FORM OF REPORT.—The report required under subsection (a) shall be submitted in an unclassified form, but may contain a classified annex.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on Finance of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Ways and Means of the House of Representatives.

(2) SENIOR FOREIGN POLITICAL FIGURE.—The term "senior foreign political figure" has the meaning given that term in section 1010.605 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

SEC. 242. REPORT ON EFFECTS OF EXPANDING SANCTIONS TO INCLUDE SOVEREIGN DEBT AND DERIVATIVE PRODUCTS.

Consultation.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Director of National Intelligence and the Secretary of State, shall submit to the appropriate congressional committees a report describing in detail the potential effects of expanding sanctions under Directive 1 (as amended), dated September 12, 2014, issued by the Office of Foreign Assets Control under Executive Order No. 13662 (79 Fed. Reg. 16169; relating to blocking property of additional persons contributing to the situation in Ukraine), or any successor directive, to include sovereign debt and the full range of derivative products.

(b) FORM OF REPORT.—The report required under subsection (a) shall be submitted in an unclassified form, but may contain a classified annex.

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

(1) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on Finance of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Ways and Means of the House of Representatives.

SEC. 243. REPORT ON ILLICIT FINANCE RELATING TO THE RUSSIAN FEDERATION.

Time periods.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and not later than the end of each 1-year period thereafter until 2021, the Secretary of the Treasury shall submit to the appropriate congressional committees a report describing interagency efforts in the United States to combat illicit finance relating to the Russian Federation.

Summary.

(b) ELEMENTS.—The report required by subsection (a) shall contain a summary of efforts by the United States to do the following:

(1) Identify, investigate, map, and disrupt illicit financial flows linked to the Russian Federation if such flows affect the United States financial system or those of major allies of the United States.

(2) Conduct outreach to the private sector, including information sharing efforts to strengthen compliance efforts by entities, including financial institutions, to prevent illicit financial flows described in paragraph (1).

(3) Engage and coordinate with allied international partners on illicit finance, especially in Europe, to coordinate efforts to uncover and prosecute the networks responsible for illicit financial flows described in paragraph (1), including examples of that engagement and coordination.

(4) Identify foreign sanctions evaders and loopholes within the sanctions regimes of foreign partners of the United States.

(5) Expand the number of real estate geographic targeting orders or other regulatory actions, as appropriate, to degrade illicit financial activity relating to the Russian Federation in relation to the financial system of the United States.

(6) Provide support to counter those involved in illicit finance relating to the Russian Federation across all appropriate law enforcement, intelligence, regulatory, and financial authorities of the Federal Government, including by imposing sanctions with respect to or prosecuting those involved.

(7) In the case of the Department of the Treasury and the Department of Justice, investigate or otherwise develop major cases, including a description of those cases.

(c) BRIEFING.—After submitting a report under this section, the Secretary of the Treasury shall provide briefings to the appropriate congressional committees with respect to that report.

(d) COORDINATION.—The Secretary of the Treasury shall coordinate with the Attorney General, the Director of National Intelligence, the Secretary of Homeland Security, and the Secretary of State in preparing each report under this section.

(e) FORM.—Each report submitted under this section shall be submitted in unclassified form, but may contain a classified annex.

(f) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on Finance of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Ways and Means of the House of Representatives.

(2) ILLICIT FINANCE.—The term "illicit finance" means the financing of terrorism, narcotics trafficking, or proliferation, money laundering, or other forms of illicit financing domestically or internationally, as defined by the President.

Subtitle B—Countering Russian Influence in Europe and Eurasia

SEC. 251. FINDINGS.

22 USC 9541.

Congress makes the following findings:

(1) The Government of the Russian Federation has sought to exert influence throughout Europe and Eurasia, including in the former states of the Soviet Union, by providing resources to political parties, think tanks, and civil society groups that sow distrust in democratic institutions and actors, promote xenophobic and illiberal views, and otherwise undermine European unity. The Government of the Russian Federation has also engaged in well-documented corruption practices as a means toward undermining and buying influence in European and Eurasian countries.

(2) The Government of the Russian Federation has largely eliminated a once-vibrant Russian-language independent media sector and severely curtails free and independent media within the borders of the Russian Federation. Russian-language media organizations that are funded and controlled by the Government of the Russian Federation and disseminate information within and outside of the Russian Federation routinely traffic in anti-Western disinformation, while few independent, fact-based media sources provide objective reporting for Russian-speaking audiences inside or outside of the Russian Federation.

(3) The Government of the Russian Federation continues to violate its commitments under the Memorandum on Security Assurances in connection with Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Budapest December 5, 1994, and the Conference on Security and Co-operation in Europe Final Act, concluded at Helsinki August 1, 1975 (commonly referred to as the "Helsinki Final Act"), which laid the ground-work for the establishment of the Organization for Security and Co-operation in Europe, of which the Russian Federation is a member, by its illegal annexation of Crimea in 2014, its illegal occupation of South Ossetia and Abkhazia in Georgia in 2008, and its ongoing destabilizing activities in eastern Ukraine.

(4) The Government of the Russian Federation continues to ignore the terms of the August 2008 ceasefire agreement relating to Georgia, which requires the withdrawal of Russian Federation troops, free access by humanitarian groups to the regions of South Ossetia and Abkhazia, and monitoring of the conflict areas by the European Union Monitoring Mission.

(5) The Government of the Russian Federation is failing to comply with the terms of the Minsk Agreement to address the ongoing conflict in eastern Ukraine, signed in Minsk, Belarus, on February 11, 2015, by the leaders of Ukraine, Russia, France, and Germany, as well as the Minsk Protocol, which was agreed to on September 5, 2014.

(6) The Government of the Russian Federation is—

(A) in violation of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Shorter-Range Missiles, signed at Washington December 8, 1987, and entered into force June 1, 1988 (commonly known as the "INF Treaty"); and

(B) failing to meet its obligations under the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002 (commonly known as the "Open Skies Treaty").

22 USC 9542.

SEC. 252. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Government of the Russian Federation bears responsibility for the continuing violence in Eastern Ukraine, including the death on April 24, 2017, of Joseph Stone, a citizen of the United States working as a monitor for the Organization for Security and Co-operation in Europe;

(2) the President should call on the Government of the Russian Federation—

(A) to withdraw all of its forces from the territories of Georgia, Ukraine, and Moldova;

(B) to return control of the borders of those territories to their respective governments; and

(C) to cease all efforts to undermine the popularly elected governments of those countries;

(3) the Government of the Russian Federation has applied, and continues to apply, to the countries and peoples of Georgia and Ukraine, traditional uses of force, intelligence operations, and influence campaigns, which represent clear and present threats to the countries of Europe and Eurasia;

(4) in response, the countries of Europe and Eurasia should redouble efforts to build resilience within their institutions, political systems, and civil societies;

(5) the United States supports the institutions that the Government of the Russian Federation seeks to undermine, including the North Atlantic Treaty Organization and the European Union;

(6) a strong North Atlantic Treaty Organization is critical to maintaining peace and security in Europe and Eurasia;

(7) the United States should continue to work with the European Union as a partner against aggression by the Government of the Russian Federation, coordinating aid programs, development assistance, and other counter-Russian efforts;

(8) the United States should encourage the establishment of a commission for media freedom within the Council of Europe, modeled on the Venice Commission regarding rule of law issues, that would be chartered to provide governments with expert recommendations on maintaining legal and regulatory regimes supportive of free and independent media and an informed citizenry able to distinguish between fact-based reporting, opinion, and disinformation;

(9) in addition to working to strengthen the North Atlantic Treaty Organization and the European Union, the United States should work with the individual countries of Europe and Eurasia—

(A) to identify vulnerabilities to aggression, disinformation, corruption, and so-called hybrid warfare by the Government of the Russian Federation;

(B) to establish strategic and technical plans for addressing those vulnerabilities;

(C) to ensure that the financial systems of those countries are not being used to shield illicit financial activity by officials of the Government of the Russian Federation or individuals in President Vladimir Putin's inner circle who have been enriched through corruption;

(D) to investigate and prosecute cases of corruption by Russian actors; and

(E) to work toward full compliance with the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (commonly referred to as the "Anti-Bribery Convention") of the Organization for Economic Co-operation and Development; and

(10) the President of the United States should use the authority of the President to impose sanctions under—

(A) the Sergei Magnitsky Rule of Law Accountability Act of 2012 (title IV of Public Law 112–208; 22 U.S.C. 5811 note); and

(B) the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note).

SEC. 253. STATEMENT OF POLICY.

The United States, consistent with the principle of ex injuria jus non oritur, supports the policy known as the "Stimson Doctrine" and thus does not recognize territorial changes effected by force, including the illegal invasions and occupations of Abkhazia, South Ossetia, Crimea, Eastern Ukraine, and Transnistria.

22 USC 9543.

SEC. 254. COORDINATING AID AND ASSISTANCE ACROSS EUROPE AND EURASIA.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Countering Russian Influence Fund $250,000,000 for fiscal years 2018 and 2019.

Country listings.

(b) USE OF FUNDS.—Amounts in the Countering Russian Influence Fund shall be used to effectively implement, prioritized in the following order and subject to the availability of funds, the following goals:

(1) To assist in protecting critical infrastructure and electoral mechanisms from cyberattacks in the following countries:

Determination.

(A) Countries that are members of the North Atlantic Treaty Organization or the European Union that the Secretary of State determines—

(i) are vulnerable to influence by the Russian Federation; and

(ii) lack the economic capability to effectively respond to aggression by the Russian Federation without the support of the United States.

(B) Countries that are participating in the enlargement process of the North Atlantic Treaty Organization or the European Union, including Albania, Bosnia and Herzegovina, Georgia, Macedonia, Moldova, Kosovo, Serbia, and Ukraine.

(2) To combat corruption, improve the rule of law, and otherwise strengthen independent judiciaries and prosecutors general offices in the countries described in paragraph (1).

(3) To respond to the humanitarian crises and instability caused or aggravated by the invasions and occupations of Georgia and Ukraine by the Russian Federation.

(4) To improve participatory legislative processes and legal education, political transparency and competition, and compliance with international obligations in the countries described in paragraph (1).

(5) To build the capacity of civil society, media, and other nongovernmental organizations countering the influence and propaganda of the Russian Federation to combat corruption, prioritize access to truthful information, and operate freely in all regions in the countries described in paragraph (1).

(6) To assist the Secretary of State in executing the functions specified in section 1287(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 22 U.S.C. 2656 note) for the purposes of recognizing, understanding, exposing, and countering propaganda and disinformation efforts by foreign governments, in coordination with the relevant regional Assistant Secretary or Assistant Secretaries of the Department of State.

Deadline.
Notification.

(c) REVISION OF ACTIVITIES FOR WHICH AMOUNTS MAY BE USED.—The Secretary of State may modify the goals described in subsection (b) if, not later than 15 days before revising such a goal, the Secretary notifies the appropriate congressional committees of the revision.

(d) IMPLEMENTATION.—

Consultation.

(1) IN GENERAL.—The Secretary of State shall, acting through the Coordinator of United States Assistance to Europe and Eurasia (authorized pursuant to section 601 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C.

5461) and section 102 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5812)), and in consultation with the Administrator for the United States Agency for International Development, the Director of the Global Engagement Center of the Department of State, the Secretary of Defense, the Chairman of the Broadcasting Board of Governors, and the heads of other relevant Federal agencies, coordinate and carry out activities to achieve the goals described in subsection (b).

(2) METHOD.—Activities to achieve the goals described in subsection (b) shall be carried out through—

(A) initiatives of the United States Government;

(B) Federal grant programs such as the Information Access Fund; or

(C) nongovernmental or international organizations, such as the Organization for Security and Co-operation in Europe, the National Endowment for Democracy, the Black Sea Trust, the Balkan Trust for Democracy, the Prague Civil Society Centre, the North Atlantic Treaty Organization Strategic Communications Centre of Excellence, the European Endowment for Democracy, and related organizations.

(3) REPORT ON IMPLEMENTATION.—

(A) IN GENERAL.—Not later than April 1 of each year, the Secretary of State, acting through the Coordinator of United States Assistance to Europe and Eurasia, shall submit to the appropriate congressional committees a report on the programs and activities carried out to achieve the goals described in subsection (b) during the preceding fiscal year.

(B) ELEMENTS.—Each report required by subparagraph (A) shall include, with respect to each program or activity described in that subparagraph—

(i) the amount of funding for the program or activity;

(ii) the goal described in subsection (b) to which the program or activity relates; and

(iii) an assessment of whether or not the goal was met. Assessment.

(e) COORDINATION WITH GLOBAL PARTNERS.—

(1) IN GENERAL.—In order to maximize cost efficiency, eliminate duplication, and speed the achievement of the goals described in subsection (b), the Secretary of State shall ensure coordination with—

(A) the European Union and its institutions;

(B) the governments of countries that are members of the North Atlantic Treaty Organization or the European Union; and

(C) international organizations and quasi-governmental funding entities that carry out programs and activities that seek to accomplish the goals described in subsection (b).

(2) REPORT BY SECRETARY OF STATE.—Not later than April 1 of each year, the Secretary of State shall submit to the appropriate congressional committees a report that includes—

(A) the amount of funding provided to each country referred to in subsection (b) by—

(i) the European Union or its institutions;

(ii) the government of each country that is a member of the European Union or the North Atlantic Treaty Organization; and

(iii) international organizations and quasi-governmental funding entities that carry out programs and activities that seek to accomplish the goals described in subsection (b); and

Assessment.

(B) an assessment of whether the funding described in subparagraph (A) is commensurate with funding provided by the United States for those goals.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to apply to or limit United States foreign assistance not provided using amounts available in the Countering Russian Influence Fund.

(g) ENSURING ADEQUATE STAFFING FOR GOVERNANCE ACTIVITIES.—In order to ensure that the United States Government is properly focused on combating corruption, improving rule of law, and building the capacity of civil society, media, and other nongovernmental organizations in countries described in subsection (b)(1), the Secretary of State shall establish a pilot program for Foreign Service officer positions focused on governance and anticorruption activities in such countries.

22 USC 9544.

SEC. 255. REPORT ON MEDIA ORGANIZATIONS CONTROLLED AND FUNDED BY THE GOVERNMENT OF THE RUSSIAN FEDERATION.

President.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report that includes a description of media organizations that are controlled and funded by the Government of the Russian Federation, and any affiliated entities, whether operating within or outside the Russian Federation, including broadcast and satellite-based television, radio, Internet, and print media organizations.

(b) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

22 USC 9545.

SEC. 256. REPORT ON RUSSIAN FEDERATION INFLUENCE ON ELECTIONS IN EUROPE AND EURASIA.

President.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees and leadership a report on funds provided by, or funds the use of which was directed by, the Government of the Russian Federation or any Russian person with the intention of influencing the outcome of any election or campaign in any country in Europe or Eurasia during the preceding year, including through direct support to any political party, candidate, lobbying campaign, nongovernmental organization, or civic organization.

(b) FORM OF REPORT.—Each report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term "appropriate congressional committees and leadership" means—

(A) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Appropriations, the Select Committee on Intelligence, and the majority and minority leaders of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Armed Services, the Committee on Homeland Security, the Committee on Appropriations, the Permanent Select Committee on Intelligence, and the Speaker, the majority leader, and the minority leader of the House of Representatives.

(2) RUSSIAN PERSON.—The term "Russian person" means—

(A) an individual who is a citizen or national of the Russian Federation; or

(B) an entity organized under the laws of the Russian Federation or otherwise subject to the jurisdiction of the Government of the Russian Federation.

SEC. 257. UKRANIAN ENERGY SECURITY. 22 USC 9546.

(a) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to support the Government of Ukraine in restoring its sovereign and territorial integrity;

(2) to condemn and oppose all of the destabilizing efforts by the Government of the Russian Federation in Ukraine in violation of its obligations and international commitments;

(3) to never recognize the illegal annexation of Crimea by the Government of the Russian Federation or the separation of any portion of Ukrainian territory through the use of military force;

(4) to deter the Government of the Russian Federation from further destabilizing and invading Ukraine and other independent countries in Central and Eastern Europe and the Caucuses;

(5) to assist in promoting reform in regulatory oversight and operations in Ukraine's energy sector, including the establishment and empowerment of an independent regulatory organization;

(6) to encourage and support fair competition, market liberalization, and reliability in Ukraine's energy sector;

(7) to help Ukraine and United States allies and partners in Europe reduce their dependence on Russian energy resources, especially natural gas, which the Government of the Russian Federation uses as a weapon to coerce, intimidate, and influence other countries;

(8) to work with European Union member states and European Union institutions to promote energy security through developing diversified and liberalized energy markets that provide diversified sources, suppliers, and routes;

(9) to continue to oppose the NordStream 2 pipeline given its detrimental impacts on the European Union's energy security, gas market development in Central and Eastern Europe, and energy reforms in Ukraine; and

(10) that the United States Government should prioritize the export of United States energy resources in order to create

American jobs, help United States allies and partners, and strengthen United States foreign policy.

(b) PLAN TO PROMOTE ENERGY SECURITY IN UKRAINE.—

Coordination.

(1) IN GENERAL.—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the Secretary of Energy, shall work with the Government of Ukraine to develop a plan to increase energy security in Ukraine, increase the amount of energy produced in Ukraine, and reduce Ukraine's reliance on energy imports from the Russian Federation.

Strategies.

(2) ELEMENTS.—The plan developed under paragraph (1) shall include strategies for market liberalization, effective regulation and oversight, supply diversification, energy reliability, and energy efficiency, such as through supporting—

(A) the promotion of advanced technology and modern operating practices in Ukraine's oil and gas sector;

(B) modern geophysical and meteorological survey work as needed followed by international tenders to help attract qualified investment into exploration and development of areas with untapped resources in Ukraine;

(C) a broadening of Ukraine's electric power transmission interconnection with Europe;

(D) the strengthening of Ukraine's capability to maintain electric power grid stability and reliability;

(E) independent regulatory oversight and operations of Ukraine's gas market and electricity sector;

(F) the implementation of primary gas law including pricing, tariff structure, and legal regulatory implementation;

(G) privatization of government owned energy companies through credible legal frameworks and a transparent process compliant with international best practices;

(H) procurement and transport of emergency fuel supplies, including reverse pipeline flows from Europe;

(I) provision of technical assistance for crisis planning, crisis response, and public outreach;

(J) repair of infrastructure to enable the transport of fuel supplies;

(K) repair of power generating or power transmission equipment or facilities; and

(L) improved building energy efficiency and other measures designed to reduce energy demand in Ukraine.

(3) REPORTS.—

(A) IMPLEMENTATION OF UKRAINE FREEDOM SUPPORT ACT OF 2014 PROVISIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report detailing the status of implementing the provisions required under section 7(c) of the Ukraine Freedom Support Act of 2014 (22 U.S.C. 8926(c)), including detailing the plans required under that section, the level of funding that has been allocated to and expended for the strategies set forth under that section, and progress that has been made in implementing the strategies developed pursuant to that section.

(B) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days

thereafter, the Secretary of State shall submit to the appropriate congressional committees a report detailing the plan developed under paragraph (1), the level of funding that has been allocated to and expended for the strategies set forth in paragraph (2), and progress that has been made in implementing the strategies.

(C) BRIEFINGS.—The Secretary of State, or a designee of the Secretary, shall brief the appropriate congressional committees not later than 30 days after the submission of each report under subparagraph (B). In addition, the Department of State shall make relevant officials available upon request to brief the appropriate congressional committees on all available information that relates directly or indirectly to Ukraine or energy security in Eastern Europe. Deadline.

(D) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this paragraph, the term "appropriate congressional committees" means—

(i) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(ii) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(c) SUPPORTING EFFORTS OF COUNTRIES IN EUROPE AND EURASIA TO DECREASE THEIR DEPENDENCE ON RUSSIAN SOURCES OF ENERGY.—

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

(A) The Government of the Russian Federation uses its strong position in the energy sector as leverage to manipulate the internal politics and foreign relations of the countries of Europe and Eurasia.

(B) This influence is based not only on the Russian Federation's oil and natural gas resources, but also on its state-owned nuclear power and electricity companies.

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

(A) the United States should assist the efforts of the countries of Europe and Eurasia to enhance their energy security through diversification of energy supplies in order to lessen dependencies on Russian Federation energy resources and state-owned entities; and

(B) the Export-Import Bank of the United States and the Overseas Private Investment Corporation should play key roles in supporting critical energy projects that contribute to that goal.

(3) USE OF COUNTERING RUSSIAN INFLUENCE FUND TO PROVIDE TECHNICAL ASSISTANCE.—Amounts in the Countering Russian Influence Fund pursuant to section 254 shall be used to provide technical advice to countries described in subsection (b)(1) of such section designed to enhance energy security and lessen dependence on energy from Russian Federation sources.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of State a total of $30,000,000 for fiscal years 2018 and 2019 to carry out the strategies set forth in subsection (b)(2) and other activities under this section related to the promotion of energy security in Ukraine.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as affecting the responsibilities required and authorities

provided under section 7 of the Ukraine Freedom Support Act of 2014 (22 U.S.C. 8926).

22 USC 9547.

SEC. 258. TERMINATION.

The provisions of this subtitle shall terminate on the date that is 5 years after the date of the enactment of this Act.

22 USC 9548.

SEC. 259. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

Except as otherwise provided, in this subtitle, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Armed Services, the Committee on Homeland Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle C—Combating Terrorism and Illicit Financing

PART 1—NATIONAL STRATEGY FOR COMBATING TERRORIST AND OTHER ILLICIT FINANCING

President.

SEC. 261. DEVELOPMENT OF NATIONAL STRATEGY.

Consultation.

(a) IN GENERAL.—The President, acting through the Secretary, shall, in consultation with the Attorney General, the Secretary of State, the Secretary of Homeland Security, the Director of National Intelligence, the Director of the Office of Management and Budget, and the appropriate Federal banking agencies and Federal functional regulators, develop a national strategy for combating the financing of terrorism and related forms of illicit finance.

Deadlines.

(b) TRANSMITTAL TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a comprehensive national strategy developed in accordance with subsection (a).

(2) UPDATES.—Not later than January 31, 2020, and January 31, 2022, the President shall submit to the appropriate congressional committees updated versions of the national strategy submitted under paragraph (1).

(c) SEPARATE PRESENTATION OF CLASSIFIED MATERIAL.—Any part of the national strategy that involves information that is properly classified under criteria established by the President shall be submitted to Congress separately in a classified annex and, if requested by the chairman or ranking member of one of the appropriate congressional committees, as a briefing at an appropriate level of security.

SEC. 262. CONTENTS OF NATIONAL STRATEGY.

The strategy described in section 261 shall contain the following:

(1) EVALUATION OF EXISTING EFFORTS.—An assessment of the effectiveness of and ways in which the United States is currently addressing the highest levels of risk of various forms of illicit finance, including those identified in the documents entitled "2015 National Money Laundering Risk Assessment" and "2015 National Terrorist Financing Risk Assessment", published by the Department of the Treasury and a description of how the strategy is integrated into, and supports, the broader counter terrorism strategy of the United States. Assessment.

(2) GOALS, OBJECTIVES, AND PRIORITIES.—A comprehensive, research-based, long-range, quantifiable discussion of goals, objectives, and priorities for disrupting and preventing illicit finance activities within and transiting the financial system of the United States that outlines priorities to reduce the incidence, dollar value, and effects of illicit finance.

(3) THREATS.—An identification of the most significant illicit finance threats to the financial system of the United States.

(4) REVIEWS AND PROPOSED CHANGES.—Reviews of enforcement efforts, relevant regulations and relevant provisions of law and, if appropriate, discussions of proposed changes determined to be appropriate to ensure that the United States pursues coordinated and effective efforts at all levels of government, and with international partners of the United States, in the fight against illicit finance.

(5) DETECTION AND PROSECUTION INITIATIVES.—A description of efforts to improve, as necessary, detection and prosecution of illicit finance, including efforts to ensure that—

(A) subject to legal restrictions, all appropriate data collected by the Federal Government that is relevant to the efforts described in this section be available in a timely fashion to—

(i) all appropriate Federal departments and agencies; and

(ii) as appropriate and consistent with section 314 of the International Money Laundering Abatement and Financial Anti-Terrorism Act of 2001 (31 U.S.C. 5311 note), to financial institutions to assist the financial institutions in efforts to comply with laws aimed at curbing illicit finance; and

(B) appropriate efforts are undertaken to ensure that Federal departments and agencies charged with reducing and preventing illicit finance make thorough use of publicly available data in furtherance of this effort.

(6) THE ROLE OF THE PRIVATE FINANCIAL SECTOR IN PREVENTION OF ILLICIT FINANCE.—A discussion of ways to enhance partnerships between the private financial sector and Federal departments and agencies with regard to the prevention and detection of illicit finance, including—

(A) efforts to facilitate compliance with laws aimed at stopping such illicit finance while maintaining the effectiveness of such efforts; and

(B) providing guidance to strengthen internal controls and to adopt on an industry-wide basis more effective policies.

(7) ENHANCEMENT OF INTERGOVERNMENTAL COOPERATION.—A discussion of ways to combat illicit finance by enhancing—

(A) cooperative efforts between and among Federal, State, and local officials, including State regulators, State and local prosecutors, and other law enforcement officials; and

(B) cooperative efforts with and between governments of countries and with and between multinational institutions with expertise in fighting illicit finance, including the Financial Action Task Force and the Egmont Group of Financial Intelligence Units.

(8) TREND ANALYSIS OF EMERGING ILLICIT FINANCE THREATS.—A discussion of and data regarding trends in illicit finance, including evolving forms of value transfer such as so-called cryptocurrencies, other methods that are computer, telecommunications, or Internet-based, cyber crime, or any other threats that the Secretary may choose to identify.

(9) BUDGET PRIORITIES.—A multiyear budget plan that identifies sufficient resources needed to successfully execute the full range of missions called for in this section.

Analysis.

(10) TECHNOLOGY ENHANCEMENTS.—An analysis of current and developing ways to leverage technology to improve the effectiveness of efforts to stop the financing of terrorism and other forms of illicit finance, including better integration of open-source data.

PART 2—ENHANCING ANTITERRORISM TOOLS OF THE DEPARTMENT OF THE TREASURY

SEC. 271. IMPROVING ANTITERROR FINANCE MONITORING OF FUNDS TRANSFERS.

(a) STUDY.—

(1) IN GENERAL.—To improve the ability of the Department of the Treasury to better track cross-border fund transfers and identify potential financing of terrorist or other forms of illicit finance, the Secretary shall carry out a study to assess—

(A) the potential efficacy of requiring banking regulators to establish a pilot program to provide technical assistance to depository institutions and credit unions that wish to provide account services to money services businesses serving individuals in Somalia;

(B) whether such a pilot program could be a model for improving the ability of United States persons to make legitimate funds transfers through transparent and easily monitored channels while preserving strict compliance with the Bank Secrecy Act (Public Law 91–508; 84 Stat. 1114) and related controls aimed at stopping money laundering and the financing of terrorism; and

(C) consistent with current legal requirements regarding confidential supervisory information, the potential impact of allowing money services businesses to share certain State examination information with depository institutions and credit unions, or whether another appropriate mechanism could be identified to allow a similar exchange of information to give the depository institutions

and credit unions a better understanding of whether an individual money services business is adequately meeting its anti-money laundering and counter-terror financing obligations to combat money laundering, the financing of terror, or related illicit finance.

(2) PUBLIC INPUT.—The Secretary should solicit and consider public input as appropriate in developing the study required under subsection (a).

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate and the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives a report that contains all findings and determinations made in carrying out the study required under subsection (a).

SEC. 272. SENSE OF CONGRESS ON INTERNATIONAL COOPERATION REGARDING TERRORIST FINANCING INTELLIGENCE.

It is the sense of Congress that the Secretary, acting through the Under Secretary for Terrorism and Financial Crimes, should intensify work with foreign partners to help the foreign partners develop intelligence analytic capacities, in a financial intelligence unit, finance ministry, or other appropriate agency, that are—

(1) commensurate to the threats faced by the foreign partner; and

(2) designed to better integrate intelligence efforts with the anti-money laundering and counter-terrorist financing regimes of the foreign partner.

SEC. 273. EXAMINING THE COUNTER-TERROR FINANCING ROLE OF THE DEPARTMENT OF THE TREASURY IN EMBASSIES.

Deadline. Reports. Lists. Overview.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate and the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives a report that contains—

(1) a list of the United States embassies in which a full-time Department of the Treasury financial attaché is stationed and a description of how the interests of the Department of the Treasury relating to terrorist financing and money laundering are addressed (via regional attachés or otherwise) at United States embassies where no such attachés are present;

(2) a list of the United States embassies at which the Department of the Treasury has assigned a technical assistance advisor from the Office of Technical Assistance of the Department of the Treasury;

(3) an overview of how Department of the Treasury financial attachés and technical assistance advisors assist in efforts to counter illicit finance, to include money laundering, terrorist financing, and proliferation financing; and

(4) an overview of patterns, trends, or other issues identified by the Department of the Treasury and whether resources are sufficient to address these issues.

SEC. 274. INCLUSION OF SECRETARY OF THE TREASURY ON THE NATIONAL SECURITY COUNCIL.

(a) IN GENERAL.—Section 101(c)(1) of the National Security Act of 1947 (50 U.S.C. 3021(c)(1)) is amended by inserting "the Secretary of the Treasury," before "and such other officers".

50 USC 3021 note.

(b) RULE OF CONSTRUCTION.—The amendment made by subsection (a) may not be construed to authorize the National Security Council to have a professional staff level that exceeds the limitation set forth under section 101(e)(3) of the National Security Act of 1947 (50 U.S.C. 3021(e)(3)).

SEC. 275. INCLUSION OF ALL FUNDS.

(a) IN GENERAL.—Section 5326 of title 31, United States Code, is amended—

(1) in the heading of such section, by striking "coin and currency";

(2) in subsection (a)—

(A) by striking "subtitle and" and inserting "subtitle or to"; and

(B) in paragraph (1)(A), by striking "United States coins or currency (or such other monetary instruments as the Secretary may describe in such order)" and inserting "funds (as the Secretary may describe in such order),"; and

(3) in subsection (b)—

(A) in paragraph (1)(A), by striking "coins or currency (or monetary instruments)" and inserting "funds"; and

(B) in paragraph (2), by striking "coins or currency (or such other monetary instruments as the Secretary may describe in the regulation or order)" and inserting "funds (as the Secretary may describe in the regulation or order)".

31 USC prec. 5301.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 53 of title 31, United States Code, is amended in the item relating to section 5326 by striking "coin and currency".

PART 3—DEFINITIONS

SEC. 281. DEFINITIONS.

In this subtitle—

(1) the term "appropriate congressional committees" means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, Committee on Armed Services, Committee on the Judiciary, Committee on Homeland Security and Governmental Affairs, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on the Judiciary, Committee on Homeland Security, and the Permanent Select Committee on Intelligence of the House of Representatives;

(2) the term "appropriate Federal banking agencies" has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);

(3) the term "Bank Secrecy Act" means—

(A) section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b);

(B) chapter 2 of title I of Public Law 91–508 (12 U.S.C. 1951 et seq.); and

(C) subchapter II of chapter 53 of title 31, United States Code;

(4) the term "Federal functional regulator" has the meaning given that term in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809);

(5) the term "illicit finance" means the financing of terrorism, narcotics trafficking, or proliferation, money laundering, or other forms of illicit financing domestically or internationally, as defined by the President;

(6) the term "money services business" has the meaning given the term under section 1010.100 of title 31, Code of Federal Regulations;

(7) the term "Secretary" means the Secretary of the Treasury; and

(8) the term "State" means each of the several States, the District of Columbia, and each territory or possession of the United States.

Subtitle D—Rule of Construction

SEC. 291. RULE OF CONSTRUCTION.

22 USC 9501 note.

Nothing in this title or the amendments made by this title (other than sections 216 and 236(b)) shall be construed to limit the authority of the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

SEC. 292. SENSE OF CONGRESS ON THE STRATEGIC IMPORTANCE OF ARTICLE 5 OF THE NORTH ATLANTIC TREATY.

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

(1) The principle of collective defense of the North Atlantic Treaty Organization (NATO) is immortalized in Article 5 of the North Atlantic Treaty in which members pledge that "an armed attack against one or more of them in Europe or North America shall be considered an attack against them all".

(2) For almost 7 decades, the principle of collective defense has effectively served as a strategic deterrent for the member nations of the North Atlantic Treaty Organization and provided stability throughout the world, strengthening the security of the United States and all 28 other member nations.

(3) Following the September 11, 2001, terrorist attacks in New York, Washington, and Pennsylvania, the Alliance agreed to invoke Article 5 for the first time, affirming its commitment to collective defense.

(4) Countries that are members of the North Atlantic Treaty Organization have made historic contributions and sacrifices while combating terrorism in Afghanistan through the International Security Assistance Force and the Resolute Support Mission.

(5) The recent attacks in the United Kingdom underscore the importance of an international alliance to combat hostile nation states and terrorist groups.

(6) At the 2014 NATO summit in Wales, the member countries of the North Atlantic Treaty Organization decided that all countries that are members of NATO would spend

an amount equal to 2 percent of their gross domestic product on defense by 2024.

(7) Collective defense unites the 29 members of the North Atlantic Treaty Organization, each committing to protecting and supporting one another from external adversaries, which bolsters the North Atlantic Alliance.

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

(1) to express the vital importance of Article 5 of the North Atlantic Treaty, the charter of the North Atlantic Treaty Organization, as it continues to serve as a critical deterrent to potential hostile nations and terrorist organizations;

(2) to remember the first and only invocation of Article 5 by the North Atlantic Treaty Organization in support of the United States after the terrorist attacks of September 11, 2001;

(3) to affirm that the United States remains fully committed to the North Atlantic Treaty Organization and will honor its obligations enshrined in Article 5; and

(4) to condemn any threat to the sovereignty, territorial integrity, freedom, or democracy of any country that is a member of the North Atlantic Treaty Organization.

Korean Interdiction and Modernization of Sanctions Act.

TITLE III—SANCTIONS WITH RESPECT TO NORTH KOREA

22 USC 9201 note.

SEC. 301. SHORT TITLE.

This title may be cited as the "Korean Interdiction and Modernization of Sanctions Act".

SEC. 302. DEFINITIONS.

(a) AMENDMENTS TO DEFINITIONS IN THE NORTH KOREA SANCTIONS AND POLICY ENHANCEMENT ACT OF 2016.—

(1) APPLICABLE EXECUTIVE ORDER.—Section 3(1)(A) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9202(1)(A)) is amended—

(A) by striking "or Executive Order 13694" and inserting "Executive Order No. 13694"; and

(B) by inserting "or Executive Order No. 13722 (50 U.S.C. 1701 note; relating to blocking the property of the Government of North Korea and the Workers' Party of Korea, and Prohibiting Certain Transactions With Respect to North Korea)," before "to the extent".

(2) APPLICABLE UNITED NATIONS SECURITY COUNCIL RESOLUTION.—Section 3(2)(A) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9202(2)(A)) is amended by striking "or 2094 (2013)" and inserting "2094 (2013), 2270 (2016), or 2321 (2016)".

(3) FOREIGN PERSON.—Section 3 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9202) is amended—

(A) by redesignating paragraphs (5) through (14) as paragraphs (6) through (15), respectively; and

(B) by inserting after paragraph (4) the following new paragraph:

"(5) FOREIGN PERSON.—The term 'foreign person' means—

"(A) an individual who is not a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

"(B) an entity that is not a United States person.".

(4) LUXURY GOODS.—Paragraph (9) of section 3 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9202), as redesignated by paragraph (3) of this subsection, is amended—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

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

"(C) also includes any items so designated under an applicable United Nations Security Council resolution.".

(5) NORTH KOREAN PERSON.—Section 3 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9202), as amended by paragraph (3) of this subsection, is further amended—

(A) by redesignating paragraphs (13) through (15) as paragraphs (14) through (16), respectively; and

(B) by inserting after paragraph (12) the following new paragraph:

"(13) NORTH KOREAN PERSON.—The term 'North Korean person' means—

"(A) a North Korean citizen or national; or

"(B) an entity owned or controlled by the Government of North Korea or by a North Korean citizen or national.".

(b) DEFINITIONS FOR PURPOSES OF THIS ACT.—In this title: 22 USC 9202 note.

(1) APPLICABLE UNITED NATIONS SECURITY COUNCIL RESOLUTION; LUXURY GOODS.—The terms "applicable United Nations Security Council resolution" and "luxury goods" have the meanings given those terms, respectively, in section 3 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9202), as amended by subsection (a).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES; GOVERNMENT OF NORTH KOREA; UNITED STATES PERSON.—The terms "appropriate congressional committees", "Government of North Korea", and "United States person" have the meanings given those terms, respectively, in section 3 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9202).

(3) FOREIGN PERSON; NORTH KOREAN PERSON.—The terms "foreign person" and "North Korean person" have the meanings given those terms, respectively, in paragraph (5) and paragraph (13) of section 3 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9202(5) and 9202(13)), as added by subsection (a).

(4) PROHIBITED WEAPONS PROGRAM.—The term "prohibited weapons program" means—

(A) any program related to the development of nuclear, chemical, or biological weapons, and their means of delivery, including ballistic missiles; and

(B) any program to develop related materials with respect to a program described in subparagraph (A).

Subtitle A—Sanctions to Enforce and Implement United Nations Security Council Sanctions Against North Korea

SEC. 311. MODIFICATION AND EXPANSION OF REQUIREMENTS FOR THE DESIGNATION OF PERSONS.

(a) EXPANSION OF MANDATORY DESIGNATIONS.—Section 104(a) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9214(a)) is amended—

(1) in paragraph (9), by striking "; or" and inserting "or any defense article or defense service (as such terms are defined in section 47 of the Arms Export Control Act (22 U.S.C. 2794));";

(2) by redesignating paragraph (10) as paragraph (15);

(3) by inserting after paragraph (9) the following new paragraphs:

"(10) knowingly, directly or indirectly, purchases or otherwise acquires from North Korea any significant amounts of gold, titanium ore, vanadium ore, copper, silver, nickel, zinc, or rare earth minerals;

"(11) knowingly, directly or indirectly, sells or transfers to North Korea any significant amounts of rocket, aviation, or jet fuel (except for use by a civilian passenger aircraft outside North Korea, exclusively for consumption during its flight to North Korea or its return flight);

"(12) knowingly, directly or indirectly, provides significant amounts of fuel or supplies, provides bunkering services, or facilitates a significant transaction or transactions to operate or maintain, a vessel or aircraft that is designated under an applicable Executive order or an applicable United Nations Security Council resolution, or that is owned or controlled by a person designated under an applicable Executive order or applicable United Nations Security Council resolution;

"(13) knowingly, directly or indirectly, insures, registers, facilitates the registration of, or maintains insurance or a registration for, a vessel owned or controlled by the Government of North Korea, except as specifically approved by the United Nations Security Council;

"(14) knowingly, directly or indirectly, maintains a correspondent account (as defined in section 201A(d)(1)) with any North Korean financial institution, except as specifically approved by the United Nations Security Council; or"; and

(4) in paragraph (15), as so redesignated, by striking "(9)" and inserting "(14)".

(b) EXPANSION OF ADDITIONAL DISCRETIONARY DESIGNATIONS.—

(1) IN GENERAL.—Section 104(b)(1) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9214(b)(1)) is amended—

(A) in subparagraph (A), by striking "pursuant to an applicable United Nations Security Council resolution;" and inserting the following: "pursuant to—

"(i) an applicable United Nations Security Council resolution;

"(ii) any regulation promulgated under section 404; or

"(iii) any applicable Executive order;";

(B) in subparagraph (B)(iii), by striking "or" at the end;

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

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

"(D) knowingly, directly or indirectly, purchased or otherwise acquired from the Government of North Korea significant quantities of coal, iron, or iron ore, in excess of the limitations provided in applicable United Nations Security Council resolutions;

"(E) knowingly, directly or indirectly, purchased or otherwise acquired significant types or amounts of textiles from the Government of North Korea;

"(F) knowingly facilitated a significant transfer of funds or property of the Government of North Korea that materially contributes to any violation of an applicable United National Security Council resolution;

"(G) knowingly, directly or indirectly, facilitated a significant transfer to or from the Government of North Korea of bulk cash, precious metals, gemstones, or other stores of value not described under subsection (a)(10);

"(H) knowingly, directly or indirectly, sold, transferred, or otherwise provided significant amounts of crude oil, condensates, refined petroleum, other types of petroleum or petroleum byproducts, liquified natural gas, or other natural gas resources to the Government of North Korea (except for heavy fuel oil, gasoline, or diesel fuel for humanitarian use or as excepted under subsection (a)(11));

"(I) knowingly, directly or indirectly, engaged in, facilitated, or was responsible for the online commercial activities of the Government of North Korea, including online gambling;

"(J) knowingly, directly or indirectly, purchased or otherwise acquired fishing rights from the Government of North Korea;

"(K) knowingly, directly or indirectly, purchased or otherwise acquired significant types or amounts of food or agricultural products from the Government of North Korea;

"(L) knowingly, directly or indirectly, engaged in, facilitated, or was responsible for the exportation of workers from North Korea in a manner intended to generate significant revenue, directly or indirectly, for use by the Government of North Korea or by the Workers' Party of Korea;

"(M) knowingly conducted a significant transaction or transactions in North Korea's transportation, mining, energy, or financial services industries; or

"(N) except as specifically approved by the United Nations Security Council, and other than through a correspondent account as described in subsection (a)(14), knowingly facilitated the operation of any branch, subsidiary, or office of a North Korean financial institution.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on the date of the enactment of this Act and apply with respect to conduct described in subparagraphs (D) through (N) of section 104(b)(1) of the North Korea Sanctions

Applicability.
22 USC 9214 note.

and Policy Enhancement Act of 2016, as added by paragraph (1), engaged in on or after such date of enactment.

(c) MANDATORY AND DISCRETIONARY ASSET BLOCKING.—Section 104(c) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9214(c)) is amended—

(1) by striking "of a designated person" and inserting "of a person designated under subsection (a)";

(2) by striking "The President" and inserting the following: "(1) MANDATORY ASSET BLOCKING.—The President"; and

(3) by adding at the end the following new paragraph: "(2) DISCRETIONARY ASSET BLOCKING.—The President may also exercise such powers, in the same manner and to the same extent described in paragraph (1), with respect to a person designated under subsection (b).".

(d) DESIGNATION OF ADDITIONAL PERSONS.—

Deadline. President. Reports. Determination.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report including a determination as to whether reasonable grounds exist, and an explanation of the reasons for any determination that such grounds do not exist, to designate, pursuant to section 104 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9214), as amended by this section, each of the following:

(A) The Korea Shipowners' Protection and Indemnity Association, a North Korean insurance company, with respect to facilitating imports, exports, and reexports of arms and related materiel to and from North Korea, or for other activities prohibited by such section 104.

(B) Chinpo Shipping Company (Private) Limited, a Singapore corporation, with respect to facilitating imports, exports, and reexports of arms and related materiel to and from North Korea.

(C) The Central Bank of the Democratic People's Republic of Korea, with respect to the sale of gold to, the receipt of gold from, or the import or export of gold by the Government of North Korea.

(D) Kumgang Economic Development Corporation (KKG), with respect to being an entity controlled by Bureau 39 of the Workers' Party of the Government of North Korea.

Sam Pa.

(E) Sam Pa, also known as Xu Jinghua, Xu Songhua, Sa Muxu, Samo, Sampa, or Sam King, and any entities owned or controlled by such individual, with respect to transactions with KKG.

(F) The Chamber of Commerce of the Democratic People's Republic of Korea, with respect to the exportation of workers in violation of section 104(a)(5) or of section 104(b)(1)(M) of such Act, as amended by subsection (b) of this section.

(2) FORM.—The report submitted under paragraph (1) may contain a classified annex.

22 USC 9221a.

SEC. 312. PROHIBITION ON INDIRECT CORRESPONDENT ACCOUNTS.

(a) IN GENERAL.—Title II of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9221 et seq.) is amended by inserting after section 201 the following new section:

"SEC. 201A. PROHIBITION ON INDIRECT CORRESPONDENT ACCOUNTS.

"(a) IN GENERAL.—Except as provided in subsection (b), if a United States financial institution has or obtains knowledge that a correspondent account established, maintained, administered, or managed by that institution for a foreign financial institution is being used by the foreign financial institution to provide significant financial services indirectly to any person, foreign government, or financial institution designated under section 104, the United States financial institution shall ensure that such correspondent account is no longer used to provide such services.

"(b) EXCEPTION.—A United States financial institution is authorized to process transfers of funds to or from North Korea, or for the direct or indirect benefit of any person, foreign government, or financial institution that is designated under section 104, only if the transfer—

"(1) arises from, and is ordinarily incident and necessary to give effect to, an underlying transaction that has been authorized by a specific or general license issued by the Secretary of the Treasury; and

"(2) does not involve debiting or crediting a North Korean account.

"(c) DEFINITIONS.—In this section:

"(1) CORRESPONDENT ACCOUNT.—The term 'correspondent account' has the meaning given that term in section 5318A of title 31, United States Code.

"(2) UNITED STATES FINANCIAL INSTITUTION.—The term 'United States financial institution' means has the meaning given that term in section 510.310 of title 31, Code of Federal Regulations, as in effect on the date of the enactment of this section.

"(3) FOREIGN FINANCIAL INSTITUTION.—The term 'foreign financial institution' has the meaning given that term in section 1010.605 of title 31, Code of Federal Regulations, as in effect on the date of the enactment of this section.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the North Korea Sanctions and Policy Enhancement Act of 2016 is amended by inserting after the item relating to section 201 the following new item:

"Sec. 201A. Prohibition on indirect correspondent accounts.".

SEC. 313. LIMITATIONS ON FOREIGN ASSISTANCE TO NONCOMPLIANT GOVERNMENTS.

Section 203 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9223) is amended—

(1) in subsection (b)—

(A) in the heading, by striking "TRANSACTIONS IN LETHAL MILITARY EQUIPMENT" and inserting "TRANSACTIONS IN DEFENSE ARTICLES OR DEFENSE SERVICES";

(B) in paragraph (1), by striking "that provides lethal military equipment to the Government of North Korea" and inserting "that provides to or receives from the Government of North Korea a defense article or defense service, as such terms are defined in section 47 of the Arms Export Control Act (22 U.S.C. 2794), if the President determines that a significant type or amount of such article or service has been so provided or received"; and

President. Determination.

(C) in paragraph (2), by striking "1 year" and inserting "2 years";

(2) in subsection (d), by striking "or emergency" and inserting "maternal and child health, disease prevention and response, or"; and

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

"(e) REPORT ON ARMS TRAFFICKING INVOLVING NORTH KOREA.—

Time period.

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, and annually thereafter for 5 years, the Secretary of State shall submit to the appropriate congressional committees a report that specifically describes the compliance of foreign countries and other foreign jurisdictions with the requirement to curtail the trade described in subsection (b)(1).

"(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.".

SEC. 314. AMENDMENTS TO ENHANCE INSPECTION AUTHORITIES.

Title II of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9221 et seq.), as amended by section 102 of this Act, is further amended by striking section 205 and inserting the following:

22 USC 9225.

"SEC. 205. ENHANCED INSPECTION AUTHORITIES.

"(a) REPORT REQUIRED.—

President.
Time period.

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, and annually thereafter for 5 years, the President shall submit to the appropriate congressional committees a report—

"(A) identifying the operators of foreign sea ports and airports that knowingly—

"(i) significantly fail to implement or enforce regulations to inspect ships, aircraft, cargo, or conveyances in transit to or from North Korea, as required by applicable United Nations Security Council resolutions;

"(ii) facilitate the transfer, transshipment, or conveyance of significant types or quantities of cargo, vessels, or aircraft owned or controlled by persons designated under applicable United Nations Security Council resolutions; or

"(iii) facilitate any of the activities described in section 104(a);

"(B) describing the extent to which the requirements of applicable United Nations Security Council resolutions to de-register any vessel owned, controlled, or operated by or on behalf of the Government of North Korea have been implemented by other foreign countries;

"(C) describing the compliance of the Islamic Republic of Iran with the sanctions mandated in applicable United Nations Security Council resolutions;

"(D) identifying vessels, aircraft, and conveyances owned or controlled by the Reconnaissance General Bureau of the Workers' Party of Korea; and

"(E) describing the diplomatic and enforcement efforts by the President to secure the full implementation of the applicable United Nations Security Council resolutions, as described in subparagraphs (A) through (C).

"(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

"(b) SPECIFIC FINDINGS.—Each report required under subsection (a) shall include specific findings with respect to the following ports and airports:

"(1) The ports of Dandong, Dalian, and any other port in the People's Republic of China that the President deems appropriate. China.

"(2) The ports of Abadan, Bandar-e-Abbas, Chabahar, Bandar-e-Khomeini, Bushehr Port, Asaluyeh Port, Kish, Kharg Island, Bandar-e-Lenge, and Khorramshahr, and Tehran Imam Khomeini International Airport, in the Islamic Republic of Iran. Iran.

"(3) The ports of Nakhodka, Vanino, and Vladivostok, in the Russian Federation. Russia.

"(4) The ports of Latakia, Banias, and Tartous, and Damascus International Airport, in the Syrian Arab Republic. Syria.

"(c) ENHANCED SECURITY TARGETING REQUIREMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Homeland Security may, using a layered approach, require enhanced screening procedures to determine whether physical inspections are warranted of any cargo bound for or landed in the United States that—

"(A) has been transported through a sea port or airport the operator of which has been identified by the President in accordance with subsection (a)(1) as having repeatedly failed to comply with applicable United Nations Security Council resolutions;

"(B) is aboard a vessel or aircraft, or within a conveyance that has, within the last 365 days, entered the territory or waters of North Korea, or landed in any of the sea ports or airports of North Korea; or Time period.

"(C) is registered by a country or jurisdiction whose compliance has been identified by the President as deficient pursuant to subsection (a)(2).

"(2) EXCEPTION FOR FOOD, MEDICINE, AND HUMANITARIAN SHIPMENTS.—Paragraph (1) shall not apply to any vessel, aircraft, or conveyance that has entered the territory or waters of North Korea, or landed in any of the sea ports or airports of North Korea, exclusively for the purposes described in section 208(b)(3)(B), or to import food, medicine, or supplies into North Korea to meet the humanitarian needs of the North Korean people.

"(d) SEIZURE AND FORFEITURE.—A vessel, aircraft, or conveyance used to facilitate any of the activities described in section 104(a) under the jurisdiction of the United States may be seized and forfeited, or subject to forfeiture, under—

"(1) chapter 46 of title 18, United States Code; or

"(2) part V of title IV of the Tariff Act of 1930 (19 U.S.C. 1581 et seq.).".

SEC. 315. ENFORCING COMPLIANCE WITH UNITED NATIONS SHIPPING SANCTIONS AGAINST NORTH KOREA.

(a) IN GENERAL.—The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following new section:

33 USC 1232c.

"SEC. 16. PROHIBITION ON ENTRY AND OPERATION.

"(a) PROHIBITION.—

"(1) IN GENERAL.—Except as otherwise provided in this section, no vessel described in subsection (b) may enter or operate in the navigable waters of the United States or transfer cargo in any port or place under the jurisdiction of the United States.

Determinations.

"(2) LIMITATIONS ON APPLICATION.—

"(A) IN GENERAL.—The prohibition under paragraph (1) shall not apply with respect to—

"(i) a vessel described in subsection (b)(1), if the Secretary of State determines that—

"(I) the vessel is owned or operated by or on behalf of a country the government of which the Secretary of State determines is closely cooperating with the United States with respect to implementing the applicable United Nations Security Council resolutions (as such term is defined in section 3 of the North Korea Sanctions and Policy Enhancement Act of 2016); or

"(II) it is in the national security interest not to apply the prohibition to such vessel; or

"(ii) a vessel described in subsection (b)(2), if the Secretary of State determines that the vessel is no longer registered as described in that subsection.

Deadline.

"(B) NOTICE.—Not later than 15 days after making a determination under subparagraph (A), the Secretary of State shall submit to the Committee on Foreign Affairs and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate written notice of the determination and the basis upon which the determination was made.

Notice.
Federal Register, publication.

"(C) PUBLICATION.—The Secretary of State shall publish a notice in the Federal Register of each determination made under subparagraph (A).

"(b) VESSELS DESCRIBED.—A vessel referred to in subsection (a) is a foreign vessel for which a notice of arrival is required to be filed under section 4(a)(5), and that—

"(1) is on the most recent list of vessels published in Federal Register under subsection (c)(2); or

Time period.

"(2) more than 180 days after the publication of such list, is knowingly registered, pursuant to the 1958 Convention on the High Seas entered into force on September 30, 1962, by a government the agents or instrumentalities of which are maintaining a registration of a vessel that is included on such list.

"(c) INFORMATION AND PUBLICATION.—The Secretary of the department in which the Coast Guard is operating, with the concurrence of the Secretary of State, shall—

"(1) maintain timely information on the registrations of all foreign vessels over 300 gross tons that are known to be—

"(A) owned or operated by or on behalf of the Government of North Korea or a North Korean person;

"(B) owned or operated by or on behalf of any country in which a sea port is located, the operator of which the

President has identified in the most recent report submitted under section 205(a)(1)(A) of the North Korea Sanctions and Policy Enhancement Act of 2016; or

"(C) owned or operated by or on behalf of any country identified by the President as a country that has not complied with the applicable United Nations Security Council resolutions (as such term is defined in section 3 of such Act); and

"(2) not later than 180 days after the date of the enactment of this section, and periodically thereafter, publish in the Federal Register a list of the vessels described in paragraph (1). Deadline. Federal Register, publication. Lists. Deadlines.

"(d) NOTIFICATION OF GOVERNMENTS.—

"(1) IN GENERAL.—The Secretary of State shall notify each government, the agents or instrumentalities of which are maintaining a registration of a foreign vessel that is included on a list published under subsection (c)(2), not later than 30 days after such publication, that all vessels registered under such government's authority are subject to subsection (a).

"(2) ADDITIONAL NOTIFICATION.—In the case of a government that continues to maintain a registration for a vessel that is included on such list after receiving an initial notification under paragraph (1), the Secretary shall issue an additional notification to such government not later than 120 days after the publication of a list under subsection (c)(2).

"(e) NOTIFICATION OF VESSELS.—Upon receiving a notice of arrival under section 4(a)(5) from a vessel described in subsection (b), the Secretary of the department in which the Coast Guard is operating shall notify the master of such vessel that the vessel may not enter or operate in the navigable waters of the United States or transfer cargo in any port or place under the jurisdiction of the United States, unless—

"(1) the Secretary of State has made a determination under subsection (a)(2); or Determination.

"(2) the Secretary of the department in which the Coast Guard is operating allows provisional entry of the vessel, or transfer of cargo from the vessel, under subsection (f).

"(f) PROVISIONAL ENTRY OR CARGO TRANSFER.—Notwithstanding any other provision of this section, the Secretary of the department in which the Coast Guard is operating may allow provisional entry of, or transfer of cargo from, a vessel, if such entry or transfer is necessary for the safety of the vessel or persons aboard.

"(g) RIGHT OF INNOCENT PASSAGE AND RIGHT OF TRANSIT PASSAGE.—This section shall not be construed as authority to restrict the right of innocent passage or the right of transit passage as recognized under international law.

"(h) FOREIGN VESSEL DEFINED.—In this section, the term 'foreign vessel' has the meaning given that term in section 110 of title 46, United States Code.".

(b) CONFORMING AMENDMENTS.—

(1) SPECIAL POWERS.—Section 4(b)(2) of the Ports and Waterways Safety Act (33 U.S.C. 1223(b)(2)) is amended by inserting "or 16" after "section 9".

(2) DENIAL OF ENTRY.—Section 13(e) of the Ports and Waterways Safety Act (33 U.S.C. 1232(e)) is amended by striking "section 9" and inserting "section 9 or 16". 22 USC 9241 note.

SEC. 316. REPORT ON COOPERATION BETWEEN NORTH KOREA AND IRAN.

President. Time period.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 5 years, the President shall submit to the appropriate congressional committees and leadership a report that includes—

Assessment.

(1) an assessment of the extent of cooperation (including through the transfer of goods, services, technology, or intellectual property) between North Korea and Iran relating to their respective nuclear, ballistic missile development, chemical or biological weapons development, or conventional weapons programs;

(2) the names of any Iranian or North Korean persons that have knowingly engaged in or directed—

(A) the provision of material support to such programs; or

(B) the exchange of information between North Korea and Iran with respect to such programs;

(3) the names of any other foreign persons that have facilitated the activities described in paragraph (1); and

Determination.

(4) a determination whether any of the activities described in paragraphs (1) and (2) violate United Nations Security Council Resolution 2231 (2015).

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form but may contain a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP DEFINED.—In this section, the term "appropriate congressional committees and leadership" means—

(1) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the majority and minority leaders of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Ways and Means, and the Speaker, the majority leader, and the minority leader of the House of Representatives.

SEC. 317. REPORT ON IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS BY OTHER GOVERNMENTS.

President. Time period.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 5 years, the President shall submit to the appropriate congressional committees and leadership a report that evaluates the degree to which the governments of other countries have knowingly failed to—

(1) close the representative offices of persons designated under applicable United Nations Security Council resolutions;

(2) expel any North Korean nationals, including diplomats, working on behalf of such persons;

(3) prohibit the opening of new branches, subsidiaries, or representative offices of North Korean financial institutions within the jurisdictions of such governments; or

(4) expel any representatives of North Korean financial institutions.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form but may contain a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP DEFINED.—In this section, the term "appropriate congressional committees and leadership" means—

(1) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the majority and minority leaders of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Ways and Means, and the Speaker, the majority leader, and the minority leader of the House of Representatives.

SEC. 318. BRIEFING ON MEASURES TO DENY SPECIALIZED FINANCIAL MESSAGING SERVICES TO DESIGNATED NORTH KOREAN FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter for 5 years, the President shall provide to the appropriate congressional committees a briefing that includes the following information: Deadlines. Time period. President.

(1) A list of each person or foreign government the President has identified that directly provides specialized financial messaging services to, or enables or facilitates direct or indirect access to such messaging services for— Lists.

(A) any North Korean financial institution (as such term is defined in section 3 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9202)) designated under an applicable United Nations Security Council resolution; or

(B) any other North Korean person, on behalf of such a North Korean financial institution.

(2) A detailed assessment of the status of efforts by the Secretary of the Treasury to work with the relevant authorities in the home jurisdictions of such specialized financial messaging providers to end such provision or access. Assessment.

(b) FORM.—The briefing required under subsection (a) may be classified.

Subtitle B—Sanctions With Respect to Human Rights Abuses by the Government of North Korea

SEC. 321. SANCTIONS FOR FORCED LABOR AND SLAVERY OVERSEAS OF NORTH KOREANS.

(a) SANCTIONS FOR TRAFFICKING IN PERSONS.—

(1) IN GENERAL.—Section 302(b) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9241(b)) is amended—

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

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

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

"(3) a list of foreign persons that knowingly employ North Korean laborers, as described in section 104(b)(1)(M).".

(2) ADDITIONAL DETERMINATIONS; REPORTS.—With respect to any country identified in section 302(b)(2) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9241(b)(2)), as amended by paragraph (1), the report required under section 302(a) of such Act shall— 22 USC 9241 note.

(A) include a determination whether each person identified in section 302(b)(3) of such Act (as amended by paragraph (1)) who is a national or a citizen of such identified country meets the criteria for sanctions under—

(i) section 111 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7108) (relating to the prevention of trafficking in persons); or

(ii) section 104(a) or 104(b)(1) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9214(a)), as amended by section 101 of this Act;

(B) be included in the report required under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)) (relating to the annual report on trafficking in persons); and

(C) be considered in any determination that the government of such country has made serious and sustained efforts to eliminate severe forms of trafficking in persons, as such term is defined for purposes of the Trafficking Victims Protection Act of 2000.

(b) SANCTIONS ON FOREIGN PERSONS THAT EMPLOY NORTH KOREAN LABOR.—

(1) IN GENERAL.—Title III of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9241 et seq.) is amended by inserting after section 302 the following new sections:

22 USC 9241a.

"SEC. 302A. REBUTTABLE PRESUMPTION APPLICABLE TO GOODS MADE WITH NORTH KOREAN LABOR.

"(a) IN GENERAL.—Except as provided in subsection (b), any significant goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part by the labor of North Korean nationals or citizens shall be deemed to be prohibited under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) and shall not be entitled to entry at any of the ports of the United States.

"(b) EXCEPTION.—The prohibition described in subsection (a) shall not apply if the Commissioner of U.S. Customs and Border Protection finds, by clear and convincing evidence, that the goods, wares, articles, or merchandise described in such paragraph were not produced with convict labor, forced labor, or indentured labor under penal sanctions.

President.
22 USC 9241b.

"SEC. 302B. SANCTIONS ON FOREIGN PERSONS EMPLOYING NORTH KOREAN LABOR.

Designation.

"(a) IN GENERAL.—Except as provided in subsection (c), the President shall designate any person identified under section 302(b)(3) for the imposition of sanctions under subsection (b).

"(b) IMPOSITION OF SANCTIONS.—

"(1) IN GENERAL.—The President shall impose the sanctions described in paragraph (2) with respect to any person designated under subsection (a).

"(2) SANCTIONS DESCRIBED.—The sanctions described in this paragraph are sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to block and prohibit all transactions in property and interests in property of a person designated under subsection (a), if such property and interests in property are in the United States, come

within the United States, or are or come within the possession or control of a United States person.

"(c) EXCEPTION.—

"(1) IN GENERAL.—A person may not be designated under subsection (a) if the President certifies to the appropriate congressional committees that the President has received reliable assurances from such person that— Certification.

"(A) the employment of North Korean laborers does not result in the direct or indirect transfer of convertible currency, luxury goods, or other stores of value to the Government of North Korea;

"(B) all wages and benefits are provided directly to the laborers, and are held, as applicable, in accounts within the jurisdiction in which they reside in locally denominated currency; and

"(C) the laborers are subject to working conditions consistent with international standards.

"(2) RECERTIFICATION.—Not later than 180 days after the date on which the President transmits to the appropriate congressional committees an initial certification under paragraph (1), and every 180 days thereafter, the President shall— Deadlines.

"(A) transmit a recertification stating that the conditions described in such paragraph continue to be met; or

"(B) if such recertification cannot be transmitted, impose the sanctions described in subsection (b) beginning on the date on which the President determines that such recertification cannot be transmitted.". Effective date.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the North Korea Sanctions and Policy Enhancement Act of 2016 is amended by inserting after the item relating to section 302 the following new items:

"Sec. 302A. Rebuttable presumption applicable to goods made with North Korean labor.

"Sec. 302B. Sanctions on foreign persons employing North Korean labor.".

SEC. 322. MODIFICATIONS TO SANCTIONS SUSPENSION AND WAIVER AUTHORITIES.

(a) EXEMPTIONS.—Section 208(a) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9228(a)) is amended in the matter preceding paragraph (1)—

(1) by inserting "201A," after "104,"; and

(2) by inserting "302A, 302B," after "209,".

(b) HUMANITARIAN WAIVER.—Section 208(b) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9228(b)(1)) is amended—

(1) by inserting "201A," after "104," in each place it appears; and

(2) by inserting "302A, 302B," after "209(b)," in each place it appears.

(c) WAIVER.—Section 208(c) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9228(c)) is amended in the matter preceding paragraph (1)—

(1) by inserting "201A," after "104,"; and

(2) by inserting "302A, 302B," after "209(b),".

SEC. 323. REWARD FOR INFORMANTS.

Section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)), is amended—

(1) in paragraph (9), by striking "or" at the end;

(2) in paragraph (10), by striking the period at the end and inserting a semicolon; and

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

"(11) the identification or location of any person who, while acting at the direction of or under the control of a foreign government, aids or abets a violation of section 1030 of title 18, United States Code; or

"(12) the disruption of financial mechanisms of any person who has engaged in the conduct described in sections 104(a) or 104(b)(1) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 2914(a) or (b)(1)).".

SEC. 324. DETERMINATION ON DESIGNATION OF NORTH KOREA AS A STATE SPONSOR OF TERRORISM.

(a) DETERMINATION.—

Deadline.

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a determination whether North Korea meets the criteria for designation as a state sponsor of terrorism.

(2) FORM.—The determination required by paragraph (1) shall be submitted in unclassified form but may include a classified annex, if appropriate.

(b) STATE SPONSOR OF TERRORISM DEFINED.—For purposes of this section, the term "state sponsor of terrorism" means a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 4605(j)) (as in effect pursuant to the International Emergency Economic Powers Act), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), section 40 of the Arms Export Control Act (22 U.S.C. 2780), or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

Subtitle C—General Authorities

22 USC 9202 note.

SEC. 331. AUTHORITY TO CONSOLIDATE REPORTS.

Any reports required to be submitted to the appropriate congressional committees under this title or any amendment made by this title that are subject to deadlines for submission consisting of similar units of time may be consolidated into a single report that is submitted to appropriate congressional committees pursuant to the earlier of such deadlines. The consolidated reports must contain all information required under this title or any amendment made by this title, in addition to all other elements mandated by previous law.

22 USC 9202 note.

SEC. 332. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to limit—

(1) the authority or obligation of the President to apply the sanctions described in section 104 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9214), as amended by section 311 of this Act, with regard

to persons who meet the criteria for designation under such section, or in any other provision of law; or

(2) the authorities of the President pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

SEC. 333. REGULATORY AUTHORITY.

President. Deadlines.

(a) IN GENERAL.—The President shall, not later than 180 days after the date of the enactment of this Act, promulgate regulations as necessary for the implementation of this title and the amendments made by this title.

(b) NOTIFICATION TO CONGRESS.—Not fewer than 10 days before the promulgation of a regulation under subsection (a), the President shall notify and provide to the appropriate congressional committees the proposed regulation, specifying the provisions of this title or the amendments made by this title that the regulation is implementing.

SEC. 334. LIMITATION ON FUNDS.

No additional funds are authorized to carry out the requirements of this title or of the amendments made by this title. Such requirements shall be carried out using amounts otherwise authorized.

Approved August 2, 2017.

LEGISLATIVE HISTORY—H.R. 3364:

CONGRESSIONAL RECORD, Vol. 163 (2017):
July 25, considered and passed House.
July 27, considered and passed Senate.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2017):
Aug. 2, Presidential statement.

Public Law 115–45
115th Congress

An Act

Aug. 4, 2017
[H.R. 3298]

To authorize the Capitol Police Board to make payments from the United States Capitol Police Memorial Fund to employees of the United States Capitol Police who have sustained serious line-of-duty injuries, and for other purposes.

Wounded Officers Recovery Act of 2017.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 USC 1901 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wounded Officers Recovery Act of 2017".

SEC. 2. PAYMENTS FROM UNITED STATES CAPITOL POLICE MEMORIAL FUND FOR EMPLOYEES KILLED IN THE LINE OF DUTY OR SUSTAINING SERIOUS LINE-OF-DUTY INJURIES.

(a) AUTHORIZING PAYMENTS FROM FUND.—Section 2 of Public Law 105–223 (2 U.S.C. 1952) is amended—

(1) in the section heading, by inserting "**AND CERTAIN OTHER UNITED STATES CAPITOL POLICE EMPLOYEES**" before the period at the end;

(2) by striking "Subject to the regulations" and inserting "(a) IN GENERAL.—Except to the extent used or reserved for use under subsection (b) and subject to the regulations"; and

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

"(b) PAYMENTS FOR EMPLOYEES KILLED IN THE LINE OF DUTY OR SUSTAINING SERIOUS LINE-OF-DUTY INJURIES.—In addition to the amounts paid under subsection (a), and in accordance with the regulations issued under section 4(b), amounts in the Fund may be paid to—

"(1) families of employees of the United States Capitol Police who were killed in the line of duty; or

"(2) employees of the United States Capitol Police who have sustained serious line-of-duty injuries.".

(b) REGULATIONS OF CAPITOL POLICE BOARD.—Section 4 of Public Law 105–223 (2 U.S.C. 1954) is amended—

(1) by striking "The Capitol Police Board" and inserting "(a) IN GENERAL.—The Capitol Police Board"; and

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

"(b) REGULATIONS GOVERNING PAYMENTS FOR EMPLOYEES KILLED IN THE LINE OF DUTY OR SUSTAINING SERIOUS LINE-OF-DUTY INJURIES.—In carrying out subsection (a), the Capitol Police Board shall issue specific regulations governing the use of the Fund for making payments to families of employees of the United States Capitol Police who were killed in the line of duty and employees of the United States Capitol Police who have sustained

serious line-of-duty injuries (as authorized under section 2(b)), including regulations—

"(1) establishing the conditions under which the family of an employee or an employee is eligible to receive such a payment;

"(2) providing for the amount, timing, and manner of such payments; and

"(3) ensuring that any such payment is in addition to, and does not otherwise affect, any other form of compensation payable to the family of an employee or the employee, including benefits for workers' compensation under chapter 81 of title 5, United States Code.".

(c) TREATMENT OF AMOUNTS RECEIVED IN RESPONSE TO INCIDENT OF JUNE 14, 2017.—The second sentence of section 1 of Public Law 105–223 (2 U.S.C. 1951) is amended by striking "deposit into the Fund" and inserting "deposit into the Fund, including amounts received in response to the shooting incident at the practice for the Congressional Baseball Game for Charity on June 14, 2017,".

Approved August 4, 2017.

LEGISLATIVE HISTORY—H.R. 3298:

CONGRESSIONAL RECORD, Vol. 163 (2017):
July 24, considered and passed House.
July 27, considered and passed Senate, amended. House concurred in Senate amendment.

Public Law 115–46
115th Congress

An Act

Aug. 12, 2017
[S. 114]

To authorize appropriations and to appropriate amounts for the Veterans Choice Program of the Department of Veterans Affairs, to improve hiring authorities of the Department, to authorize major medical facility leases, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

VA Choice and Quality Employment Act of 2017.
38 USC 101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "VA Choice and Quality Employment Act of 2017".

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

TITLE IV—OTHER MATTERS

TITLE I—APPROPRIATION OF AMOUNTS FOR VETERANS CHOICE PROGRAM

SEC. 101. APPROPRIATION OF AMOUNTS FOR VETERANS CHOICE PROGRAM.

(a) IN GENERAL.—There is authorized to be appropriated, and is appropriated, to the Secretary of Veterans Affairs, out of any funds in the Treasury not otherwise appropriated, $2,100,000,000 to be deposited in the Veterans Choice Fund under section 802 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note).

(b) AVAILABILITY.—The amount appropriated under subsection (a) shall remain available until expended.

TITLE II—PERSONNEL MATTERS

SEC. 201. MODIFICATION TO ANNUAL DETERMINATION OF STAFFING SHORTAGES IN VETERANS HEALTH ADMINISTRATION.

Section 7412(a) of title 38, United States Code, is amended—

(1) by striking "the five occupations" and inserting "at a minimum, the five clinical occupations and the five nonclinical occupations"; and

(2) by striking "throughout the Department" and inserting "with respect to each medical center of the Department,".

SEC. 202. ESTABLISHMENT OF DEPARTMENT OF VETERANS AFFAIRS EXECUTIVE MANAGEMENT FELLOWSHIP PROGRAM.

(a) FELLOWSHIP PROGRAM.—Chapter 7 of title 38, United States Code, is amended by adding at the end the following new subchapter: 38 USC prec. 741.

"SUBCHAPTER III—EXECUTIVE MANAGEMENT FELLOWSHIP PROGRAM

"§ 741. Executive Management Fellowship Program 38 USC 741.

"(a) FELLOWSHIP PROGRAM.—There is in the Department an Executive Management Fellowship Program. The purpose of the program shall be to provide—

"(1) eligible employees of the Veterans Benefits Administration and the Veterans Health Administration with training and experience in the private sector; and

"(2) eligible employees of a private-sector entity with training and experience in the Department of Veterans Affairs.

"(b) FELLOWSHIP.—(1) A fellowship provided under this section is a 1-year fellowship during which—

"(A) with respect to a Department participant, the participant receives training and experience at a private-sector entity that is engaged in the administration and delivery of health

care or other services similar to the benefits administered by the Secretary; and

"(B) with respect to a private-sector participant, the participant receives training and experience at the Veterans Benefits Administration or the Veterans Health Administration.

Contracts.

"(2) The Secretary shall enter into such agreements with private-sector entities as are necessary to carry out this section.

"(c) SELECTION OF RECIPIENTS.—(1) In August of each year, the Secretary shall select—

"(A) not fewer than 18 and not more than 30 eligible employees of the Veterans Benefits Administration and the Veterans Health Administration to receive a fellowship under this section; and

"(B) not fewer than 18 and not more than 30 eligible employees of private-sector entities to receive a fellowship under this section.

"(2) To the extent practicable, the Secretary shall select eligible employees under subparagraphs (A) and (B) of paragraph (1) from among eligible employees who are veterans in a manner that is reflective of the demographics of the veteran population of the United States and that whenever practicable provides a preference to such employees who represent or service rural areas.

"(d) ELIGIBLE EMPLOYEES.—For the purposes of this section, an eligible employee is—

"(1) with respect to an employee of the Veterans Benefits Administration or the Veterans Health Administration, an employee who—

"(A) is compensated at a rate of basic pay not less than the minimum rate of basic pay payable for grade GS–14 of the General Schedule and not more than either the minimum rate of basic pay payable to a member of the Senior Executive Service under section 5382 of title 5 or the minimum rate of basic pay payable pursuant to chapter 74 of this title, as the case may be;

"(B) enters into an agreement with the Secretary under subsection (e); and

"(C) submits to the Secretary an application containing such information and assurances as the Secretary may require; and

"(2) with respect to an employee of a private-sector entity, an employee who—

"(A) is employed in a position whose duties and responsibilities are commensurate with an employee of the Department described in paragraph (1);

"(B) enters into an agreement with the Secretary under subsection (e); and

"(C) submits to the Secretary an application containing such information and assurances as the Secretary may require.

"(e) AGREEMENTS.—(1) An agreement between the Secretary and a Department participant shall be in writing, shall be signed by the participant, and shall include the following provisions:

"(A) The Secretary's agreement to provide the participant with a fellowship under this section;

"(B) The participant's agreement—

"(i) to accept the fellowship;

"(ii) after completion of the fellowship, to serve as a full-time employee in the Veterans Benefits Administration or the Veterans Health Administration for at least 2 years as specified in the agreement; and Time period.

"(iii) that, during the 2-year period beginning on the last day of the fellowship, the participant will not accept employment in the same industry as the industry of the private-sector entity at which the participant accepts the fellowship.

"(C) A provision that any financial obligation of the United States arising out of an agreement entered into under this subchapter, and any obligation of the participant which is conditioned on such agreement, is contingent upon funds being appropriated.

"(D) A statement of the damages to which the United States is entitled under this subchapter for the participant's breach of the agreement.

"(E) Such other terms as the Secretary determines are required to be included in the agreement. Determination.

"(2) An agreement between the Secretary and a private-sector participant shall be in writing, shall be signed by the participant, and shall include the following provisions:

"(A) The Secretary's agreement to provide the participant with a fellowship under this section.

"(B) The participant's agreement to accept the fellowship.

"(C) Such other terms as the Secretary determines are required to be included in the agreement.

"(f) TREATMENT OF RECIPIENTS.—(1) A Department participant shall be considered an employee of the Department for all purposes, including for purposes of receiving a salary and benefits, and shall remain eligible for all promotion and incentive programs otherwise available to such an employee.

"(2) A private-sector participant shall be considered an employee of the private-sector entity that employs the participant for all purposes, including for purposes of receiving a salary and benefits, and during the fellowship shall be treated as a contractor of the Department.

"(g) REPORTS.—(1) Not later than 60 days after completing a fellowship under this section, a recipient of the fellowship shall submit to the Secretary a report on the fellowship.

"(2) Each such report shall describe the duties of the recipient during the fellowship and any recommendations of the recipient for the application by the Secretary of industry processes, technologies, and best practices.

"(3) Not later than 7 days after receiving each such report, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives such report without change.

"(h) DEFINITIONS.—In this section:

"(1) The term 'Department participant' means an employee of the Veterans Benefits Administration or the Veterans Health Administration who is participating in the fellowship under this section.

"(2) The term 'private-sector entity' includes an entity operating under a public-private partnership.

"(3) The term 'private-sector participant' means an employee of a private-sector entity who is participating in the fellowship under this section.".

38 USC 741 note.

(b) DEADLINE FOR IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall implement the Executive Management Fellowship Program required under section 741 of title 38, United States Code, as added by subsection (a).

38 USC prec. 701.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 38, United States Code, is amended by adding at the end the following new items:

"SUBCHAPTER III—EXECUTIVE MANAGEMENT FELLOWSHIP PROGRAM

"741. Executive Management Fellowship Program.".

SEC. 203. ACCOUNTABILITY OF LEADERS FOR MANAGING THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subchapter I of chapter 7 of title 38, United States Code, is amended by adding at the end the following new section:

38 USC 725.

"§ 725. Annual performance plan for political appointees

"(a) IN GENERAL.—The Secretary shall conduct an annual performance plan for each political appointee of the Department that is similar to the annual performance plan conducted for an employee of the Department who is appointed as a career appointee (as that term is defined in section 3132(a) of title 5) within the Senior Executive Service at the Department.

Assessment.

"(b) ELEMENTS OF PLAN.—Each annual performance plan conducted under subsection (a) with respect to a political appointee of the Department shall include an assessment of whether the appointee is meeting the following goals:

"(1) Recruiting, selecting, and retaining well-qualified individuals for employment at the Department.

"(2) Engaging and motivating employees.

"(3) Training and developing employees and preparing those employees for future leadership roles within the Department.

"(4) Holding each employee of the Department that is a manager accountable for addressing issues relating to performance, in particular issues relating to the performance of employees that report to the manager.

"(c) DEFINITION OF POLITICAL APPOINTEE.—In this section, the term 'political appointee' means an employee of the Department who holds—

"(1) a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character; or

"(2) a position in the Senior Executive Service as a noncareer appointee (as such term is defined in section 3132(a) of title 5).".

38 USC prec. 701.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 723 the following new item:

"725. Annual performance plan for political appointees.".

SEC. 204. REEMPLOYMENT OF FORMER EMPLOYEES AT DEPARTMENT OF VETERANS AFFAIRS. 38 USC 701 note.

(a) IN GENERAL.—Notwithstanding sections 3309 through 3318 of title 5, United States Code, the Secretary of Veterans Affairs may noncompetitively appoint a qualified former career or career conditional employee to any position within the competitive service at the Department of Veterans Affairs that is one grade or equivalent higher than the grade or equivalent of the position at the Department most recently occupied by the employee.

(b) LIMITATION.—The Secretary may not appoint a qualified former employee to a position that is more than one grade (or equivalent) higher than the position at the Department most recently occupied by the employee.

(c) DEFINITION OF QUALIFIED FORMER EMPLOYEE.—For purposes of this section, the term "qualified former employee" means any individual who—

(1) formerly occupied any career or career conditional position at the Department of Veterans Affairs within 2 years before applying for reemployment at the Department;

(2) voluntarily left such position, or was subject to a reduction in force, and had a satisfactory performance record while occupying such position; and

(3) since leaving such position has maintained licensing requirements, related to the position, if any, and gained skill, knowledge, or other factors related to the position.

SEC. 205. PROMOTIONAL OPPORTUNITIES FOR TECHNICAL EXPERTS AT DEPARTMENT OF VETERANS AFFAIRS. Deadline. 38 USC 701 note.

Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a promotional track system for employees of the Department of Veterans Affairs that the Secretary determines are technical experts pursuant to regulations prescribed by the Secretary for purposes of carrying out this section. Such system shall—

(1) provide any such employee the opportunity to advance within the Department without being required to transition to a management position; and

(2) for purposes of achieving career advancement—

(A) provide for the establishment of new positions within the Department; and

(B) notwithstanding any other provision of law, provide for increases in pay for any such employee.

SEC. 206. EMPLOYMENT OF STUDENTS AND RECENT GRADUATES BY DEPARTMENT OF VETERANS AFFAIRS. 38 USC 701 note.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall prescribe regulations to allow for excepted service appointments of students and recent graduates leading to conversion to career or career conditional employment of a student or recent graduate of a qualifying educational institution, as defined by the Department. Regulations.

(b) APPLICABILITY.—The conversion authority described in subsection (a) shall be applicable to individuals in good standing who—

(1) are employed in a qualifying internship or fellowship program at the Department;

(2) are employed in the Department in a volunteer capacity and performing substantive duties comparable to those of

individuals in internship or fellowship programs and meet the required number of hours for conversion;

(3) are employed in the Department under a contract or agreement with an external nonprofit organization and performing substantive duties comparable to those of individuals in internship or fellowship programs;

(4) have received educational assistance under chapter 33 of title 38, United States Code; or

(5) graduated from a qualifying educational institution, as defined by the Department, and have not reached 30 years of age.

(c) UNIFORMITY.—For the purposes of paragraphs (2) and (3) of subsection (b), hours of work performed by an individual employed shall be considered equal to those performed by an individual employed in a qualifying internship or fellowship program by the Department.

38 USC 7401 note.

SEC. 207. ENCOURAGEMENT OF TRANSITION OF MILITARY MEDICAL PROFESSIONALS INTO EMPLOYMENT WITH VETERANS HEALTH ADMINISTRATION.

The Secretary of Veterans Affairs shall establish a program to encourage an individual who serves in the Armed Forces with a military occupational specialty relating to the provision of health care to seek employment with the Veterans Health Administration when the individual has been discharged or released from service in the Armed Forces or is contemplating separating from such service.

Determinations. 38 USC 701 note.

SEC. 208. RECRUITING DATABASE AT DEPARTMENT OF VETERANS AFFAIRS.

(a) ESTABLISHMENT.—The Secretary of Veterans Affairs shall establish a single database that lists—

(1) each vacant position in the Department of Veterans Affairs that the Secretary determines is critical to the mission of the Department, difficult to fill, or both; and

(2) each vacant position in the Department of Veterans Affairs for a mental health professional.

(b) QUALIFIED APPLICANT.—If the Secretary determines that an applicant for a vacant position listed in the database established under subsection (a) is qualified for such position but does not select the applicant for such position, the Secretary, at the election of the applicant, may consider the applicant for other similar vacant positions listed in the database for which the applicant is qualified.

(c) PROLONGED VACANCIES.—If the Secretary does not fill a vacant position listed in the database established under subsection (a) after a period determined appropriate by the Secretary, the Secretary—

(1) may ensure that applicants described in subsection (b) are considered for such position; and

(2) may use the database established under subsection (a) to assist in filling such position.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the use and efficacy of the database established under subsection (a).

SEC. 209. TRAINING FOR HUMAN RESOURCES PROFESSIONALS OF VETERANS HEALTH ADMINISTRATION ON RECRUITMENT AND RETENTION.

38 USC 7401 note.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall provide to human resources professionals of the Veterans Health Administration training on how to best recruit and retain employees of the Veterans Health Administration, including with respect to any recruitment and retention matters that are unique to the Veterans Health Administration pursuant to chapter 74 of title 38, United States Code, or other provisions of law.

(b) VIRTUAL TRAINING.—Training provided under this section shall be provided virtually.

(c) AMOUNT OF TRAINING.—The Secretary shall ensure that each human resources professional of the Veterans Health Administration receives the training described in subsection (a)—

(1) as soon as practicable after being hired by the Secretary as a human resources professional; and

(2) annually thereafter.

(d) CERTIFICATION.—The Secretary shall require that each human resources professional of the Veterans Health Administration, upon the completion of the training described in subsection (a), certifies that the professional received the training and understands the information provided by the training.

(e) ANNUAL REPORT.—Not less frequently than annually, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the training described in subsection (a), including the cost of providing such training and the number of human resources professionals who received such training during the year covered by the report.

SEC. 210. PLAN TO HIRE DIRECTORS OF MEDICAL CENTERS OF DEPARTMENT OF VETERANS AFFAIRS.

Deadlines. 38 USC 7401 note.

(a) PLAN.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall develop and implement a plan to hire highly qualified directors for each medical center of the Department of Veterans Affairs that lacks a permanent director as of the date of the plan.

(b) PRIORITY.—The Secretary shall prioritize under the plan developed under subsection (a) the hiring of directors for medical centers that have not had a permanent director for the longest periods.

(c) MATTERS INCLUDED.—The plan developed under subsection (a) shall include the following:

(1) A deadline to hire directors of medical centers of the Department as described in such subsection.

(2) Identification of the possible impediments to such hiring.

(3) Identification of opportunities to promote and train candidates from within the Department to senior executive positions in the Department, including as directors of medical centers.

(d) SUBMITTAL OF PLAN.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives the plan developed under subsection (a).

(e) SEMIANNUAL REPORTS.—Not later than 180 days after the date of the enactment of this Act, and not later than 180 days thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing a list of each medical center of the Department that lacks a permanent director as of the date of the report.

38 USC 701 note.

SEC. 211. EXIT SURVEYS AT DEPARTMENT OF VETERANS AFFAIRS.

(a) EXIT SURVEYS REQUIRED.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall develop and carry out a standardized exit survey to be voluntarily completed by career and noncareer employees and executives of the Department of Veterans Affairs who voluntarily separate from the Department.

(2) CONSULTATION.—Such exit survey shall be developed in consultation with an appropriate non-Department entity with experience developing such surveys.

(b) SURVEY CONTENT.—The survey shall include, at a minimum, the following:

(1) Reasons for leaving the Department.

(2) Efforts made by the supervisor of the employee to retain the individual.

(3) The extent of job satisfaction and engagement during the employment.

(4) The intent of employee to either remain employed within the Federal Government or to leave employment with the Federal Government.

(5) Such other matters as the Secretary determines appropriate.

(c) ANONYMITY OF SURVEY CONTENT.—The Secretary shall ensure that data collected under subsection (a)—

(1) is anonymized, including through the use of a location that allows for privacy;

(2) is not directly visible by another employee; and

(3) does not require the departing employee to input any personally identifiable data.

(d) SHARING OF SURVEY DATA.—The Secretary shall ensure that the results of the survey required by subsection (a) are—

(1) aggregated at the Veterans Integrated Service Network level; and

(2) shared on an annual basis with directors and managers of facilities of the Department and the Veterans Integrated Service Networks.

(e) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act and not less frequently than once each year thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing the aggregate results of the exit survey under subsection (a) covering the year prior to the report.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include, for the period covered by the report, the following:

Analysis.

(A) An analysis of the most common reasons employees choose to leave the Department.

(B) The steps the Secretary is taking to improve retention, particularly for mission-critical occupations.

(C) The demographic characteristics of employees choosing to leave the Department.

(D) Any legislative barriers to improving employee retention.

(E) The total number of employees who voluntarily separated from the Department and the number and percentage of whom took the exit survey under subsection (a).

SEC. 212. REQUIREMENT THAT PHYSICIAN ASSISTANTS EMPLOYED BY THE DEPARTMENT OF VETERANS AFFAIRS RECEIVE COMPETITIVE PAY.

Section 7451(a)(2) of title 38, United States Code, is amended—

(1) by redesignating subparagraph (B) as subparagraph (C);

(2) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) Physician assistant."; and

(3) in subparagraph (C), as redesignated by paragraph (1), by striking "and registered nurse" and inserting "registered nurse, and physician assistant".

SEC. 213. EXPANSION OF DIRECT-HIRING AUTHORITY FOR DEPARTMENT OF VETERANS AFFAIRS IN CASE OF SHORTAGE OF HIGHLY QUALIFIED CANDIDATES.

Section 3304(a)(3)(B) of title 5, United States Code, is amended by inserting "(or, with respect to the Department of Veterans Affairs, that there exists a severe shortage of highly qualified candidates)" after "severe shortage of candidates".

SEC. 214. COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT OF SUCCESSION PLANNING AT DEPARTMENT OF VETERANS AFFAIRS.

(a) ASSESSMENT.—

(1) IN GENERAL.—The Comptroller General of the United States shall assess the extent to which key succession planning policies and guidance at the Department of Veterans Affairs, including the Veterans Health Administration, the Veterans Benefits Administration, and the National Cemetery Administration, are consistent with leading practices for succession and workforce planning identified by Comptroller General.

(2) ADDITIONAL MATTERS.—In carrying out the assessment required by paragraph (1), the Comptroller General may assess such other matters as the Comptroller General considers appropriate.

(b) REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the assessment carried out under subsection (a).

(c) SENSE OF CONGRESS ON STUDY ON COMPLIANCE WITH POLICIES AND GUIDANCE.—It is the sense of Congress that—

(1) the Comptroller General should conduct a study to examine the extent to which a sampling of installations of the Department of Veterans Affairs are complying with policies

and guidance of the Department, as well as applicable leading practices; and

(2) the scope and timeframe of a study conducted as described in paragraph (1) may be dependent upon the findings of the Comptroller General with respect to the assessment carried out under subsection (a).

TITLE III—MAJOR MEDICAL FACILITY LEASES

SEC. 301. AUTHORIZATION OF CERTAIN MAJOR MEDICAL FACILITY LEASES OF THE DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Veterans Affairs may carry out the following major medical facility leases at the locations specified and in an amount for each lease not to exceed the amount specified for such location (not including any estimated cancellation costs):

(1) For a replacement outpatient clinic, Ann Arbor, Michigan, an amount not to exceed $4,247,000.

(2) For a new outpatient mental health clinic, Birmingham, Alabama, an amount not to exceed $6,649,000.

(3) For new research space, Boston, Massachusetts, an amount not to exceed $6,224,000.

(4) For a replacement research space, Charleston, South Carolina, an amount not to exceed $7,274,000.

(5) For a replacement outpatient clinic, Corpus Christi, Texas, an amount not to exceed $6,556,000.

(6) For a replacement outpatient clinic, Daytona Beach, Florida, an amount not to exceed $12,198,000.

(7) For a replacement Chief Business Office Purchased Care office space, Denver, Colorado, an amount not to exceed $14,784,000.

(8) For a replacement outpatient clinic, Fredericksburg, Virginia, an amount not to exceed $45,015,000.

(9) For a new outpatient clinic, Gainesville, Florida, an amount not to exceed $7,891,000.

(10) For an outpatient mental health clinic, Gainesville, Florida, an amount not to exceed $4,320,000.

(11) For a replacement outpatient clinic, Hampton Roads, Virginia, an amount not to exceed $18,141,000.

(12) For a replacement outpatient clinic, Indianapolis, Indiana, an amount not to exceed $7,876,000.

(13) For a replacement outpatient clinic, Jacksonville, Florida, an amount not to exceed $18,623,000.

(14) For a replacement outpatient clinic, Missoula, Montana, an amount not to exceed $6,942,000.

(15) For a replacement outpatient mental health clinic, Northern Colorado, Colorado, an amount not to exceed $8,904,000.

(16) For a replacement outpatient clinic, Ocala, Florida, an amount not to exceed $5,026,000.

(17) For a new outpatient clinic, Oxnard, California, an amount not to exceed $5,274,000.

(18) For a new outpatient clinic, Pike County, Georgia, an amount not to exceed $5,565,000.

(19) For a new outpatient clinic, Pittsburgh, Pennsylvania, an amount not to exceed $6,247,000.

(20) For a replacement outpatient clinic, Portland, Maine, an amount not to exceed $6,808,000.

(21) For a replacement outpatient clinic, Raleigh, North Carolina, an amount not to exceed $21,870,000.

(22) For a replacement outpatient clinic, phase II, Rochester, New York, an amount not to exceed $3,645,000.

(23) For a replacement research space, San Diego, California, an amount not to exceed $4,852,000.

(24) For a new outpatient clinic, Santa Rosa, California, an amount not to exceed $6,922,000.

(25) For a replacement mental health clinic, Tampa, Florida, an amount not to exceed $13,387,000.

(26) For a replacement outpatient clinic, Lakeland, Tampa, Florida, an amount not to exceed $10,760,000.

(27) For a replacement outpatient clinic, Terre Haute, Indiana, an amount not to exceed $4,102,000.

(28) For a replacement outpatient clinic, Rapid City, South Dakota, an amount not to exceed $4,532,000.

SEC. 302. AUTHORIZATION OF APPROPRIATIONS FOR MEDICAL FACILITY LEASES.

There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2018 or the year in which funds are appropriated for the Medical Facilities account $274,634,000 for the major medical facility leases authorized in section 301.

TITLE IV—OTHER MATTERS

SEC. 401. EXTENSION OF REDUCTION IN AMOUNT OF PENSION FURNISHED BY DEPARTMENT OF VETERANS AFFAIRS FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) of title 38, United States Code, is amended by striking "September 30, 2024" and inserting "September 30, 2027".

SEC. 402. EXTENSION OF REQUIREMENT FOR COLLECTION OF FEES FOR HOUSING LOANS GUARANTEED BY SECRETARY OF VETERANS AFFAIRS.

Section 3729(b)(2) of title 38, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (iii), by striking "September 30, 2024" and inserting "September 30, 2027"; and

(B) in clause (iv), by striking "September 30, 2024" and inserting "September 30, 2027";

(2) in subparagraph (B)—

(A) in clause (i), by striking "September 30, 2024" and inserting "September 30, 2027"; and

(B) in clause (ii), by striking "September 30, 2024" and inserting "September 30, 2027";

(3) in subparagraph (C)—

(A) in clause (i), by striking "September 30, 2024" and inserting "September 30, 2027"; and

(B) in clause (ii), by striking "September 30, 2024" and inserting "September 30, 2027"; and

(4) in subparagraph (D)—

(A) in clause (i), by striking "September 30, 2024" and inserting "September 30, 2027"; and

(B) in clause (ii), by striking "September 30, 2024" and inserting "September 30, 2027".

SEC. 403. EXTENSION OF AUTHORITY TO USE INCOME INFORMATION.

Section 5317(g) of title 38, United States Code, is amended by striking "September 30, 2024" and inserting "September 30, 2027".

Approved August 12, 2017.

LEGISLATIVE HISTORY—S. 114 (H.R. 1690):

HOUSE REPORTS: No. 115–249 (Comm. on Veterans' Affairs) accompanying H.R. 1690.

CONGRESSIONAL RECORD, Vol. 163 (2017):

May 25, considered and passed Senate.

July 24, considered and failed House.

July 28, considered and passed House, amended.

Aug. 1, Senate concurred in House amendments.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2017):

Aug. 12, Presidential remarks.

Public Law 115–47
115th Congress

An Act

To designate the community living center of the Department of Veterans Affairs in Butler Township, Butler County, Pennsylvania, as the "Sergeant Joseph George Kusick VA Community Living Center".

Aug. 16, 2017
[H.R. 2210]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) Sergeant Joseph George Kusick of Bruin, Pennsylvania, was assigned to the command and control detachment of the 5th Special Forces Group (Airborne) of the Army during the Vietnam War.

(2) On November 8, 1967, Kusick distinguished himself by exceptionally valorous actions while serving as a radio operator of a special forces reconnaissance team on a combat mission deep in hostile territory.

(3) During an enemy ambush, Kusick, though seriously wounded, refused aid and radioed the forward air controller to advise him of the critical situation.

(4) While the team leader led a withdrawal to a landing zone, Kusick maintained contact with the controller and requested emergency extraction.

(5) Realizing the importance of having a radio operator on the ground to direct landings, Kusick refused evacuation by the first helicopter.

(6) After the second helicopter was shot down, and in the midst of enemy fire, Kusick continued to maintain radio contact and called for a hoist extraction of the men still remaining on the ground.

(7) The last helicopter, which Kusick boarded, was shot down by intense Viet Cong fire and crashed in flames, resulting in Kusick's death.

(8) On December 22, 1967, Kusick was posthumously awarded the Silver Star Medal for gallantry in action.

(9) The citation to accompany the award of the Silver Star Medal stated that "Kusick's gallantry in action, at the cost of his life, was in keeping with the highest traditions of the military service and reflects great credit upon himself, his unit, and the United States Army".

SEC. 2. SERGEANT JOSEPH GEORGE KUSICK VA COMMUNITY LIVING CENTER.

(a) DESIGNATION.—The community living center of the Department of Veterans Affairs in Butler Township, Butler County,

Pennsylvania, shall after the date of the enactment of this Act be known and designated as the "Sergeant Joseph George Kusick VA Community Living Center".

(b) REFERENCES.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the community living center referred to in subsection (a) shall be deemed to be a reference to the "Sergeant Joseph George Kusick VA Community Living Center".

Approved August 16, 2017.

LEGISLATIVE HISTORY—H.R. 2210:

CONGRESSIONAL RECORD, Vol. 163 (2017):
July 17, considered and passed House.
Aug. 1, considered and passed Senate.

Public Law 115–48
115th Congress

An Act

To amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.

Aug. 16, 2017
[H.R. 3218]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Harry W. Colmery Veterans Educational Assistance Act of 2017.
38 USC 101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Harry W. Colmery Veterans Educational Assistance Act of 2017".

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

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM

SEC. 101. CONSIDERATION OF CERTAIN TIME SPENT RECEIVING MEDICAL CARE FROM SECRETARY OF DEFENSE AS ACTIVE DUTY FOR PURPOSES OF ELIGIBILITY FOR POST-9/11 EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 3301(1)(B) is amended by inserting "12301(h)," after "12301(g),".

38 USC 3301 note.

(b) RETROACTIVE APPLICATION.—The amendment made by subsection (a) shall apply with respect to service in the Armed Forces occurring on or after September 11, 2001.

38 USC 3301 note.

(c) APPLICATION WITH RESPECT TO USE OF ENTITLEMENT.—An individual who is entitled to educational assistance by reason of the amendment made by subsection (a) may use such entitlement to pursue a course of education beginning on or after August 1, 2018.

SEC. 102. EDUCATIONAL ASSISTANCE UNDER POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM FOR MEMBERS OF THE ARMED FORCES AWARDED THE PURPLE HEART.

(a) ELIGIBILITY.—Section 3311(b) is amended by adding at the end the following new paragraph:

"(10) An individual who is awarded the Purple Heart for service in the Armed Forces occurring on or after September 11, 2001, and continues to serve on active duty in the Armed Forces or is discharged or released from active duty as described in subsection (c).".

(b) AMOUNT OF ASSISTANCE.—Section 3313(c)(1) is amended by striking "or (9)" and inserting "(9), or (10)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2018. 38 USC 3311 note.

SEC. 103. INCLUSION OF FRY SCHOLARSHIP RECIPIENTS AND PURPLE HEART RECIPIENTS IN YELLOW RIBBON G.I. EDUCATION ENHANCEMENT PROGRAM.

(a) IN GENERAL.—Section 3317(a) is amended, in the second sentence, by striking "paragraphs (1) and (2)" and inserting "paragraphs (1), (2), (9), and (10)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 2018. 38 USC 3317 note.

SEC. 104. INCLUSION OF CERTAIN MEMBERS OF THE ARMED FORCES SERVING ON ACTIVE DUTY IN YELLOW RIBBON G.I. EDUCATION ENHANCEMENT PROGRAM.

(a) IN GENERAL.—Section 3317(a) is amended, in the first sentence, by striking "section 3313(c)(1)(A)" and inserting "subsection (c)(1)(A) or (e)(2)(A) of section 3313 of this title".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 2022. 38 USC 3317 note.

SEC. 105. CONSOLIDATION OF CERTAIN ELIGIBILITY TIERS UNDER POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) ENTITLEMENT.—Section 3311(b), as amended by section 102, is further amended—

(1) in paragraph (6)(A), by striking "12 months" and inserting "6 months";

(2) by striking paragraph (7); and

(3) by redesignating paragraphs (8), (9), and (10) as paragraphs (7), (8), and (9), respectively.

(b) AMOUNT OF EDUCATIONAL ASSISTANCE.—Section 3313(c) is amended by striking paragraph (7).

(c) CONFORMING AMENDMENTS.—Chapter 33 is further amended as follows:

(1) In section 3311(f), by striking "paragraph (9)" each place it appears and inserting "paragraph (8)".

(2) In section 3313, as amended by section 102—

(A) in subsection (c)(1), by striking "(9), or (10)" and inserting "(8), or (9)";

(B) in subsection (d), by striking "paragraphs (2) through (7)" each place it appears and inserting "paragraphs (2) through (6)";

(C) in subsection (e)(2)(C)—

(i) by striking "paragraphs (3) through (8)" and inserting "paragraphs (3) through (7)"; and

(ii) by striking "paragraphs (2) through (7)" and inserting "paragraphs (2) through (6)";

(D) in subsection (f)(2)(A)(ii), by striking "paragraphs (2) through (7)" and inserting "paragraphs (2) through (6)";

(E) in subsection (g)(3)—

(i) in subparagraph (A)(iv)—

(I) by striking "paragraphs (3) through (8)" and inserting "paragraphs (3) through (7)"; and

(II) by striking "paragraphs (2) through (7)" and inserting "paragraphs (2) through (6)";

(ii) in subparagraph (B)(iii)—

(I) by striking "paragraphs (3) through (8)" and inserting "paragraphs (3) through (7)"; and

(II) by striking "paragraphs (2) through (7)" and inserting "paragraphs (2) through (6)";

(iii) in subparagraph (C)(ii)—

(I) in subclause (I), by striking "(9)" and inserting "(8)"; and

(II) in subclause (II)—

(aa) by striking "paragraphs (3) through (8)" and inserting "paragraphs (3) through (7)"; and

(bb) by striking "paragraphs (2) through (7)" and inserting "paragraphs (2) through (6)"; and

(iv) in subparagraph (D)(ii)—

(I) in subclause (I), by striking "(9)" and inserting "(8)"; and

(II) in subclause (II)—

(aa) by striking "paragraphs (3) through (8)" and inserting "paragraphs (3) through (7)"; and

(bb) by striking "paragraphs (2) through (7)" and inserting "paragraphs (2) through (6)"; and

(F) in subsection (h), by striking "paragraphs (2) through (7)" and inserting "paragraphs (2) through (6)";

(3) In section 3316—

(A) in subsection (a)(1), by striking "paragraphs (2) through (7)" and inserting "paragraphs (2) through (6)"; and

(B) in subsection (b)(1), by striking "paragraphs (2) through (7)" and inserting "paragraphs (2) through (6)".

(4) In section 3317(a), in the second sentence, as amended by section 103, by striking "paragraphs (1), (2), (9), and (10)" and inserting "paragraphs (1), (2), (8), and (9)".

(5) In section 3321(b)(4), as amended by section 112, by striking "section 3311(b)(9)" and inserting "section 3311(b)(8)".

(6) In section 3322—

(A) in subsection (e), by striking "3311(b)(9)" and inserting "3311(b)(8)";

(B) in subsection (f), by striking "3311(b)(9)" and inserting "3311(b)(8)"; and

(C) in subsection (h)(2), by striking "3311(b)(9)" and inserting "3311(b)(8)".

(7) In section 3679(c)(2)(B), by striking "3311(b)(9)" and inserting "3311(b)(8)".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2020. 38 USC 3311 note.

SEC. 106. ELIGIBILITY FOR POST-9/11 EDUCATIONAL ASSISTANCE FOR CERTAIN MEMBERS OF RESERVE COMPONENTS OF ARMED FORCES WHO LOST ENTITLEMENT TO EDUCATIONAL ASSISTANCE UNDER RESERVE EDUCATIONAL ASSISTANCE PROGRAM.

(a) ELECTION.—Section 16167 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) ELIGIBILITY FOR POST-9/11 EDUCATIONAL ASSISTANCE.—A member who loses eligibility for benefits under this chapter pursuant to subsection (b) shall be allowed to elect (in such form and manner as the Secretary of Veterans Affairs may prescribe) to have such service previously credited toward this chapter credited towards establishing eligibility for educational assistance under chapter 33 of title 38, notwithstanding the provisions of section 16163(e) of this title or section 3322(h)(1) of title 38.".

(b) QUALIFICATION OF SERVICE.—Section 3301(1) of title 38, United States Code, shall be construed to include, in the case of a member of a reserve component of the Armed Forces who, before November 25, 2015, established eligibility for educational assistance under chapter 1607 of title 10, United States Code, pursuant to section 16163(a)(1) of such title, but lost eligibility for such educational assistance pursuant to section 16167(b) of such title, service on active duty (as defined in section 101 of such title) that satisfies the requirements of section 16163(a)(1) of such title. 38 USC 3301 note.

(c) ENTITLEMENT.—Section 3311(b)(6) of title 38, United States Code, shall be construed to include an individual who, before November 25, 2015, established eligibility for educational assistance under chapter 1607 of title 10, United States Code, pursuant to section 16163(b) of such title, but lost such eligibility pursuant to section 16167(b) of such title. 38 USC 3311 note.

(d) DURATION.—Notwithstanding section 3312 of title 38, United States Code, an individual who establishes eligibility for educational assistance under chapter 33 of such title by crediting towards such chapter service previously credited towards chapter 1607 of title 10, United States Code, is only entitled to a number of months of educational assistance under section 3313 of title 38, United States Code, equal to the number of months of entitlement remaining under chapter 1607 of title 10, United States Code, at the time of conversion to chapter 33 of title 38, United States Code. 38 USC 3313 note.

SEC. 107. CALCULATION OF MONTHLY HOUSING STIPEND UNDER POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM BASED ON LOCATION OF CAMPUS WHERE CLASSES ARE ATTENDED.

(a) IN GENERAL.—Section 3313(c)(1)(B)(i)(I) is amended by striking "the institution of higher learning at which the individual is enrolled" and inserting "the campus of the institution of higher learning where the individual physically participates in a majority of classes".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to initial enrollment in a program of education on or after August 1, 2018. 38 USC 3313 note.

SEC. 108. CHARGE TO ENTITLEMENT FOR CERTAIN LICENSURE AND CERTIFICATION TESTS AND NATIONAL TESTS UNDER DEPARTMENT OF VETERANS AFFAIRS POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM.

(a) LICENSURE AND CERTIFICATION TESTS.—Subsection (c) of section 3315 is amended—

(1) by striking "shall be determined at the rate of one month (rounded to the nearest whole month)" and inserting "shall be pro-rated based on the actual amount of the fee charged for the test relative to the rate for 1 month"; and

(2) by striking "for each amount paid that equals" and inserting "payable".

(b) NATIONAL TESTS.—Section 3315A is amended—

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

"(3) A national test that evaluates prior learning and knowledge and provides an opportunity for course credit at an institution of higher learning as so described."; and

(2) in subsection (c)—

(A) by striking "shall be determined at the rate of one month (rounded to the nearest whole month)" and inserting "shall be pro-rated based on the actual amount of the fee charged for the test relative to the rate for 1 month"; and

(B) by striking "for each amount paid that equals" and inserting "payable".

(c) TESTS INCLUDED.—Section 3452(b) is amended in the last sentence—

(1) by striking "and national tests providing" and inserting ", national tests providing"; and

(2) by inserting before the period at the end the following: ", and national tests that evaluate prior learning and knowledge and provides an opportunity for course credit at an institution of higher learning".

38 USC 3315 note.

(d) EFFECTIVE DATE.—The amendments made by this Act shall apply to a test taken on or after August 1, 2018.

SEC. 109. RESTORATION OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE AND OTHER RELIEF FOR VETERANS AFFECTED BY SCHOOL CLOSURE OR DISAPPROVAL.

(a) SCHOOL CLOSURE OR DISAPPROVAL.—

(1) RESTORATION OF ENTITLEMENT.—Chapter 36 is amended by adding at the end the following new section:

38 USC 3699.

"§ 3699. Effects of closure or disapproval of educational institution

"(a) CLOSURE OR DISAPPROVAL.—Any payment of educational assistance described in subsection (b) shall not—

"(1) be charged against any entitlement to educational assistance of the individual concerned; or

"(2) be counted against the aggregate period for which section 3695 of this title limits the receipt of educational assistance by such individual.

Determination.

"(b) EDUCATIONAL ASSISTANCE DESCRIBED.—Subject to subsection (c), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or program of education at an educational

institution under chapter 30, 32, 33, or 35 of this title, or chapter 1606 or 1607 of title 10, if the Secretary determines that the individual—

"(1) was unable to complete such course or program as a result of—

"(A) the closure of the educational institution; or

"(B) the disapproval of the course or a course that is a necessary part of that program under this chapter by reason of—

"(i) a provision of law enacted after the date on which the individual enrolls at such institution affecting the approval or disapproval of courses under this chapter; or

"(ii) after the date on which the individual enrolls at such institution, the Secretary prescribing or modifying regulations or policies of the Department affecting such approval or disapproval; and

"(2) did not receive credit or lost training time, toward completion of the program of education being so pursued.

"(c) PERIOD NOT CHARGED.—The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the aggregate of—

"(1) the portion of the period of enrollment in the course from which the individual did not receive credit or with respect to which the individual lost training time, as determined under subsection (b)(2); and

"(2) the period by which a monthly stipend is extended under section 3680(a)(2)(B) of this title.

"(d) CONTINUING PURSUIT OF DISAPPROVED COURSES.—(1) The Secretary may treat a course of education that is disapproved under this chapter as being approved under this chapter with respect to an individual described in paragraph (2) if the Secretary determines, on a case-by-case basis, that— Determination.

"(A) such disapproval is the result of an action described in clause (i) or (ii) of subsection (b)(1)(B); and

"(B) continuing pursuing such course is in the best interest of the individual.

"(2) An individual described in this paragraph is an individual who is pursuing a course of education at an educational institution under chapter 30, 32, 33, or 35 of this title, or chapter 1606 or 1607 of title 10, as of the date on which the course is disapproved under this chapter.

"(e) NOTICE OF CLOSURES.—Not later than 5 business days after the date on which the Secretary receives notice that an educational institution will close or is closed, the Secretary shall provide to each individual who is enrolled in a course or program or education at such educational institution using entitlement to educational assistance under chapter 30, 32, 33, or 35 of this title, or chapter 1606 or 1607 of title 10, notice of— Deadline.

"(1) such closure and the date of such closure; and

"(2) the effect of such closure on the individual's entitlement to educational assistance pursuant to this section.".

38 USC prec. 3670.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3698 the following new item:

"3699. Effects of closure or disapproval of educational institution.".

(b) MONTHLY HOUSING STIPEND.—

(1) IN GENERAL.—Subsection (a) section 3680 is amended—

(A) by striking the matter after paragraph (3)(B);

(B) in paragraph (3), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(C) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(D) in the matter preceding subparagraph (A), as redesignated, in the first sentence, by striking "Payment of" and inserting "(1) Except as provided in paragraph (2), payment of"; and

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

Regulations.

"(2) Notwithstanding paragraph (1), the Secretary may, pursuant to such regulations as the Secretary shall prescribe, continue to pay allowances to eligible veterans and eligible persons enrolled in courses set forth in paragraph (1)(A)—

Time periods.

"(A) during periods when educational institutions are temporarily closed under an established policy based on an Executive order of the President or due to an emergency situation, except that the total number of weeks for which allowances may continue to be so payable in any 12-month period may not exceed 4 weeks; or

Extension dates.

"(B) solely for the purpose of awarding a monthly housing stipend described in section 3313 of this title, during periods following a permanent closure of an educational institution, or following the disapproval of a course of study described in section 3699(b)(1)(B) of this title, except that payment of such a stipend may only be continued until the earlier of—

"(i) the date of the end of the term, quarter, or semester during which the closure or disapproval occurred; and

"(ii) the date that is 120 days after the date of the closure or disapproval.".

(2) CONFORMING AMENDMENT.—Paragraph (1)(C)(ii) of such subsection, as redesignated, is amended by striking "described in subclause (A) of this clause" and inserting "described in clause (i)".

38 USC 3699 note. Effective dates.

(c) APPLICABILITY.—

(1) SCHOOL CLOSURE OR DISAPPROVAL.—

(A) IN GENERAL.—The amendments made by subsection (a) shall take effect on the date that is 90 days after the date of the enactment of this Act, and shall apply with respect to courses and programs of education discontinued as described in section 3699 of title 38, United States Code, as added by subsection (a)(1), after January 1, 2015.

Time period.

(B) SPECIAL APPLICATION.—With respect to courses and programs of education discontinued as described in section 3699 of title 38, United States Code, as added by subsection (a)(1), during the period beginning January 1, 2015, and ending on the date of the enactment of this Act, an individual who does not transfer credits from such program

of education shall be deemed to be an individual who did not receive such credits, as described in subsection (b)(2) of such section, except that the period for which the individual's entitlement is not charged shall be the entire period of the individual's enrollment in the program of education. In carrying out this paragraph, the Secretary of Veterans Affairs, in consultation with the Secretary of Education, shall establish procedures to determine whether the individual transferred credits to a comparable course or program of education.

Procedures. Determination.

(2) MONTHLY HOUSING STIPEND.—The amendments made by subsection (b) shall take effect on August 1, 2018, and shall apply with respect to courses and programs of education discontinued as described in section 3699 of title 38, United States Code, as added by such subsection, on or after the date of the enactment of this Act.

38 USC 3680 note.

SEC. 110. ADDITIONAL AUTHORIZED TRANSFER OF UNUSED POST-9/11 EDUCATIONAL ASSISTANCE BENEFITS TO DEPENDENTS UPON DEATH OF ORIGINALLY DESIGNATED DEPENDENT.

(a) TRANSFER UPON DEATH OF DEPENDENT.—Section 3319 is amended—

(1) in subsection (f)(1), by inserting after "section 3321" the following: ", and except as provided in subsection (k) or (l),"; and

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

"(k) ADDITIONAL TRANSFER UPON DEATH OF DEPENDENT.—In the case of a dependent to whom entitlement to educational assistance is transferred under this section who dies before using all of such entitlement, the individual who transferred the entitlement to the dependent may transfer any remaining entitlement to a different eligible dependent, notwithstanding whether the individual is serving as a member of the Armed Forces when such transfer is executed.

"(l) TRANSFER BY DEPENDENT.—In the case of an individual who transfers entitlement to educational assistance under this section who dies before the dependent to whom entitlement to educational assistance is so transferred has used all of such entitlement, such dependent may transfer such entitlement to another eligible dependent in accordance with the provisions of this section.".

(b) EFFECTIVE DATES.—

(1) ELIGIBLE DEATHS.—The amendments made by this section shall apply with respect to deaths occurring on or after August 1, 2009.

(2) USE OF ENTITLEMENT.—A dependent to whom entitlement to educational assistance is transferred under subsection (k) or (l) of section 3319 of title 38, United States Code, as added by subsection (a), may use such entitlement to pursue a course of education beginning on or after August 1, 2018.

SEC. 111. EDITH NOURSE ROGERS STEM SCHOLARSHIP.

(a) IN GENERAL.—Subchapter II of chapter 33 is amended by adding at the end the following new section:

38 USC 3320.

"§ 3320. Edith Nourse Rogers STEM Scholarship

"(a) IN GENERAL.—Subject to the limitation under subsection (f), the Secretary shall provide additional benefits to eligible individuals selected by the Secretary under this section. Such benefits shall be known as the 'Edith Nourse Rogers STEM Scholarship'.

"(b) ELIGIBILITY.—For purposes of this section, an eligible individual is an individual—

"(1) who is or was entitled to educational assistance under section 3311 of this title;

Deadline.

"(2) who has used all of the educational assistance to which the individual is entitled under this chapter or will, based on the individual's rate of usage, use all of such assistance within 180 days of applying for benefits under this section;

"(3) who applies for assistance under this section; and

"(4) who—

"(A) is an individual who—

"(i) is enrolled in a program of education leading to a post-secondary degree that, in accordance with the guidelines of the applicable regional or national accrediting agency, requires more than the standard 128 semester (or 192 quarter) credit hours for completion in a standard, undergraduate college degree in—

"(I) biological or biomedical science;

"(II) physical science;

"(III) science technologies or technicians;

"(IV) computer and information science and support services;

"(V) mathematics or statistics;

"(VI) engineering;

"(VII) engineering technologies or an engineering-related field;

"(VIII) a health profession or related program;

"(IX) a medical residency program;

"(X) an agriculture science program or a natural resources science program; or

"(XI) other subjects and fields identified by the Secretary as meeting national needs;

"(ii) has completed at least 60 standard semester (or 90 quarter) credit hours in a field referred to in clause (i); or

"(B) is an individual who has earned a post-secondary degree in a field referred to in subparagraph (A)(i) and is enrolled in a program of education leading to a teaching certification.

"(c) PRIORITY.—In selecting eligible individuals to receive additional benefits under this section, the Secretary shall give priority to the following individuals:

"(1) Individuals who require the most credit hours described in subsection (b)(4).

"(2) Individuals who are entitled to educational assistance under this chapter by reason of paragraph (1), (2), (8), or (9) of section 3311(b) of this title.

Payments.
Time period.

"(d) AMOUNT OF ASSISTANCE.—(1) The Secretary shall pay to each eligible individual who receives additional benefits under this section the monthly amount payable under section 3313 of this title for not more than 9 months of the program of education in which the individual is enrolled (adjusted with respect to the

individual pursuant to section 3313(c), as appropriate), except that the aggregate amount paid to an individual under this section may not exceed $30,000.

"(2) The Secretary may not pay to such an individual an amount in addition to the amount payable under paragraph (1) by reason of section 3317 of this title.

"(3) An individual who receives additional benefits under this section may also receive amounts payable by a college or university pursuant to section 3317 of this title.

"(e) PROHIBITION ON TRANSFER.—An individual who receives additional benefits under this section may not transfer any amount of such additional benefits under section 3319 of this title.

"(f) MAXIMUM AMOUNT OF TOTAL ASSISTANCE.—The total amount of benefits paid to all eligible individuals under this section may not exceed— Time periods.

"(1) $25,000,000 for fiscal year 2019;

"(2) $75,000,000 for each of fiscal years 2020 through 2022; and

"(3) $100,000,000 for fiscal year 2023 and each subsequent fiscal year.

"(g) CONGRESSIONAL NOTICE.—If the Secretary identifies a new subject or field pursuant to subsection (b)(4)(A)(i)(XI) as meeting a national need, the Secretary shall submit to Congress notice of such identification at least 90 days before conferring eligibility on any individual for purposes of this section on the basis of such identification, including any analysis of labor market supply and demand used in identifying the new subject or field, as applicable.". Deadline. Analysis.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3319 the following new item: 38 USC prec. 3301.

"3320. Edith Nourse Rogers STEM Scholarship.".

(c) EFFECTIVE DATE.—Section 3320 of title 38, United States Code, shall take effect on August 1, 2019. 38 USC 3320 note.

(d) COMPTROLLER GENERAL REPORT.— Assessments.

(1) INTERIM REPORT.—Not later than August 1, 2022, the Comptroller General of the United States shall submit to Congress a report containing the results of an interim assessment of the Comptroller General of the Edith Nourse Rogers STEM Scholarship program under section 3320 of title 38, United States Code, as added by subsection (a). Such report shall include the recommendations of the Comptroller General for improving the scholarship program and an assessment of each of the following, using rigorous, systematic, and objective methodology, and including comparisons to eligible veterans who did not participate in the program: Recommendations.

(A) An explanation of the identification of the Secretary of Veterans Affairs of subjects and fields meeting national needs under subsection (b)(4)(A)(i)(XI) of such section, including any analysis of labor market supply and demand, as applicable. Analysis.

(B) An evaluation of the types of educational institutions and programs where beneficiaries use the educational assistance provided under the scholarship program. Evaluation.

(C) The completion rate of students participating in the program.

(D) The job placement rate for individuals who completed a program of education using educational assistance provided under the scholarship program in the field of study of the program of education.

(E) The median annual earnings of individuals who completed a program of education using educational assistance provided under the scholarship program.

(F) The average age of the individuals who received educational assistance under the scholarship program.

(G) An assessment of the extent to which any educational institutions made changes to degrees or programs of education offered by the institution for which the scholarship program may be used after the date of the enactment of this Act.

Time periods.

(2) FINAL REPORT.—Not later than August 1, 2024, the Comptroller General shall submit to Congress an assessment of such scholarship program that includes each of the following:

(A) Each item described in subparagraph (A) through (G) of paragraph (1).

(B) The percentage of individuals who completed a program of education using educational assistance provided under the scholarship program who were subsequently employed for a period of 6 months or longer in the field of study of the program of education.

(C) The percentage of individuals who completed a program of education using educational assistance provided under the scholarship program who were subsequently employed for a period of less than 6 months in the field of study of the program of education.

SEC. 112. HONORING THE NATIONAL SERVICE OF MEMBERS OF THE ARMED FORCES BY ELIMINATION OF TIME LIMITATION FOR USE OF ENTITLEMENT.

(a) IN GENERAL.—Subsection (a) of section 3321 is amended—

(1) by striking "individual's entitlement" and all that follows through the period and inserting "individual's entitlement—"; and

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

Time period.

"(1) in the case of an individual whose last discharge or release from active duty is before January, 1, 2013, expires at the end of the 15-year period beginning on the date of such discharge or release; or

"(2) in the case of an individual whose last discharge or release from active duty is on or after January 1, 2013, shall not expire.".

(b) CHILDREN OF DECEASED MEMBERS.—Subsection (b)(4) of such section is amended—

(1) by inserting "of this title" after "3311(b)(9)";

(2) by striking "child's entitlement" and all that follows through the period and inserting "child's entitlement—"; and

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

Time period.

"(A) in the case of a child who first becomes entitled to such entitlement before January 1, 2013, expires at the end of the 15-year period beginning on the date of such child's eighteenth birthday; or

"(B) in the case of a child who first becomes entitled to such entitlement on or after January 1, 2013, shall not expire.".

(c) SPOUSES OF DECEASED MEMBERS.—Subsection (b) of such section is further amended by adding at the end the following new paragraph:

"(5) APPLICABILITY TO SPOUSES OF DECEASED MEMBERS.—The period during which a spouse entitled to educational assistance by reason of section 3311(b)(9) may use such spouse's entitlement—

Time period.

"(A) in the case of a spouse who first becomes entitled to such entitlement before January 1, 2013, expires at the end of the 15-year period beginning on the date on which the spouse first becomes entitled to such entitlement; or

"(B) in the case of a spouse who first becomes entitled to such entitlement on or after January 1, 2013, shall not expire.".

SEC. 113. MONTHLY STIPEND FOR CERTAIN MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES RECEIVING POST-9/11 EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 3313 is further amended by adding at the end the following new subsection:

"(j) DETERMINATION OF MONTHLY STIPENDS DURING CERTAIN ACTIVE DUTY SERVICE.—

"(1) PRO RATA BASIS.—In any month in which an individual described in paragraph (2) is performing active duty service described in section 3301(1)(B) of this title, the Secretary shall determine the amount of monthly stipends payable under this section for such month on a pro rata basis for the period of such month in which the covered individual is not performing such active duty service.

"(2) INDIVIDUAL DESCRIBED.—An individual described in this paragraph is an individual who is—

"(A) a member of the reserve components of the Armed Forces; and

"(B) pursuing a program of education using educational assistance under this chapter.".

Effective date. 38 USC 3313 note.

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect to a quarter, semester, or term, as applicable, commencing on or after August 1, 2018.

SEC. 114. ANNUAL REPORTS TO CONGRESS ON INFORMATION ON STUDENT PROGRESS SUBMITTED BY EDUCATIONAL INSTITUTIONS.

Section 3326 is amended—

(1) by striking "As a condition" and inserting "(a) SUBMITTAL OF INFORMATION BY EDUCATIONAL INSTITUTIONS.—As a condition"; and

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

"(b) REPORTS TO CONGRESS.—Not later than March 1 of each year, the Secretary shall submit to Congress a report that includes a summary of the information provided by educational institutions under subsection (a) for the calendar year preceding the year during which such report is submitted.".

Summary. Time period.

38 USC 3301 note.

SEC. 115. IMPROVEMENT OF INFORMATION TECHNOLOGY OF THE VETERANS BENEFITS ADMINISTRATION OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) PROCESSING OF CERTAIN EDUCATIONAL ASSISTANCE CLAIMS.—The Secretary of Veterans Affairs shall, to the maximum extent possible, make such changes and improvements to the information technology system of the Veterans Benefits Administration of the Department of Veterans Affairs to ensure that—

(1) to the maximum extent possible, all original and supplemental claims for educational assistance under chapter 33 of title 38, United States Code, are adjudicated electronically; and

(2) rules-based processing is used to make decisions with respect to such claims with little human intervention.

Deadline.

(b) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a plan to implement the changes and improvements described in subsection (a).

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the implementation of the changes and improvements described in subsection (a).

Time periods.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs $30,000,000 to carry out this section during fiscal years 2018 and 2019.

38 USC 3001 note.

SEC. 116. DEPARTMENT OF VETERANS AFFAIRS HIGH TECHNOLOGY PILOT PROGRAM.

Determination.

(a) PILOT PROGRAM.—The Secretary of Veterans Affairs shall carry out a pilot program under which the Secretary shall provide eligible veterans with the opportunity to enroll in high technology programs of education that the Secretary determines provide training or skills sought by employers in a relevant field or industry.

(b) ELIGIBILITY.—For purposes of the pilot program under this section, an eligible veteran is a veteran who is entitled to educational assistance under chapter 30, 32, 33, 34, or 35 of title 38, United States Code, or chapter 1606 or 1607 of title 10, United States Code.

(c) CONTRACTS.—

Deadline.

(1) IN GENERAL.—For purposes of carrying out subsection (a), by not later than 180 days after August 1, 2018, the Secretary shall seek to enter into contracts with any number of qualified providers of high technology programs of education for the provision of such programs to eligible veterans under the pilot program. Each such contract shall provide for the conditions under which the Secretary may terminate the contract with the provider and the procedures for providing for the completion of the instruction of students who were enrolled in a program provided by such provider in the case of such a termination.

Procedures.

(2) PAYMENT OF CONTRACTORS.—A contract under this subsection shall provide that the Secretary shall pay to a provider—

(A) upon the enrollment of an eligible veteran in the program, 25 percent of the cost of the tuition and other fees for the program of education for the veteran;

(B) upon the completion of the program by the veteran, 25 percent of such cost; and

(C) upon the employment of the veteran in the field of study of the program following completion of the program, 50 percent of such cost.

(3) QUALIFIED PROVIDERS.—For purposes of the pilot program, a provider of a high technology program of education is qualified if— Time periods.

(A) the provider has been operational for at least 2 years;

(B) the provider has successfully provided the high technology program for at least 1 year; and

(C) the provider meets the approval criteria developed by the Secretary under paragraph (4).

(4) APPROVAL CRITERIA.—The Secretary shall develop criteria for approving providers for purposes of the pilot program. In developing such criteria, the Secretary may consult with State approving agencies. Such criteria is not required to meet the requirements of section 3672 of title 38, United States Code.

(5) TUITION REIMBURSEMENT.—In entering into contracts to carry out the pilot program, the Secretary shall give preference to a qualified provider that offers tuition reimbursement for any student who—

(A) completes a program of education offered by the provider; and

(B) does not find full-time meaningful employment in the field of study of the program within the 180-day period beginning on the date the student completes the program. Deadline.

(d) HOUSING STIPEND.—The Secretary shall pay to each eligible veteran who is enrolled in a high technology program of education under the pilot program on a full-time basis a monthly housing stipend equal to the product—

(1) of—

(A) in the case of a veteran pursuing resident training, the monthly amount of the basic allowance for housing payable under section 403 of title 37, United States Code, for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution at which the individual is enrolled; or

(B) in the case of a veteran pursuing a program of education through distance learning, a monthly amount equal to 50 percent of the amount payable under subparagraph (A), multiplied by

(2) the lesser of—

(A) 1.0; or

(B) the number of course hours borne by the individual in pursuit of the program of education involved, divided by the minimum number of course hours required for full-time pursuit of such program of education, rounded to the nearest multiple of 10.

(e) HIGH TECHNOLOGY PROGRAM OF EDUCATION DEFINED.—In this section, the term "high technology program of education" means a program of education that—

(1) is offered by an entity other than an institution of higher learning;

(2) does not lead to a degree; and

(3) provides instruction in computer programming, computer software, media application, data processing, or information sciences.

(f) REPORTS.—

(1) SECRETARY OF VETERANS AFFAIRS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the pilot program under this section.

Recommendations. Assessments.

(2) COMPTROLLER GENERAL.—

(A) INTERIM REPORT.—Not later than 3 years after the date on which the Secretary first enters into a contract under this section, the Comptroller General of the United States shall submit to Congress a report containing the results of the interim assessment of the Comptroller General. Such report shall include the recommendations of the Comptroller General for improving the pilot program and an assessment of each of the following:

(i) The technology experience of the directors and instructors of the providers of high technology programs of education under the pilot program.

(ii) Whether the providers cooperated with the technology industry to create the curriculum for the program of education.

(iii) Whether the providers use an open source curriculum for the program of education.

(iv) The admittance rate into the pilot program.

(v) The job placement and retention rate for veterans who completed a program of education under the pilot program in the field of study of the program.

(vi) The percentage of veterans who completed a program of education under the pilot program who were subsequently employed for a period of 6 months or longer in a field of study of the program.

(vii) The percentage of veterans who completed a program of education under the pilot program who were subsequently employed for a period of less than 6 months in a field of study of the program.

(viii) The median annual salary of veterans who completed a program of education under the pilot program and were subsequently employed.

(ix) As applicable, the transfer rates to other academic or vocational programs and certifications and licensure exam passage rates.

(x) The average age of veterans who participated in the pilot program.

(B) FINAL REPORT.—Not later than 5 years after the date on which the Secretary first enters into a contract under this section, the Comptroller General shall submit to Congress a final report on the pilot program. Such report shall include the recommendation of the Comptroller General with respect to whether the program should be extended and an assessment of each item described in clauses (i) through (x) of subparagraph (A).

(g) AUTHORIZATION OF APPROPRIATIONS.—For each fiscal year during which the Secretary carries out a pilot program under this section, $15,000,000 shall be made available for such purpose from

funds appropriated to, or otherwise made available to, the Department for the payment of readjustment benefits.

(h) TERMINATION.—The authority to carry out a pilot program under this section shall terminate on the date that is 5 years after the date on which the Secretary first enters into a contract under this section.

TITLE II—OTHER EDUCATIONAL ASSISTANCE PROGRAMS

SEC. 201. WORK-STUDY ALLOWANCE.

Section 3485(a)(4) is amended by striking "the period beginning on June 30, 2017, and ending on June 30, 2022," each place it appears and inserting "any time on or after June 30, 2017,".

SEC. 202. DURATION OF EDUCATIONAL ASSISTANCE UNDER SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM.

Section 3511(a)(1) is amended—

(1) by striking "chapter for" and all that follows through the period and inserting "chapter—"; and

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

"(A) in the case of a person who first enrolls in a program of education using such entitlement before August 1, 2018, for an aggregate period not in excess of 45 months (or to the equivalent thereof in part-time training); or

"(B) in the case of a person who first enrolls in a program of education using such entitlement on or after August 1, 2018, for an aggregate period not in excess of 36 months (or to the equivalent thereof in part-time training).".

SEC. 203. OLIN E. TEAGUE INCREASE IN AMOUNTS OF EDUCATIONAL ASSISTANCE PAYABLE UNDER SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM.

(a) INCREASE.—Section 3532 is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "$788" and inserting "$1,224";

(ii) by striking "$592" and inserting "$967"; and

(iii) by striking "$394" and inserting "$710"; and

(B) in paragraph (2)(B), by striking "$788" and inserting "$1,224"; and

(2) in subsection (b), by striking "$788" and inserting "$1,224".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to a month that begins on or after October 1, 2018. 38 USC 3532 note.

TITLE III—ADMINISTRATION OF EDUCATIONAL ASSISTANCE PROGRAMS

SEC. 301. STATE APPROVING AGENCY FUNDING.

(a) INCREASE.—Section 3674(a) of title 38, United States Code, is amended—

(1) in paragraph (2)(A), by striking "out of amounts available for the payment of readjustment benefits" and inserting "out of amounts in the Department of Veterans Affairs readjustment benefits account and amounts appropriated to the Secretary";

(2) by redesignating paragraph (4) as paragraph (5);

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) In addition to amounts made available under paragraph (5), there is authorized to be appropriated to carry out this section $3,000,000 for fiscal year 2019 and each subsequent fiscal year."; and

(4) in paragraph (5), as so redesignated—

(A) by striking "The total" and inserting "(A) The total";

(B) by striking "for any fiscal year shall be $19,000,000" and inserting "for fiscal year 2018 shall be $21,000,000 and for fiscal year 2019 and thereafter shall be $23,000,000"; and

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

Effective date.

"(B) Beginning in fiscal year 2019, whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the amount in effect under subparagraph (A), as in effect immediately prior to the date of such increase in benefit amounts payable under title II of the Social Security Act, by the same percentage as the percentage by which such benefit amounts are increased.".

SEC. 302. AUTHORIZATION FOR USE OF POST-9/11 EDUCATIONAL ASSISTANCE TO PURSUE INDEPENDENT STUDY PROGRAMS AT CERTAIN EDUCATIONAL INSTITUTIONS THAT ARE NOT INSTITUTIONS OF HIGHER LEARNING.

Section 3680A is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "in—" and inserting "in any of the following:";

(B) in paragraph (1)—

(i) by striking "any" and inserting "Any"; and

(ii) by striking the semicolon at the end and inserting a period;

(C) in paragraph (2)—

(i) by striking "any" and inserting "Any"; and

(ii) by striking the semicolon at the end and inserting a period;

(D) in paragraph (3)—

(i) by striking "any" and inserting "Any"; and

(ii) by striking "; or" and inserting a period; and

(E) by striking paragraph (4) and inserting the following new paragraph (4):

"(4) Any independent study program except an independent study program (including such a program taken over open circuit television) that—

"(A) is accredited by an accrediting agency or association recognized by the Secretary of Education under subpart 2 of part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1099b);

"(B) leads to—

"(i) a standard college degree;

"(ii) a certificate that reflects educational attainment offered by an institution of higher learning; or

"(iii) a certificate that reflects completion of a course of study offered by—

"(I) an area career and technical education school (as defined in subparagraphs (C) and (D) of section 3(3) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(3))) that provides education at the postsecondary level; or

"(II) a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c))) that provides education at the postsecondary level; and

"(C) in the case of a program described in subparagraph (B)(iii)—

"(i) provides training aligned with the requirements of employers in the State or local area where the program is located, which may include in-demand industry sectors or occupations; and

"(ii) provides a student, upon completion of the program, with a recognized postsecondary credential that is recognized by employers in the relevant industry, which may include a credential recognized by industry or sector partnerships in the State or local area where the industry is located; and

"(iii) meets such content and instructional standards as may be required to comply with the criteria under section 3676(c)(14) and(15) of this title."; and

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

"(h) In this section, the terms 'State or local area', 'recognized postsecondary credential', 'industry or sector partnership', and 'in-demand industry sector or occupation' have the meaning given such terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).".

SEC. 303. PROVISION OF INFORMATION ON PRIORITY ENROLLMENT FOR VETERANS IN CERTAIN COURSES OF EDUCATION.

Section 3698(c)(1)(C) is amended—

(1) in clause (ix), by striking "and" at the end;

(2) in clause (x), by striking the period and inserting "; and"; and

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

"(xi) information on whether the institution administers a priority enrollment system that allows certain student veterans to enroll in courses earlier than other students.".

SEC. 304. LIMITATION ON USE OF REPORTING FEES PAYABLE TO EDUCATIONAL INSTITUTIONS AND SPONSORS OF PROGRAMS OF APPRENTICESHIP.

(a) IN GENERAL.—Subsection (c) of section 3684 is amended to read as follows:

"(c)(1) The Secretary may pay to any educational institution, or to the sponsor of a program of apprenticeship, furnishing education or training under either this chapter or chapter 31, 34, or 35 of this title, a reporting fee which will be in lieu of any other compensation or reimbursement for reports or certifications which such educational institution or sponsor of a program of apprenticeship is required to submit to the Secretary by law or regulation.

"(2) Such reporting fee shall be computed for each calendar year by multiplying $16 by the number of eligible veterans or eligible persons enrolled under this chapter or chapter 31, 34, or 35 of this title. The reporting fee shall be paid to such educational institution or sponsor of a program of apprenticeship as soon as feasible after the end of the calendar year for which it is applicable.

"(3) No reporting fee payable to an educational institution under this subsection shall be subject to offset by the Secretary against any liability of such institution for any overpayment for which such institution may be administratively determined to be liable under section 3685 of this title unless such liability is not contested by such institution or has been upheld by a final decree of a court of appropriate jurisdiction.

"(4) Any reporting fee paid to an educational institution or sponsor of a program of apprenticeship after the date of the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2011 (Public Law 111–377)—

"(A) shall be utilized by such institution or sponsor solely for the making of certifications required under this chapter or chapter 31, 34, or 35 of this title or for otherwise supporting programs for veterans; and

"(B) with respect to an institution that has 100 or more enrollees described in paragraph (2) may not be used for or merged with amounts available for the general fund of the educational institution or sponsor of a program of apprenticeship.

"(5) The reporting fee payable under this subsection shall be paid from amounts appropriated for readjustment benefits.".

38 USC 3684 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 2018.

38 USC 3684 note. Consultation.

SEC. 305. TRAINING FOR SCHOOL CERTIFYING OFFICIALS.

(a) TRAINING REQUIREMENT.—The Secretary of Veterans Affairs shall, in consultation with the State approving agencies, set forth requirements relating to training for school certifying officials employed by covered educational institutions offering courses of education approved under chapter 36 of title 38, United States Code. If a covered educational institution does not ensure that a school certifying official employed by the educational institution meets such requirements, the Secretary may disapprove any course of education offered by such educational institution.

(b) DEFINITIONS.—In this section:

(1) The term "covered educational institution" means an educational institution that has enrolled 20 or more individuals using educational assistance under title 38, United States Code.

(2) The term "school certifying official" means an employee of an educational institution with primary responsibility for certifying veteran enrollment at the educational institution.

(3) The term "State approving agency" means a department or agency of a State designated under section 3671 of title 38, United States Code.

(c) EFFECTIVE DATE.—This section shall take effect on August 1, 2018.

SEC. 306. EXTENSION OF AUTHORITY FOR ADVISORY COMMITTEE ON EDUCATION.

Section 3692 is amended by striking "December 31, 2017" and inserting "December 31, 2022".

SEC. 307. DEPARTMENT OF VETERANS AFFAIRS PROVISION OF ON-CAMPUS EDUCATIONAL AND VOCATIONAL COUNSELING FOR VETERANS.

(a) IN GENERAL.—Chapter 36 is amended by inserting after section 3697A the following new section:

"§ 3697B. On-campus educational and vocational counseling

38 USC 3697B note.

"(a) IN GENERAL.—The Secretary shall provide educational and vocational counseling services for individuals described in section 3697A(b) of this title at locations on the campuses of institutions of higher learning selected by the Secretary. Such counseling services shall be provided by employees of the Department who provide such services under section 3697A of this title.

"(b) SELECTION OF LOCATIONS.—(1) To be selected by the Secretary under this section, an institution of higher learning shall provide an appropriate space on the campus of the institution where counseling services can be provided under this section.

"(2) In selecting locations for the provision of counseling services under this section, the Secretary shall seek to select locations where the maximum number of veterans would have access to such services.

"(c) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this section, and each year thereafter, the Secretary shall submit to Congress a report on the counseling services provided under this section. Such report shall include, for the year covered by the report—

"(1) the average ratio of counselors providing such services to individuals who received such services at each location where such services were provided;

"(2) a description of such services provided;

"(3) the recommendations of the Secretary for improving the provision of such services; and

Recommendations.

"(4) any other matters the Secretary determines appropriate.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3697A the following new item:

38 USC prec. 3670.

"3697B. On-campus educational and vocational counseling.".

SEC. 308. PROVISION OF INFORMATION REGARDING VETERAN ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Subchapter II of chapter 36 is further amended by adding at the end the following new section:

38 USC 3699A.

"§ 3699A. Provision of certain information to educational institutions

"(a) IN GENERAL.—For each veteran or other individual pursuing a course of education that has been approved under this chapter using educational assistance to which the veteran or other individual is entitled under chapter 30, 32, 33, or 35 of this title, the Secretary shall make available to the educational institution offering the course information about the amount of such educational assistance to which the veteran or other individual is entitled. Such information shall be provided to such educational institution through a secure information technology system accessible by the educational institution and shall be regularly updated to reflect any amounts used by the veteran or other individual.

Updates.

"(b) ELECTION.—A veteran or other individual pursuing a course of education described in subsection (a) may elect not to provide the information described in such subsection to an educational institution in a manner prescribed by the Secretary.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is further amended by inserting after the item relating to section 3699 the following new item:

38 USC prec. 3670.

"3699A. Provision of certain information to educational institutions.".

38 USC 3699A note.

(c) EFFECTIVE DATE.—Section 3699A of title 38, United States Code, as added by this section, shall take effect on August 1, 2018.

SEC. 309. TREATMENT, FOR PURPOSES OF EDUCATIONAL ASSISTANCE ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS, OF EDUCATIONAL COURSES THAT BEGIN SEVEN OR FEWER DAYS AFTER THE FIRST DAY OF AN ACADEMIC TERM.

Section 3684(a) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) A course offered by an educational institution that does not begin on the first day of an academic term, but does begin seven or fewer days after such day, shall be treated as beginning on such day for purposes of this section.".

SEC. 310. INCLUSION OF RISK-BASED SURVEYS IN STATE APPROVING AGENCY OVERSIGHT ACTIVITIES.

Section 3673(d) is amended—

(1) in the subsection heading, by striking "COMPLIANCE AND" ;

(2) by striking "such compliance and oversight" and inserting "conducting risk-based surveys and other such oversight"; and

(3) by inserting ", in consultation with the State approving agencies," after "as the Secretary".

SEC. 311. COMPTROLLER GENERAL STUDY OF STATE APPROVING AGENCY PERFORMANCE.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall carry out a study on the performance of State approving agencies. Such study shall include each of the following:

(1) An analysis of the effectiveness of the cooperation between the Secretary of Veterans Affairs and State approving agencies regarding the execution of shared compliance and oversight responsibilities under chapter 36 of title 38, United States Code. Analysis.

(2) An analysis of the resources necessary for State approving agencies to fulfill the responsibilities of such agencies under such title, including an analysis of whether Congress has appropriated sufficient funds for State approving agencies to fulfill such responsibilities and the historic effect of funding on the ability of such agencies to fulfill such responsibilities. Analyses.

(3) An evaluation of the use by State approving agencies of risk-based methods of review for identifying violations of established standards under such chapter. Evaluation.

(4) An examination of how State approving agencies use risk factors, including rapid increases in veteran enrollment, increases in the amount of benefits per capita, volume of student complaints, rates of Federal student loan defaults of veterans, veteran completion rates, deficiencies identified by accreditors and other State agencies, and deficiencies in Department of Veterans Affairs program administration compliance, in their oversight and compliance responsibilities and in selecting educational institutions for review of eligibility. Examination.

(5) Recommendations on how the Secretary and State approving agencies can better use data to evaluate, approve, or disapprove educational institutions under such chapter. Recommendation.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Secretary of Veterans Affairs, the Committee on Veterans' Affairs of the Senate, and the Committee on Veterans' Affairs of the House of Representatives, a report on the study required under subsection (a) and the findings and recommendations of the Comptroller General with respect to such study.

TITLE IV—RESERVE COMPONENT BENEFITS

SEC. 401. ELIGIBILITY OF RESERVE COMPONENT MEMBERS FOR POST-9/11 EDUCATIONAL ASSISTANCE. Effective dates.

(a) IN GENERAL.—Section 3301(1)(B) is amended by striking "or 12304" and inserting "12304, 12304a, or 12304b".

(b) RETROACTIVE APPLICATION.—The amendment made by subsection (a) shall apply with respect to service in the Armed Forces occurring on or after the date of the enactment of the Post-9/11 Veterans Educational Assistance Act of 2008 (Public Law 110–252). 38 USC 3301 note.

(c) APPLICATION WITH RESPECT TO USE OF ENTITLEMENT.—An individual who is entitled to educational assistance by reason of the amendment made by subsection (a) may use such entitlement 38 USC 3301 note.

to pursue a course of education beginning on or after August 1, 2018.

SEC. 402. TIME LIMITATION FOR TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

Section 3103(f) is amended by striking "or 12304" and inserting "12304, 12304a, or 12304b".

TITLE V—OTHER MATTERS

SEC. 501. REPEAL INAPPLICABILITY OF MODIFICATION OF BASIC ALLOWANCE FOR HOUSING TO BENEFITS UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.

(a) REPEAL.—Subsection (b) of section 604 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 37 U.S.C. 403 note) is repealed.

Applicability.
37 USC 403 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2018, and shall apply with respect to individuals who first use their entitlement to educational assistance under chapter 33 of title 38, United States Code, on or after such date.

Assessments.

SEC. 502. RECONSIDERATION OF PREVIOUSLY DENIED CLAIMS FOR DISABILITY COMPENSATION FOR VETERANS WHO ALLEGE FULL-BODY EXPOSURE TO NITROGEN MUSTARD GAS, SULFUR MUSTARD GAS, OR LEWISITE DURING WORLD WAR II.

(a) IN GENERAL.—

Determination.

(1) RECONSIDERATION REQUIRED.—The Secretary of Veterans Affairs shall reconsider all claims for compensation described in paragraph (2) and make a new determination regarding each such claim.

(2) CLAIMS FOR COMPENSATION DESCRIBED.—A claim for compensation described in this paragraph is a claim for compensation under chapter 11 of title 38, United States Code, that the Secretary determines—

(A) arose from the alleged full-body exposure of a veteran to a covered substance—

(i) during active military, naval, or air service during World War II; and

(ii) at a site listed in paragraph (3); and

(B) was denied before the date of the enactment of this Act.

State listing.

(3) SITES.—The sites listed in this paragraph are the following:

(A) Camp Siebert, Alabama.
(B) Fort McClellan, Alabama.
(C) Huntsville Arsenal, Alabama.
(D) Rocky Mountain Arsenal, Colorado.

District of Columbia.

(E) Naval Research Laboratory, D.C.
(F) Bushnell Field, Florida.
(G) Great Lakes Naval Training Center, Illinois.
(H) Edgewood Arsenal, Maryland.
(I) Fort Detrick, Maryland.
(J) Naval Research Laboratory, Maryland.
(K) Naval Training Center, Bainbridge, Maryland.

(L) Horn Island Installation, Mississippi.
(M) Camp Crowder, Missouri.
(N) Hart's Island, New York.
(O) Camp Lejeune, North Carolina.
(P) Charleston, South Carolina.
(Q) Dugway Proving Ground, Utah.
(R) Toole Army Depot, Utah.
(S) Naval Research Laboratory, Virginia.
(T) U.S.S. Eagle Boat No. 58.
(U) Ondal, India. India.
(V) Fort Clayton, San Jose Island, Panama. Panama.
(W) Any site the Secretary of Veterans Affairs determines is appropriate.

(4) FACTORS OF CONSIDERATION.—In making a determination under paragraph (1), the Secretary—

(A) shall consider—

(i) that contemporaneous records of testing of full-body exposure to a covered substance frequently may be unavailable because such tests were classified or such records were lost or destroyed;

(ii) that many veterans were sworn to secrecy following testing described in clause (i);

(iii) each statement based on personal knowledge of a veteran who served at a site listed in paragraph (3);

(iv) information in the report from the Secretary of Defense under subsection (b)(2); and

(v) any evidence the Secretary considers relevant; and

(B) may not determine that testing of full-body exposure to a covered substance did not occur at a site based solely on—

(i) information contained in the Department of Defense and Department of Veterans Affairs Chemical Biological Warfare Database; or

(ii) any list of known sites of testing of full-body exposure to a covered substance maintained by the Department of Veterans Affairs or the Department of Defense.

(5) PRESUMPTION OF EXPOSURE.—In carrying out paragraph (1), when the Secretary of Veterans Affairs makes a determination regarding whether a veteran experienced full-body exposure to a covered substance, the Secretary—

(A) shall presume, unless there is affirmative evidence to establish otherwise, that the veteran experienced such exposure by reason of the service of the veteran in World War II—

(i) based on the locations listed in paragraph (3); and

(ii) consistent with the places, types, and circumstances of service of the veteran in accordance with section 1154 of title 38; and

(B) shall resolve each reasonable doubt in favor of the veteran.

(6) EFFECTIVE DATE OF AWARD.—The effective date of any award of disability compensation resulting from reconsideration of a claim under paragraph (1) shall be fixed in accordance

with the facts found, but shall not be earlier than the date of the receipt of the claim for compensation described in paragraph (2).

(b) INVESTIGATION AND REPORT BY THE SECRETARY OF DEFENSE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) investigate and assess each site—

(A) where the Army Corps of Engineers has uncovered evidence of testing conducted by the Department of Defense during World War II to assess the effects of full-body exposure to a covered substance on humans; or

(B) with regards to which more than two veterans have been denied claims for compensation under chapter 11 of title 38, United States Code, in connection with exposure to a covered substance at such site; and

(2) submit to the appropriate congressional committees and the Secretary of Veterans Affairs a report on testing described in paragraph (1)(A), including—

List.

(A) a list of each location where such testing occurred, including locations investigated and assessed under paragraph (1);

(B) the dates of each such testing; and

(C) the number of members of the Armed Forces who experienced full-body exposure to a covered substance in each such testing.

(c) INVESTIGATION AND REPORT BY SECRETARY OF VETERANS AFFAIRS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(1) investigate and assess—

(A) the actions taken by the Secretary to contact individuals who experienced full-body exposure to a covered substance in the course of testing described in subsection (b)(1)(A);

(B) the number of claims filed with the Secretary for disability compensation under chapter 11 of title 38, United States Code, arising from testing described in subsection (b)(1)(A); and

(C) the percentage of claims described in subparagraph (B) that the Secretary denied.

(2) submit to the appropriate congressional committees and the Secretary of Defense a report regarding the investigations and assessments carried out under paragraph (1).

(d) DEFINITIONS.—In this section:

(1) The terms "active military, naval, or air service", "veteran", and "World War II" have the meanings given such terms in section 101 of title 38, United States Code.

(2) The term "appropriate congressional committees" means—

(A) the Committees on Armed Services of the House of Representatives and the Senate; and

(B) the Committees on Veterans' Affairs of the House of Representatives and the Senate.

(3) The term "covered substance" means—

(A) nitrogen mustard gas;

(B) sulfur mustard gas; or

(C) Lewisite.

(4) The term "full-body exposure", with respect to a covered substance, has the meaning given that term by the Secretary of Defense.

Approved August 16, 2017.

LEGISLATIVE HISTORY—H.R. 3218 (S. 1598):

HOUSE REPORTS: No. 115–247, Pt. 1 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 163 (2017):
July 24, considered and passed House.
Aug. 2, considered and passed Senate.

Public Law 115–49
115th Congress

An Act

Aug. 18, 2017
[H.R. 374]

To remove the sunset provision of section 203 of Public Law 105–384, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DUNGENESS CRAB FISHERY MANAGEMENT.

Section 203 of the Act entitled "An Act to approve a governing international fishery agreement between the United States and the Republic of Poland, and for other purposes", approved November 13, 1998 (Public Law 105–384; 16 U.S.C. 1856 note), is amended—

(1) by striking subsection (i); and

(2) by redesignating subsection (j) as subsection (i).

Approved August 18, 2017.

LEGISLATIVE HISTORY—H.R. 374 (S. 61):

SENATE REPORTS: No. 115–88 (Commerce, Science, and Transportation) accompanying S. 61.

CONGRESSIONAL RECORD, Vol. 163 (2017):

Jan. 30, considered and passed House.

Aug. 3, considered and passed Senate.

Public Law 115–50
115th Congress

An Act

To establish a system for integration of Rapid DNA instruments for use by law enforcement to reduce violent crime and reduce the current DNA analysis backlog.

Aug. 18, 2017
[H.R. 510]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Rapid DNA Act of 2017.
42 USC 13701 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rapid DNA Act of 2017".

SEC. 2. RAPID DNA INSTRUMENTS.

(a) STANDARDS.—Section 210303(a) of the DNA Identification Act of 1994 (42 U.S.C. 14131(a)) is amended by adding at the end the following:

"(5)(A) In addition to issuing standards as provided in paragraphs (1) through (4), the Director of the Federal Bureau of Investigation shall issue standards and procedures for the use of Rapid DNA instruments and resulting DNA analyses. Procedures.

"(B) In this Act, the term 'Rapid DNA instruments' means instrumentation that carries out a fully automated process to derive a DNA analysis from a DNA sample.". Definition.

(b) INDEX.—Paragraph (2) of section 210304(b) of the DNA Identification Act of 1994 (42 U.S.C. 14132(b)(2)) is amended to read as follows:

"(2) prepared by—

"(A) laboratories that—

"(i) have been accredited by a nonprofit professional association of persons actively involved in forensic science that is nationally recognized within the forensic science community; and

"(ii) undergo external audits, not less than once every 2 years, that demonstrate compliance with standards established by the Director of the Federal Bureau of Investigation; or Deadline.

"(B) criminal justice agencies using Rapid DNA instruments approved by the Director of the Federal Bureau of Investigation in compliance with the standards and procedures issued by the Director under section 210303(a)(5); and".

SEC. 3. CONFORMING AMENDMENTS RELATING TO COLLECTION OF DNA IDENTIFICATION INFORMATION.

Waiver authority.
Definition.

(a) FROM CERTAIN FEDERAL OFFENDERS.—Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is amended—

(1) in subsection (b), by adding at the end the following: "The Director of the Federal Bureau of Investigation may waive the requirements under this subsection if DNA samples are analyzed by means of Rapid DNA instruments and the results are included in CODIS."; and

(2) in subsection (c), by adding at the end the following: "(3) The term 'Rapid DNA instruments' means instrumentation that carries out a fully automated process to derive a DNA analysis from a DNA sample.".

(b) FROM CERTAIN DISTRICT OF COLUMBIA OFFENDERS.—Section 4 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135b) is amended—

(1) in subsection (b), by adding at the end the following: "The Director of the Federal Bureau of Investigation may waive the requirements under this subsection if DNA samples are analyzed by means of Rapid DNA instruments and the results are included in CODIS."; and

(2) in subsection (c), by adding at the end the following: "(3) The term 'Rapid DNA instruments' means instrumentation that carries out a fully automated process to derive a DNA analysis from a DNA sample.".

Approved August 18, 2017.

LEGISLATIVE HISTORY—H.R. 510 (S. 139):

HOUSE REPORTS: No. 115–117 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 163 (2017):
May 16, considered and passed House.
Aug. 1, considered and passed Senate.

Public Law 115–51
115th Congress

An Act

To authorize the Global War on Terror Memorial Foundation to establish the National Global War on Terrorism Memorial as a commemorative work in the District of Columbia, and for other purposes.

Aug. 18, 2017
[H.R. 873]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Global War on Terrorism War Memorial Act. 40 USC 8903 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global War on Terrorism War Memorial Act".

SEC. 2. NATIONAL GLOBAL WAR ON TERRORISM MEMORIAL.

(a) AUTHORIZATION TO ESTABLISH COMMEMORATIVE WORK.—The Association may establish the National Global War on Terrorism Memorial as a commemorative work on Federal land in the District of Columbia and its environs to commemorate and honor the members of the Armed Forces that served on active duty in support of the Global War on Terrorism.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS ACT.—

(1) IN GENERAL.—Except as provided in paragraph 2, the establishment of the memorial under this section shall be in accordance with chapter 89 of title 40, United States Code (commonly known as the "Commemorative Works Act").

(2) NON-APPLICABILITY.—Subsections (b) and (c) of section 8903 of title 40, United States Code, shall not apply to this Act.

(c) USE OF FEDERAL FUNDS PROHIBITED.—

(1) IN GENERAL.—Federal funds may not be used to pay any expense of the establishment of the memorial under this section.

(2) RESPONSIBILITY OF ASSOCIATION.—The Association shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial.

(d) DEPOSIT OF EXCESS FUNDS.—If, on payment of all expenses for the establishment of the memorial (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), or on expiration of the authority for the memorial under section 8903(e) of title 40, United States Code, there remains a balance of funds received for the establishment of the memorial, the Association shall transmit the amount of the balance to the Secretary of the Interior for deposit in the account provided for in section 8906(b)(3) of title 40, United States Code.

SEC. 3. DEFINITIONS.

In this Act:

(1) ASSOCIATION.—The term "Association" means the Global War on Terror Memorial Foundation, a corporation that is—

(A) organized under the laws of the State of Pennsylvania; and

(B) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code.

(2) DISTRICT OF COLUMBIA AND ITS ENVIRONS.—The term "District of Columbia and its environs" has the meaning given that term in section 8902(a) of title 40, United States Code.

(3) GLOBAL WAR ON TERRORISM.—The term "Global War on Terrorism" means any contingency operation conducted by the Armed Forces in response to the terrorist attacks of September 11, 2001, or other terrorist attack.

(4) MEMORIAL.—The term "memorial" means the National Global War on Terrorism Memorial authorized to be established under section 2.

Approved August 18, 2017.

LEGISLATIVE HISTORY—H.R. 873:

HOUSE REPORTS: No. 115–264 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 163 (2017):
July 28, considered and passed House.
Aug. 3, considered and passed Senate.

Public Law 115–52
115th Congress

An Act

To amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs, medical devices, generic drugs, and biosimilar biological products, and for other purposes.

Aug. 18, 2017
[H.R. 2430]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

FDA Reauthorization Act of 2017.
21 USC 301 note.

This Act may be cited as the "FDA Reauthorization Act of 2017".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—FEES RELATING TO DRUGS

Prescription Drug User Fee Amendments of 2017.

SEC. 101. SHORT TITLE; FINDING.

21 USC 301 note.

(a) SHORT TITLE.—This title may be cited as the "Prescription Drug User Fee Amendments of 2017".

21 USC 379g note.

(b) FINDING.—The Congress finds that the fees authorized by the amendments made in this title will be dedicated toward expediting the drug development process and the process for the review of human drug applications, including postmarket drug safety activities, as set forth in the goals identified for purposes of part 2 of subchapter C of chapter VII of the Federal Food, Drug, and

Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 102. AUTHORITY TO ASSESS AND USE DRUG FEES.

(a) TYPES OF FEES.—

(1) IN GENERAL.—Section 736(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(a)) is amended—

(A) in the matter preceding paragraph (1), by striking "fiscal year 2013" and inserting "fiscal year 2018";

(B) in the heading of paragraph (1), by striking "AND SUPPLEMENT";

(C) in paragraph (1), by striking "or a supplement" and "or supplement" each place either appears;

(D) in paragraph (1)(A)—

(i) in clause (i), by striking "(c)(4)" and inserting "(c)(5)"; and

(ii) in clause (ii), by striking "A fee established" and all that follows through "are required." and inserting the following: "A fee established under subsection (c)(5) for a human drug application for which clinical data (other than bioavailability or bioequivalence studies) with respect to safety or effectiveness are not required for approval.";

(E) in the heading of paragraph (1)(C), by striking "OR SUPPLEMENT";

(F) in paragraph (1)(F)—

(i) in the heading, by striking "OR INDICATION"; and

(ii) by striking the second sentence;

(G) by striking paragraph (2) (relating to a prescription drug establishment fee);

(H) by redesignating paragraph (3) as paragraph (2);

(I) in the heading of paragraph (2), as so redesignated, by striking "PRESCRIPTION DRUG PRODUCT FEE" and inserting "PRESCRIPTION DRUG PROGRAM FEE";

(J) in subparagraph (A) of such paragraph (2), by amending the first sentence to read as follows: "Except as provided in subparagraphs (B) and (C), each person who is named as the applicant in a human drug application, and who, after September 1, 1992, had pending before the Secretary a human drug application or supplement, shall pay the annual prescription drug program fee established for a fiscal year under subsection (c)(5) for each prescription drug product that is identified in such a human drug application approved as of October 1 of such fiscal year.";

(K) in subparagraph (B) of such paragraph (2)—

(i) in the heading of subparagraph (B), by inserting after "EXCEPTION" the following: "FOR CERTAIN PRESCRIPTION DRUG PRODUCTS"; and

(ii) by striking "A prescription drug product shall not be assessed a fee" and inserting "A prescription drug program fee shall not be assessed for a prescription drug product"; and

(L) by adding at the end of such paragraph (2) the following:

"(C) LIMITATION.—A person who is named as the applicant in an approved human drug application shall not be assessed more than 5 prescription drug program fees for a fiscal year for prescription drug products identified in such approved human drug application.".

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 740(a)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–12(a)(3)) is amended to read as follows:

"(C) LIMITATION.—An establishment shall be assessed only one fee per fiscal year under this section.".

(b) FEE REVENUE AMOUNTS.—Subsection (b) of section 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h) is amended to read as follows:

"(b) FEE REVENUE AMOUNTS.—

"(1) IN GENERAL.—For each of the fiscal years 2018 through 2022, fees under subsection (a) shall, except as provided in subsections (c), (d), (f), and (g), be established to generate a total revenue amount under such subsection that is equal to the sum of—

"(A) the annual base revenue for the fiscal year (as determined under paragraph (3));

"(B) the dollar amount equal to the inflation adjustment for the fiscal year (as determined under subsection (c)(1));

"(C) the dollar amount equal to the capacity planning adjustment for the fiscal year (as determined under subsection (c)(2));

"(D) the dollar amount equal to the operating reserve adjustment for the fiscal year, if applicable (as determined under subsection (c)(3));

"(E) the dollar amount equal to the additional direct cost adjustment for the fiscal year (as determined under subsection (c)(4)); and

"(F) additional dollar amounts for each fiscal year as follows:

"(i) $20,077,793 for fiscal year 2018.

"(ii) $21,317,472 for fiscal year 2019.

"(iii) $16,953,329 for fiscal year 2020.

"(iv) $5,426,896 for fiscal year 2021.

"(v) $2,769,609 for fiscal year 2022.

"(2) TYPES OF FEES.—Of the total revenue amount determined for a fiscal year under paragraph (1)—

"(A) 20 percent shall be derived from human drug application fees under subsection (a)(1); and

"(B) 80 percent shall be derived from prescription drug program fees under subsection (a)(2).

"(3) ANNUAL BASE REVENUE.—For purposes of paragraph (1), the dollar amount of the annual base revenue for a fiscal year shall be—

"(A) for fiscal year 2018, $878,590,000; and

"(B) for fiscal years 2019 through 2022, the dollar amount of the total revenue amount established under paragraph (1) for the previous fiscal year, not including any adjustments made under subsection (c)(3) or (c)(4).".

(c) ADJUSTMENTS; ANNUAL FEE SETTING.—Subsection (c) of section 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h) is amended to read as follows:

"(c) ADJUSTMENTS; ANNUAL FEE SETTING.—

"(1) INFLATION ADJUSTMENT.—

"(A) IN GENERAL.—For purposes of subsection (b)(1)(B), the dollar amount of the inflation adjustment to the annual base revenue for each fiscal year shall be equal to the product of—

"(i) such annual base revenue for the fiscal year under subsection (b)(1)(A); and

"(ii) the inflation adjustment percentage under subparagraph (B).

"(B) INFLATION ADJUSTMENT PERCENTAGE.—The inflation adjustment percentage under this subparagraph for a fiscal year is equal to the sum of—

"(i) the average annual percent change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 3 years of the preceding 4 fiscal years, multiplied by the proportion of personnel compensation and benefits costs to total costs of the process for the review of human drug applications (as defined in section 735(6)) for the first 3 years of the preceding 4 fiscal years; and

"(ii) the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC–MD–VA–WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data multiplied by the proportion of all costs other than personnel compensation and benefits costs to total costs of the process for the review of human drug applications (as defined in section 735(6)) for the first 3 years of the preceding 4 fiscal years.

"(2) CAPACITY PLANNING ADJUSTMENT.—

"(A) IN GENERAL.—For each fiscal year, after the annual base revenue established in subsection (b)(1)(A) is adjusted for inflation in accordance with paragraph (1), such revenue shall be adjusted further for such fiscal year, in accordance with this paragraph, to reflect changes in the resource capacity needs of the Secretary for the process for the review of human drug applications.

"(B) INTERIM METHODOLOGY.—

"(i) IN GENERAL.—Until the capacity planning methodology described in subparagraph (C) is effective, the adjustment under this paragraph for a fiscal year shall be based on the product of—

"(I) the annual base revenue for such year, as adjusted for inflation under paragraph (1); and

"(II) the adjustment percentage under clause (ii).

"(ii) ADJUSTMENT PERCENTAGE.—The adjustment percentage under this clause for a fiscal year is the weighted change in the 3-year average ending in the Time period.

most recent year for which data are available, over the 3-year average ending in the previous year, for—

"(I) the total number of human drug applications, efficacy supplements, and manufacturing supplements submitted to the Secretary;

"(II) the total number of active commercial investigational new drug applications; and

"(III) the total number of formal meetings scheduled by the Secretary, and written responses issued by the Secretary in lieu of such formal meetings, as identified in section I.H of the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2017.

"(C) CAPACITY PLANNING METHODOLOGY.—

Contracts. Recommendations.

"(i) DEVELOPMENT; EVALUATION AND REPORT.—The Secretary shall obtain, through a contract with an independent accounting or consulting firm, a report evaluating options and recommendations for a new methodology to accurately assess changes in the resource and capacity needs of the process for the review of human drug applications. The capacity planning methodological options and recommendations presented in such report shall utilize and be informed by personnel time reporting data as an input. The report shall be published for public comment no later than the end of fiscal year 2020.

Publication. Public information. Deadline.

"(ii) ESTABLISHMENT AND IMPLEMENTATION.—After review of the report described in clause (i) and any public comments thereon, the Secretary shall establish a capacity planning methodology for purposes of this paragraph, which shall—

"(I) replace the interim methodology under subparagraph (B);

"(II) incorporate such approaches and attributes as the Secretary determines appropriate; and

Effective date.

"(III) be effective beginning with the first fiscal year for which fees are set after such capacity planning methodology is established.

"(D) LIMITATION.—Under no circumstances shall an adjustment under this paragraph result in fee revenue for a fiscal year that is less than the sum of the amounts under subsections (b)(1)(A) (the annual base revenue for the fiscal year) and (b)(1)(B) (the dollar amount of the inflation adjustment for the fiscal year).

"(E) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall publish in the Federal Register notice under paragraph (5) of the fee revenue and fees resulting from the adjustment and the methodologies under this paragraph.

Time period.

"(3) OPERATING RESERVE ADJUSTMENT.—

"(A) INCREASE.—For fiscal year 2018 and subsequent fiscal years, the Secretary may, in addition to adjustments under paragraphs (1) and (2), further increase the fee revenue and fees if such an adjustment is necessary to provide

for not more than 14 weeks of operating reserves of carryover user fees for the process for the review of human drug applications.

"(B) DECREASE.—If the Secretary has carryover balances for such process in excess of 14 weeks of such operating reserves, the Secretary shall decrease such fee revenue and fees to provide for not more than 14 weeks of such operating reserves.

"(C) NOTICE OF RATIONALE.—If an adjustment under subparagraph (A) or (B) is made, the rationale for the amount of the increase or decrease (as applicable) in fee revenue and fees shall be contained in the annual Federal Register notice under paragraph (5) establishing fee revenue and fees for the fiscal year involved.

"(4) ADDITIONAL DIRECT COST ADJUSTMENT.—

"(A) IN GENERAL.—The Secretary shall, in addition to adjustments under paragraphs (1), (2), and (3), further increase the fee revenue and fees—

"(i) for fiscal year 2018, by $8,730,000; and

"(ii) for fiscal year 2019 and subsequent fiscal years, by the amount determined under subparagraph (B).

"(B) AMOUNT.—The amount determined under this subparagraph is—

"(i) $8,730,000, multiplied by

"(ii) the Consumer Price Index for urban consumers (Washington-Baltimore, DC–MD–VA–WV; Not Seasonally Adjusted; All Items; Annual Index) for the most recent year of available data, divided by such Index for 2016.

"(5) ANNUAL FEE SETTING.—The Secretary shall, not later than 60 days before the start of each fiscal year that begins after September 30, 2017— Deadline. Time period.

"(A) establish, for each such fiscal year, human drug application fees and prescription drug program fees under subsection (a), based on the revenue amounts established under subsection (b) and the adjustments provided under this subsection; and

"(B) publish such fee revenue and fees in the Federal Register. Federal Register, publication.

"(6) LIMIT.—The total amount of fees charged, as adjusted under this subsection, for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for the process for the review of human drug applications.".

(d) FEE WAIVER OR REDUCTION.—Section 736(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(d)) is amended—

(1) in paragraph (1)—

(A) by inserting "or" at the end of subparagraph (B);

(B) by striking subparagraph (C); and

(C) by redesignating subparagraph (D) as subparagraph (C);

(2) by striking paragraph (3) (relating to use of standard costs);

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

(4) in paragraph (3), as so redesignated—

(A) in subparagraphs (A) and (B), by striking "paragraph (1)(D)" and inserting "paragraph (1)(C)"; and

(B) in subparagraph (B)—

(i) by striking clause (ii);

(ii) by striking "shall pay" through "(i) application fees" and inserting "shall pay application fees"; and

(iii) by striking "; and" at the end and inserting a period.

(e) EFFECT OF FAILURE TO PAY FEES.—Section 736(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(e)) is amended by striking "all fees" and inserting "all such fees".

(f) LIMITATIONS.—Section 736(f)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(f)(2)) is amended by striking "supplements, prescription drug establishments, and prescription drug products" and inserting "prescription drug program fees".

(g) CREDITING AND AVAILABILITY OF FEES.—Section 736(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(g)) is amended—

(1) in paragraph (3)—

(A) by striking "2013 through 2017" and inserting "2018 through 2022"; and

(B) by striking "and paragraph (4) of this subsection"; and

(2) by striking paragraph (4).

(h) ORPHAN DRUGS.—Section 736(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(k)) is amended by striking "product and establishment fees" each place it appears and inserting "prescription drug program fees".

SEC. 103. REAUTHORIZATION; REPORTING REQUIREMENTS.

Section 736B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h–2) is amended—

(1) in subsection (a)(1)—

(A) in the matter before subparagraph (A), by striking "2013" and inserting "2018"; and

(B) in subparagraph (A), by striking "Prescription Drug User Fee Amendments of 2012" and inserting "Prescription Drug User Fee Amendments of 2017";

(2) in subsection (b), by striking "2013" and inserting "2018"; and

(3) in subsection (d), by striking "2017" each place it appears and inserting "2022".

SEC. 104. SUNSET DATES.

21 USC 379g note.

(a) AUTHORIZATION.—Sections 735 and 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g; 379h) shall cease to be effective October 1, 2022.

21 USC 379h–2 note.

(b) REPORTING REQUIREMENTS.—Section 736B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h–2) shall cease to be effective January 31, 2023.

Effective date. Repeal. 21 USC 379g note, 379h–2 note.

(c) PREVIOUS SUNSET PROVISION.—Effective October 1, 2017, subsections (a) and (b) of section 105 of the Food and Drug Administration Safety and Innovation Act (Public Law 112–144) are repealed.

21 USC 379g note.

SEC. 105. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2017, or the date of the enactment of this Act, whichever is later, except that fees under part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act shall be assessed

for all human drug applications received on or after October 1, 2017, regardless of the date of the enactment of this Act.

SEC. 106. SAVINGS CLAUSE.

21 USC 379g note. Continuation. Time period.

Notwithstanding the amendments made by this title, part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to human drug applications and supplements (as defined in such part as of such day) that on or after October 1, 2012, but before October 1, 2017, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2018.

TITLE II—FEES RELATING TO DEVICES

Medical Device User Fee Amendments of 2017.

SEC. 201. SHORT TITLE; FINDING.

21 USC 301 note.

(a) SHORT TITLE.—This title may be cited as the "Medical Device User Fee Amendments of 2017".

21 USC 379i note.

(b) FINDING.—The Congress finds that the fees authorized under the amendments made by this title will be dedicated toward expediting the process for the review of device applications and for assuring the safety and effectiveness of devices, as set forth in the goals identified for purposes of part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 202. DEFINITIONS.

(a) IN GENERAL.—Section 737 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i) is amended—

(1) by redesignating paragraphs (8) through (13) as paragraphs (9) through (14), respectively;

(2) by inserting after paragraph (7) the following new paragraph:

"(8) The term 'de novo classification request' means a request made under section 513(f)(2)(A) with respect to the classification of a device.";

(3) in subparagraph (D) of paragraph (10) (as redesignated by paragraph (1)), by striking "and submissions" and inserting "submissions, and de novo classification requests"; and

(4) in paragraph (11) (as redesignated by paragraph (1)), by striking "2011" and inserting "2016".

(b) CONFORMING AMENDMENT.—Section 714(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379d–3(b)(1)) is amended by striking "737(8)" and inserting "737(9)".

SEC. 203. AUTHORITY TO ASSESS AND USE DEVICE FEES.

(a) TYPES OF FEES.—Section 738(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j(a)) is amended—

(1) in paragraph (1), by striking "fiscal year 2013" and inserting "fiscal year 2018"; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking "October 1, 2012" and inserting "October 1, 2017";

(ii) in clause (viii), by striking "2" and inserting "3.4"; and

(iii) by adding at the end the following new clause:

"(xi) For a de novo classification request, a fee equal to 30 percent of the fee that applies under clause (i).."; and

(B) in subparagraph (B)(v)(I), by striking "or premarket notification submission" and inserting "premarket notification submission, or de novo classification request".

(b) FEE AMOUNTS.—Section 738(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j(b)) is amended to read as follows:

"(b) FEE AMOUNTS.—

"(1) IN GENERAL.—Subject to subsections (c), (d), (e), and (h), for each of fiscal years 2018 through 2022, fees under subsection (a) shall be derived from the base fee amounts specified in paragraph (2), to generate the total revenue amounts specified in paragraph (3).

"(2) BASE FEE AMOUNTS SPECIFIED.—For purposes of paragraph (1), the base fee amounts specified in this paragraph are as follows:

"Fee Type	Fiscal Year 2018	Fiscal Year 2019	Fiscal Year 2020	Fiscal Year 2021	Fiscal Year 2022
Premarket Application	$294,000	$300,000	$310,000	$328,000	$329,000
Establishment Registration	$4,375	$4,548	$4,760	$4,975	$4,978

"(3) TOTAL REVENUE AMOUNTS SPECIFIED.—For purposes of paragraph (1), the total revenue amounts specified in this paragraph are as follows:

"(A) $183,280,756 for fiscal year 2018.

"(B) $190,654,875 for fiscal year 2019.

"(C) $200,132,014 for fiscal year 2020.

"(D) $211,748,789 for fiscal year 2021.

"(E) $213,687,660 for fiscal year 2022.".

(c) ANNUAL FEE SETTING; ADJUSTMENTS.—Section 738(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j(c)) is amended—

(1) in paragraph (1), by striking "2012" and inserting "2017";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "2014" and inserting "2018";

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

"(B) APPLICABLE INFLATION ADJUSTMENT.—The applicable inflation adjustment for fiscal year 2018 and each subsequent fiscal year is the product of—

"(i) the base inflation adjustment under subparagraph (C) for such fiscal year; and

"(ii) the product of the base inflation adjustment under subparagraph (C) for each of the fiscal years preceding such fiscal year, beginning with fiscal year 2016.";

(C) in subparagraph (C), in the heading, by striking "TO TOTAL REVENUE AMOUNTS"; and

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

"(D) ADJUSTMENT TO BASE FEE AMOUNTS.—For each of fiscal years 2018 through 2022, the Secretary shall—

"(i) adjust the base fee amounts specified in subsection (b)(2) for such fiscal year by multiplying such amounts by the applicable inflation adjustment under subparagraph (B) for such year; and

"(ii) if the Secretary determines necessary, increase (in addition to the adjustment under clause (i)) such base fee amounts, on a uniform proportionate basis, to generate the total revenue amounts under subsection (b)(3), as adjusted for inflation under subparagraph (A).".; and

Determination.

(3) in paragraph (3)—

(A) by striking "2014 through 2017" and inserting "2018 through 2022"; and

(B) by striking "further adjusted" and inserting "increased".

(d) SMALL BUSINESSES; FEE WAIVER AND FEE REDUCTION REGARDING PREMARKET APPROVAL FEES.—Section 738(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j(d)) is amended—

(1) in paragraph (1), by striking "specified in clauses (i) through (v) and clauses (vii), (ix), and (x)" and inserting "specified in clauses (i) through (vii) and clauses (ix), (x), and (xi)"; and

(2) in paragraph (2)(C)—

(A) by striking "supplement, or" and inserting "supplement,"; and

(B) by inserting ", or a de novo classification request" after "class III device".

(e) SMALL BUSINESSES; FEE REDUCTION REGARDING PREMARKET NOTIFICATION SUBMISSIONS.—Section 738(e)(2)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j(e)(2)(C)) is amended by striking "50" and inserting "25".

(f) FEE WAIVER OR REDUCTION.—

(1) REPEAL.—Section 738 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j) is amended by striking subsection (f).

(2) CONFORMING AMENDMENTS.—

(A) Section 515(c)(4)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(c)(4)(A)) is amended by striking "738(h)" and inserting "738(g)".

(B) Section 738 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j), as amended by paragraph (1), is further amended—

(i) by redesignating subsections (g) through (l) as subsections (f) through (k);

(ii) in subsection (a)(2)(A), by striking "(d), (e), and (f)" and inserting "(d) and (e)"; and

(iii) in subsection (a)(3)(A), by striking "and subsection (f)".

(g) EFFECT OF FAILURE TO PAY FEES.—Subsection (f)(1), as so redesignated, of section 738 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j) is amended—

(1) by striking "or periodic reporting concerning a class III device" and inserting "periodic reporting concerning a class III device, or de novo classification request"; and

(2) by striking "all fees" and inserting "all such fees".

(h) CONDITIONS.—Subsection (g)(1)(A), as so redesignated, of section 738 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j) is amended by striking "$280,587,000" and inserting "$320,825,000".

(i) CREDITING AND AVAILABILITY OF FEES.—Subsection (h), as so redesignated, of section 738 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j) is amended—

(1) in paragraph (3)—

(A) by striking "2013 through 2017" and inserting "2018 through 2022"; and

(B) by striking "subsection (c)" and all that follows through the period at the end and inserting "subsection (c).."; and

(2) by striking paragraph (4).

SEC. 204. REAUTHORIZATION; REPORTING REQUIREMENTS.

(a) PERFORMANCE REPORTS.—Section 738A(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–1(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking "2013" and inserting "2018"; and

(ii) by striking "the Medical Device User Fee Amendments of 2012" and inserting "the Medical Device User Fee Amendments of 2017"; and

(B) in subparagraph (B), by striking "the Medical Device User Fee Amendments Act of 2012" and inserting "the Medical Device User Fee Amendments of 2017"; and

(2) in paragraph (2), by striking "2013 through 2017" and inserting "2018 through 2022".

(b) REAUTHORIZATION.—Section 738A(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–1(b)) is amended—

(1) in paragraph (1), by striking "2017" and inserting "2022"; and

(2) in paragraph (5), by striking "2017" and inserting "2022".

SEC. 205. CONFORMITY ASSESSMENT PILOT PROGRAM.

(a) IN GENERAL.—Section 514 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360d) is amended by adding at the end the following:

"(d) PILOT ACCREDITATION SCHEME FOR CONFORMITY ASSESSMENT.—

"(1) IN GENERAL.—The Secretary shall establish a pilot program under which—

"(A) testing laboratories may be accredited, by accreditation bodies meeting criteria specified by the Secretary, to assess the conformance of a device with certain standards recognized under this section; and

"(B) subject to paragraph (2), determinations by testing laboratories so accredited that a device conforms with such standard or standards shall be accepted by the Secretary for purposes of demonstrating such conformity under this section unless the Secretary finds that a particular such determination shall not be so accepted.

"(2) SECRETARIAL REVIEW OF ACCREDITED LABORATORY DETERMINATIONS.—The Secretary may—

"(A) review determinations by testing laboratories accredited pursuant to this subsection, including by conducting periodic audits of such determinations or processes of accredited bodies or testing laboratories and, following such review, taking additional measures under this Act, such as suspension or withdrawal of accreditation of such testing laboratory under paragraph (1)(A) or requesting additional information with respect to such device, as the Secretary determines appropriate; and Audits.

"(B) if the Secretary becomes aware of information materially bearing on safety or effectiveness of a device assessed for conformity by a testing laboratory so accredited, take such additional measures under this Act as the Secretary determines appropriate, such as suspension or withdrawal of accreditation of such testing laboratory under paragraph (1)(A), or requesting additional information with regard to such device.

"(3) IMPLEMENTATION AND REPORTING.— Deadlines.

"(A) PUBLIC MEETING.—The Secretary shall publish in the Federal Register a notice of a public meeting to be held no later than September 30, 2018, to discuss and obtain input and recommendations from stakeholders regarding the goals and scope of, and a suitable framework and procedures and requirements for, the pilot program under this subsection. Federal Register, publication. Notice.

"(B) PILOT PROGRAM GUIDANCE.—The Secretary shall—

"(i) not later than September 30, 2019, issue draft guidance regarding the goals and implementation of the pilot program under this subsection; and

"(ii) not later than September 30, 2021, issue final guidance with respect to the implementation of such program.

"(C) PILOT PROGRAM INITIATION.—Not later than September 30, 2020, the Secretary shall initiate the pilot program under this subsection.

"(D) REPORT.—The Secretary shall make available on the internet website of the Food and Drug Administration an annual report on the progress of the pilot program under this subsection. Web posting.

"(4) SUNSET.—As of October 1, 2022—

"(A) the authority for accreditation bodies to accredit testing laboratories pursuant to paragraph (1)(A) shall cease to have force or effect;

"(B) the Secretary—

"(i) may not accept a determination pursuant to paragraph (1)(B) made by a testing laboratory after such date; and

"(ii) may accept such a determination made prior to such date;

"(C) except for purposes of accepting a determination described in subparagraph (B)(ii), the Secretary shall not continue to recognize the accreditation of testing laboratories accredited under paragraph (1)(A); and

"(D) the Secretary may take actions in accordance with paragraph (2) with respect to the determinations made

prior to such date and recognition of the accreditation of testing laboratories pursuant to determinations made prior to such date.".

SEC. 206. REAUTHORIZATION OF REVIEW.

Section 523 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360m) is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (A), by striking clauses (ii) and (iii) and inserting the following:

"(ii) a device classified under section 513(f)(2) or designated under section 515C(d);

"(iii) a device that is intended to be permanently implantable, life sustaining, or life supporting, unless otherwise determined by the Secretary in accordance with subparagraph (B)(i)(II) and listed as eligible for review under subparagraph (B)(iii); or

"(iv) a device that is of a type, or subset of a type, listed as not eligible for review under subparagraph (B)(iii).";

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

"(B) DESIGNATION FOR REVIEW.—The Secretary shall—

Guidance.

"(i) issue draft guidance on the factors the Secretary will use in determining whether a class I or class II device type, or subset of such device types, is eligible for review by an accredited person, including—

"(I) the risk of the device type, or subset of such device type; and

"(II) whether the device type, or subset of such device type, is permanently implantable, life sustaining, or life supporting, and whether there is a detailed public health justification for permitting the review by an accredited person of such device type or subset;

Deadline.

"(ii) not later than 24 months after the date on which the Secretary issues such draft guidance, finalize such guidance; and

Effective date.
Web posting.
Lists.
Determination.

"(iii) beginning on the date such guidance is finalized, designate and post on the internet website of the Food and Drug Administration, an updated list of class I and class II device types, or subsets of such device types, and the Secretary's determination with respect to whether each such device type, or subset of a device type, is eligible or not eligible for review by an accredited person under this section based on the factors described in clause (i).";

(C) by adding at the end the following:

Lists.

"(C) INTERIM RULE.—Until the date on which the updated list is designated and posted in accordance with subparagraph (B)(iii), the list in effect on the date of enactment the Medical Device User Fee Amendments of 2017 shall be in effect.";

(2) in subsection (b)—

(A) in paragraph (2)—

(i) by striking subparagraph (D); and

(ii) by redesignating subparagraph (E) as subparagraph (D); and

(B) in paragraph (3)—

(i) by redesignating subparagraph (E) as subparagraph (F);

(ii) in subparagraph (F) (as so redesignated), by striking "The operations of" and all that follows through "it will—" and inserting "Such person shall agree, at a minimum, to include in its request for accreditation a commitment to, at the time of accreditation, and at any time it is performing any review pursuant to this section—"; and

(iii) by inserting after subparagraph (D) the following new subparagraph:

"(E) The operations of such person shall be in accordance with generally accepted professional and ethical business practices."; and

(3) in subsection (c), by striking "2017" and inserting "2022".

SEC. 207. ELECTRONIC FORMAT FOR SUBMISSIONS.

Section 745A(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379k–1(b)) is amended by adding at the end the following new paragraph:

"(3) PRESUBMISSIONS AND SUBMISSIONS SOLELY IN ELECTRONIC FORMAT.— Deadline.

"(A) IN GENERAL.—Beginning on such date as the Secretary specifies in final guidance issued under subparagraph (C), presubmissions and submissions for devices described in paragraph (1) (and any appeals of action taken by the Secretary with respect to such presubmissions or submissions) shall be submitted solely in such electronic format as specified by the Secretary in such guidance. Effective date.

"(B) DRAFT GUIDANCE.—The Secretary shall, not later than October 1, 2019, issue draft guidance providing for—

"(i) any further standards for the submission by electronic format required under subparagraph (A);

"(ii) a timetable for the establishment by the Secretary of such further standards; and

"(iii) criteria for waivers of and exemptions from the requirements of this subsection. Criteria.

"(C) FINAL GUIDANCE.—The Secretary shall, not later than 1 year after the close of the public comment period on the draft guidance issued under subparagraph (B), issue final guidance.".

SEC. 208. SAVINGS CLAUSE.

21 USC 379i note.

Notwithstanding the amendments made by this title, part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i et seq.), as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to the submissions listed in section 738(a)(2)(A) of such Act (as defined in such part as of such day) that on or after October 1, 2012, but before October 1, 2017, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2018. Continuation. Time period.

21 USC 379i note.

SEC. 209. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2017, or the date of the enactment of this Act, whichever is later, except that fees under part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act shall be assessed for all submissions listed in section 738(a)(2)(A) of such Act received on or after October 1, 2017, regardless of the date of the enactment of this Act.

21 USC 378i note.

SEC. 210. SUNSET DATES.

(a) AUTHORIZATION.—Sections 737 and 738 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 739i; 739j) shall cease to be effective October 1, 2022.

21 USC 379j–1 note.

(b) REPORTING REQUIREMENTS.—Section 738A (21 U.S.C. 739j–1) of the Federal Food, Drug, and Cosmetic Act (regarding reauthorization and reporting requirements) shall cease to be effective January 31, 2023.

Effective date. Repeal. 21 USC 379i note.

(c) PREVIOUS SUNSET PROVISION.—Effective October 1, 2017, section 207(a) of the Food and Drug Administration Safety and Innovation Act (Public Law 112–144) is repealed.

Generic Drug User Fee Amendments of 2017.

TITLE III—FEES RELATING TO GENERIC DRUGS

SEC. 301. SHORT TITLE; FINDING.

21 USC 301 note.

(a) SHORT TITLE.—This title may be cited as the "Generic Drug User Fee Amendments of 2017".

21 USC 379j–41 note.

(b) FINDING.—The Congress finds that the fees authorized by the amendments made in this title will be dedicated to human generic drug activities, as set forth in the goals identified for purposes of part 7 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 302. DEFINITIONS.

Section 744A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–41) is amended—

(1) in paragraph (1)(B), by striking "application for a positron emission tomography drug." and inserting "application—

"(i) for a positron emission tomography drug; or

"(ii) submitted by a State or Federal governmental entity for a drug that is not distributed commercially.";

(2) by redesignating paragraphs (5) through (12) as paragraphs (6) through (13), respectively; and

(3) by inserting after paragraph (4) the following:

"(5) The term 'contract manufacturing organization facility' means a manufacturing facility of a finished dosage form of a drug approved pursuant to an abbreviated new drug application, where such manufacturing facility is not identified in an approved abbreviated new drug application held by the owner of such facility or an affiliate of such owner or facility.".

SEC. 303. AUTHORITY TO ASSESS AND USE HUMAN GENERIC DRUG FEES.

(a) TYPES OF FEES.—Section 744B(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–42(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "fiscal year 2013" and inserting "fiscal year 2018";

(2) in paragraph (1), by adding at the end the following:

"(E) SUNSET.—This paragraph shall cease to be effective October 1, 2022.";

(3) in paragraph (2)—

(A) by amending subparagraph (C) to read as follows:

"(C) NOTICE.—Not later than 60 days before the start of each of fiscal years 2018 through 2022, the Secretary shall publish in the Federal Register the amount of the drug master file fee established by this paragraph for such fiscal year."; and

Deadline. Time period. Federal Register, publication.

(B) in subparagraph (E)—

(i) in clause (i)—

(I) by striking "no later than the date" and inserting "on the earlier of—

"(I) the date";

(II) by striking the period and inserting "; or"; and

(III) by adding at the end the following:

"(II) the date on which the drug master file holder requests the initial completeness assessment."; and

(ii) in clause (ii), by striking "notice provided for in clause (i) or (ii) of subparagraph (C), as applicable" and inserting "notice provided for in subparagraph (C)";

(4) in paragraph (3)—

(A) in the heading, by striking "AND PRIOR APPROVAL SUPPLEMENT";

(B) in subparagraph (A), by striking "or a prior approval supplement to an abbreviated new drug application";

(C) by amending subparagraphs (B) and (C) to read as follows:

"(B) NOTICE.—Not later than 60 days before the start of each of fiscal years 2018 through 2022, the Secretary shall publish in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.

Deadline. Time period. Federal Register, publication.

"(C) FEE DUE DATE.—The fees required by subparagraphs (A) and (F) shall be due no later than the date of submission of the abbreviated new drug application or prior approval supplement for which such fee applies.";

Deadline. Applicability.

(D) in subparagraph (D)—

(i) in the heading, by inserting ", IS WITHDRAWN PRIOR TO BEING RECEIVED, OR IS NO LONGER RECEIVED" after "RECEIVED"; and

(ii) by striking "The Secretary shall" and all that follows through the period and inserting the following:

"(i) APPLICATIONS NOT CONSIDERED TO HAVE BEEN RECEIVED AND APPLICATIONS WITHDRAWN PRIOR TO BEING RECEIVED.—The Secretary shall refund 75 percent of the fee paid under subparagraph (A) for any abbreviated new drug application that the Secretary

considers not to have been received within the meaning of section 505(j)(5)(A) for a cause other than failure to pay fees, or that has been withdrawn prior to being received within the meaning of section 505(j)(5)(A).

Refunds.

"(ii) APPLICATIONS NO LONGER RECEIVED.—The Secretary shall refund 100 percent of the fee paid under subparagraph (A) for any abbreviated new drug application if the Secretary initially receives the application under section 505(j)(5)(A) and subsequently determines that an exclusivity period for a listed drug should have prevented the Secretary from receiving such application, such that the abbreviated new drug application is no longer received within the meaning of section 505(j)(5)(A).";

(E) in subparagraph (E), by striking "or prior approval supplement"; and

(F) in the matter preceding clause (i) of subparagraph (F)—

(i) by striking "2012" and inserting "2017"; and

(ii) by striking "subsection (d)(3)" and inserting "subsection (d)(2)";

(5) in paragraph (4)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i) and in clause (iii), by striking ", or intended to be identified, in at least one generic drug submission that is pending or" and inserting "in at least one generic drug submission that is";

(ii) in clause (i), by striking "or intended to be identified in at least one generic drug submission that is pending or" and inserting "in at least one generic drug submission that is";

(iii) in clause (ii), by striking "produces," and all that follows through "such a" and inserting "is identified in at least one generic drug submission in which the facility is approved to produce one or more active pharmaceutical ingredients or in a Type II active pharmaceutical ingredient drug master file referenced in at least one such"; and

(iv) in clause (iii), by striking "to fees under both such clauses" and inserting "only to the fee attributable to the manufacture of the finished dosage forms"; and

(B) by amending subparagraphs (C) and (D) to read as follows:

Federal Register, publication.

"(C) NOTICE.—Within the timeframe specified in subsection (d)(1), the Secretary shall publish in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year.

Time period. Deadlines.

"(D) FEE DUE DATE.—For each of fiscal years 2018 through 2022, the fees under subparagraph (A) for such fiscal year shall be due on the later of—

"(i) the first business day on or after October 1 of each such year; or

"(ii) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees for such year under this section for such year.";

(6) by redesignating paragraph (5) as paragraph (6); and
(7) by inserting after paragraph (4) the following:

"(5) GENERIC DRUG APPLICANT PROGRAM FEE.—

"(A) IN GENERAL.—A generic drug applicant program fee shall be assessed annually as described in subsection (b)(2)(E).

"(B) AMOUNT.—The amount of fees established under subparagraph (A) shall be established under subsection (d).

"(C) NOTICE.—Within the timeframe specified in subsection (d)(1), the Secretary shall publish in the Federal Register the amount of the fees under subparagraph (A) for such fiscal year. Federal Register, publication.

"(D) FEE DUE DATE.—For each of fiscal years 2018 through 2022, the fees under subparagraph (A) for such fiscal year shall be due on the later of— Time period. Deadlines.

"(i) the first business day on or after October 1 of each such fiscal year; or

"(ii) the first business day after the date of enactment of an appropriations Act providing for the collection and obligation of fees for such fiscal year under this section for such fiscal year.".

(b) FEE REVENUE AMOUNTS.—Section 744B(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–42(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) in the heading, by striking "2013" and inserting "2018";

(ii) by striking "2013" and inserting "2018";

(iii) by striking "$299,000,000" and inserting "$493,600,000"; and

(iv) by striking "Of that amount" and all that follows through the end of clause (ii); and

(B) in subparagraph (B)—

(i) in the heading, by striking "2014 THROUGH 2017" and inserting "2019 THROUGH 2022";

(ii) by striking "2014 through 2017" and inserting "2019 through 2022";

(iii) by striking "paragraphs (2) through (4)" and inserting "paragraphs (2) through (5)"; and

(iv) by striking "$299,000,000" and inserting "$493,600,000"; and

(2) in paragraph (2)—

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

(i) by striking "paragraph (1)(A)(ii) for fiscal year 2013 and paragraph (1)(B) for each of fiscal years 2014 through 2017" and inserting "such paragraph for a fiscal year"; and

(ii) by striking "through (4)" and inserting "through (5)";

(B) in subparagraph (A), by striking "Six percent" and inserting "Five percent";

(C) by amending subparagraphs (B) and (C) to read as follows:

"(B) Thirty-three percent shall be derived from fees under subsection (a)(3) (relating to abbreviated new drug applications).

"(C) Twenty percent shall be derived from fees under subsection (a)(4)(A)(i) (relating to generic drug facilities). The amount of the fee for a contract manufacturing organization facility shall be equal to one-third the amount of the fee for a facility that is not a contract manufacturing organization facility. The amount of the fee for a facility located outside the United States and its territories and possessions shall be $15,000 higher than the amount of the fee for a facility located in the United States and its territories and possessions.";

(D) in subparagraph (D)—

(i) by striking "Fourteen percent" and inserting "Seven percent";

(ii) by striking "not less than $15,000 and not more than $30,000" and inserting "$15,000"; and

(iii) by striking ", as determined" and all that follows through the period at the end and inserting a period; and

(E) by adding at the end the following:

"(E)(i) Thirty-five percent shall be derived from fees under subsection (a)(5) (relating to generic drug applicant program fees). For purposes of this subparagraph, if a person has affiliates, a single program fee shall be assessed with respect to that person, including its affiliates, and may be paid by that person or any one of its affiliates. The Secretary shall determine the fees as follows:

Determination.

"(I) If a person (including its affiliates) owns at least one but not more than 5 approved abbreviated new drug applications on the due date for the fee under this subsection, the person (including its affiliates) shall be assessed a small business generic drug applicant program fee equal to one-tenth of the large size operation generic drug applicant program fee.

"(II) If a person (including its affiliates) owns at least 6 but not more than 19 approved abbreviated new drug applications on the due date for the fee under this subsection, the person (including its affiliates) shall be assessed a medium size operation generic drug applicant program fee equal to two-fifths of the large size operation generic drug applicant program fee.

"(III) If a person (including its affiliates) owns 20 or more approved abbreviated new drug applications on the due date for the fee under this subsection, the person (including its affiliates) shall be assessed a large size operation generic drug applicant program fee.

Deadline.

"(ii) For purposes of this subparagraph, an abbreviated new drug application shall be deemed not to be approved if the applicant has submitted a written request for withdrawal of approval of such abbreviated new drug application by April 1 of the previous fiscal year.".

(c) ADJUSTMENTS.—Section 744B(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–42(c)) is amended—

(1) in paragraph (1)—

(A) by striking "2014" and inserting "2019";

(B) by inserting "to equal the product of the total revenues established in such notice for the prior fiscal year multiplied" after "a fiscal year,"; and

(C) by striking the flush text following subparagraph (C); and

(2) in paragraph (2)—

(A) by striking "2017" each place it appears and inserting "2022";

(B) by striking "the first 3 months of fiscal year 2018" and inserting "the first 3 months of fiscal year 2023"; and

(C) by striking "Such fees may only be used in fiscal year 2018.".

(d) ANNUAL FEE SETTING.—Section 744B(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–42(d)) is amended—

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

"(1) FISCAL YEARS 2018 THROUGH 2022.—Not more than 60 days before the first day of each of fiscal years 2018 through 2022, the Secretary shall establish the fees described in paragraphs (2) through (5) of subsection (a), based on the revenue amounts established under subsection (b) and the adjustments provided under subsection (c).";

Time period. Deadline.

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

(3) in paragraph (2) (as so redesignated), in the matter preceding subparagraph (A), by striking "fees under paragraphs (1) and (2)" and inserting "fee under paragraph (1)".

(e) IDENTIFICATION OF FACILITIES.—Section 744B(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–42(f)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively;

(3) in paragraph (1) (as so redesignated)—

(A) by striking "paragraph (4)" and inserting "paragraph (3)"; and

(B) by striking "Such information shall" and all that follows through the end of subparagraph (B) and inserting "Such information shall, for each fiscal year, be submitted, updated, or reconfirmed on or before June 1 of the previous fiscal year."; and

Deadline.

(4) in paragraph (2), as so redesignated—

(A) in the heading, by striking "CONTENTS OF NOTICE" and inserting "INFORMATION REQUIRED TO BE SUBMITTED";

(B) in the matter preceding subparagraph (A), by striking "paragraph (2)" and inserting "paragraph (1)";

(C) in subparagraph (A), by striking "or intended to be identified";

(D) in subparagraph (D), by striking "and" at the end;

(E) in subparagraph (E), by striking the period and inserting "; and"; and

(F) by adding at the end the following:

"(F) whether the facility is a contract manufacturing organization facility.".

(f) EFFECT OF FAILURE TO PAY FEES.—Section 744B(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–42(g)) is amended—

Termination date.

(1) in paragraph (1), by adding at the end the following: "This paragraph shall cease to be effective on October 1, 2022.";

(2) in paragraph (2)(C)(ii), by striking "of 505(j)(5)(A)" and inserting "of section 505(j)(5)(A)"; and

(3) by adding at the end the following:

"(5) GENERIC DRUG APPLICANT PROGRAM FEE.—

Deadline. Time period.

"(A) IN GENERAL.—A person who fails to pay a fee as required under subsection (a)(5) by the date that is 20 calendar days after the due date, as specified in subparagraph (D) of such subsection, shall be subject to the following:

Public information. Lists.

"(i) The Secretary shall place the person on a publicly available arrears list.

"(ii) Any abbreviated new drug application submitted by the generic drug applicant or an affiliate of such applicant shall not be received, within the meaning of section 505(j)(5)(A).

"(iii) All drugs marketed pursuant to any abbreviated new drug application held by such applicant or an affiliate of such applicant shall be deemed misbranded under section 502(aa).

"(B) APPLICATION OF PENALTIES.—The penalties under subparagraph (A) shall apply until the fee required under subsection (a)(5) is paid.".

(g) LIMITATIONS.—Section 744B(h)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–42(h)(2)) is amended by striking "for Type II active pharmaceutical ingredient drug master files, abbreviated new drug applications and prior approval supplements, and generic drug facilities and active pharmaceutical ingredient facilities".

(h) CREDITING AND AVAILABILITY OF FEES.—Section 744B(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–42(i)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "subparagraphs (C) and (D)" and inserting "subparagraph (C)";

(B) by striking subparagraph (C) (relating to fee collection during first program year);

(C) in subparagraph (D)—

(i) in the heading, by striking "IN SUBSEQUENT YEARS"; and

(ii) by striking "(after fiscal year 2013)"; and

(D) by redesignating subparagraph (D) as subparagraph (C); and

(2) in paragraph (3), by striking "fiscal years 2013 through 2017" and inserting "fiscal years 2018 through 2022".

(i) INFORMATION ON ABBREVIATED NEW DRUG APPLICATIONS OWNED BY APPLICANTS AND THEIR AFFILIATES.—Section 744B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–42) is amended by adding at the end the following:

"(o) INFORMATION ON ABBREVIATED NEW DRUG APPLICATIONS OWNED BY APPLICANTS AND THEIR AFFILIATES.—

Deadline. Lists.

"(1) IN GENERAL.—By April 1 of each year, each person that owns an abbreviated new drug application, or a designated affiliate of such person, shall submit, on behalf of the person and the affiliates of such person, to the Secretary a list of—

"(A) all approved abbreviated new drug applications owned by such person; and

"(B) if any affiliate of such person also owns an abbreviated new drug application, all affiliates that own any such abbreviated new drug application and all approved abbreviated new drug applications owned by any such affiliate.

"(2) FORMAT AND METHOD.—The Secretary shall specify in guidance the format and method for submission of lists under this subsection.". Guidance.

SEC. 304. REAUTHORIZATION; REPORTING REQUIREMENTS.

Section 744C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–43) is amended—

(1) in subsection (a)—

(A) by striking "2013" and inserting "2018"; and

(B) by striking "Generic Drug User Fee Amendments of 2012" and inserting "Generic Drug User Fee Amendments of 2017";

(2) in subsection (b), by striking "2013" and inserting "2018"; and

(3) in subsection (d), by striking "2017" each place it appears and inserting "2022".

SEC. 305. SUNSET DATES.

(a) AUTHORIZATION.—Sections 744A and 744B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–41; 379j–42) shall cease to be effective October 1, 2022. 21 USC 379j–41 note.

(b) REPORTING REQUIREMENTS.—Section 744C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–43) shall cease to be effective January 31, 2023. 21 USC 379j–43 note.

(c) PREVIOUS SUNSET PROVISION.—

(1) IN GENERAL.—Effective October 1, 2017, section 304 of the Food and Drug Administration Safety and Innovation Act (Public Law 112–144) is repealed. Effective date. Repeal. 21 USC 379j–41 note, 379j–43 note.

(2) CONFORMING AMENDMENT.—The Food and Drug Administration Safety and Innovation Act (Public Law 112–144) is amended in the table of contents in section 2 by striking the item relating to section 304.

SEC. 306. EFFECTIVE DATE. 21 USC 379j–41 note.

The amendments made by this title shall take effect on October 1, 2017, or the date of the enactment of this Act, whichever is later, except that fees under part 7 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act shall be assessed for all abbreviated new drug applications received on or after October 1, 2017, regardless of the date of the enactment of this Act.

SEC. 307. SAVINGS CLAUSE. 21 USC 379j–41 note.

Notwithstanding the amendments made by this title, part 7 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to abbreviated new drug applications (as defined in such part as of such day) that were received by the Food and Drug Administration within the meaning of section 505(j)(5)(A) of such Act (21

U.S.C. 355(j)(5)(A)), prior approval supplements that were submitted, and drug master files for Type II active pharmaceutical ingredients that were first referenced on or after October 1, 2012, but before October 1, 2017, with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2018.

Biosimilar User Fee Amendments of 2017.

TITLE IV—FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS

SEC. 401. SHORT TITLE; FINDING.

21 USC 301 note.

(a) SHORT TITLE.—This title may be cited as the "Biosimilar User Fee Amendments of 2017".

21 USC 379j–51 note.

(b) FINDING.—The Congress finds that the fees authorized by the amendments made in this title will be dedicated to expediting the process for the review of biosimilar biological product applications, including postmarket safety activities, as set forth in the goals identified for purposes of part 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 402. DEFINITIONS.

(a) ADJUSTMENT FACTOR.—Section 744G(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–51(1)) is amended to read as follows:

"(1) The term 'adjustment factor' applicable to a fiscal year is the Consumer Price Index for urban consumers (Washington-Baltimore, DC–MD–VA–WV; Not Seasonally Adjusted; All items) for October of the preceding fiscal year divided by such Index for October 2011.".

(b) BIOSIMILAR BIOLOGICAL PRODUCT.—Section 744G(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–51(3)) is amended by striking "means a product" and inserting "means a specific strength of a biological product in final dosage form".

SEC. 403. AUTHORITY TO ASSESS AND USE BIOSIMILAR FEES.

(a) TYPES OF FEES.—Section 744H(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–52(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "fiscal year 2013" and inserting "fiscal year 2018";

(2) in the heading of paragraph (1), by striking "BIOSIMILAR" and inserting "BIOSIMILAR BIOLOGICAL PRODUCT";

(3) in paragraph (1)(A)(i), by striking "(b)(1)(A)" and inserting "(c)(5)";

(4) in paragraph (1)(B)(i), by striking "(b)(1)(B) for biosimilar biological product development" and inserting "(c)(5) for the biosimilar biological product development program";

(5) in paragraph (1)(B)(ii), by striking "annual biosimilar biological product development program fee" and inserting "annual biosimilar biological product development fee";

(6) in paragraph (1)(B)(iii), by striking "annual biosimilar development program fee" and inserting "annual biosimilar biological product development fee";

(7) in paragraph (1)(B), by adding at the end the following:

"(iv) REFUND.—If a person submits a marketing application for a biosimilar biological product before October 1 of a fiscal year and such application is accepted for filing on or after October 1 of such fiscal year, the person may request a refund equal to the annual biosimilar biological product development fee paid by the person for the product for such fiscal year. To qualify for consideration for a refund under this clause, a person shall submit to the Secretary a written request for such refund not later than 180 days after the marketing application is accepted for filing."; Deadline.

(8) in paragraph (1)(C), by striking "for a product effective October 1 of a fiscal year by," and inserting "for a product, effective October 1 of a fiscal year, by,";

(9) in paragraph (1)(D)—

(A) in clause (i) in the matter preceding subclause (I), by inserting ", if the person seeks to resume participation in such program," before "pay a fee";

(B) in clause (i)(I), by inserting after "grants a request" the following: "by such person"; and

(C) in clause (i)(II), by inserting after "discontinued)" the following: "by such person";

(10) in the heading of paragraph (1)(E), by striking "BIOSIMILAR DEVELOPMENT PROGRAM";

(11) in paragraph (1)(F)—

(A) in the subparagraph heading, by striking "BIOSIMILAR DEVELOPMENT PROGRAM"; and

(B) by amending clause (i) to read as follows:

"(i) REFUNDS.—Except as provided in subparagraph (B)(iv), the Secretary shall not refund any initial or annual biosimilar biological product development fee paid under subparagraph (A) or (B), or any reactivation fee paid under subparagraph (D).";

(12) in paragraph (2)—

(A) in the paragraph heading, by striking "AND SUPPLEMENT";

(B) by amending subparagraphs (A) and (B) to read as follows:

"(A) IN GENERAL.—Each person that submits, on or after October 1, 2017, a biosimilar biological product application shall be subject to the following fees:

"(i) A fee established under subsection (c)(5) for a biosimilar biological product application for which clinical data (other than comparative bioavailability studies) with respect to safety or effectiveness are required for approval.

"(ii) A fee established under subsection (c)(5) for a biosimilar biological product application for which clinical data (other than comparative bioavailability studies) with respect to safety or effectiveness are not required for approval. Such fee shall be equal to half of the amount of the fee described in clause (i).

"(B) RULE OF APPLICABILITY; TREATMENT OF CERTAIN PREVIOUSLY PAID FEES.—Any person who pays a fee under subparagraph (A), (B), or (D) of paragraph (1) for a product before October 1, 2017, but submits a biosimilar biological product application for that product after such date, shall—

"(i) be subject to any biosimilar biological product application fees that may be assessed at the time when such biosimilar biological product application is submitted; and

"(ii) be entitled to no reduction of such application fees based on the amount of fees paid for that product before October 1, 2017, under such subparagraph (A), (B), or (D).";

(C) in the heading of subparagraph (D), by striking "OR SUPPLEMENT";

(D) in subparagraphs (C) through (F), by striking "or supplement" each place it appears; and

(E) in subparagraph (D), by striking "or a supplement";

(13) by amending paragraph (3) to read as follows:

"(3) BIOSIMILAR BIOLOGICAL PRODUCT PROGRAM FEE.—

"(A) IN GENERAL.—Each person who is named as the applicant in a biosimilar biological product application shall pay the annual biosimilar biological product program fee established for a fiscal year under subsection (c)(5) for each biosimilar biological product that—

"(i) is identified in such a biosimilar biological product application approved as of October 1 of such fiscal year; and

"(ii) as of October 1 of such fiscal year, does not appear on a list, developed and maintained by the Secretary, of discontinued biosimilar biological products.

Deadlines.

"(B) DUE DATE.—The biosimilar biological product program fee for a fiscal year shall be due on the later of—

"(i) the first business day on or after October 1 of each such year; or

"(ii) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees for such year under this section.

"(C) ONE FEE PER PRODUCT PER YEAR.—The biosimilar biological product program fee shall be paid only once for each product for each fiscal year.

"(D) LIMITATION.—A person who is named as the applicant in a biosimilar biological product application shall not be assessed more than 5 biosimilar biological product program fees for a fiscal year for biosimilar biological products identified in such biosimilar biological product application.".

(b) FEE REVENUE AMOUNTS.—Subsection (b) of section 744H of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–52) is amended to read as follows:

"(b) FEE REVENUE AMOUNTS.—

"(1) FISCAL YEAR 2018.—For fiscal year 2018, fees under subsection (a) shall be established to generate a total revenue amount equal to the sum of—

"(A) $45,000,000; and

"(B) the dollar amount equal to the fiscal year 2018 adjustment (as determined under subsection (c)(4)).

"(2) SUBSEQUENT FISCAL YEARS.—For each of the fiscal years 2019 through 2022, fees under subsection (a) shall, except as provided in subsection (c), be established to generate a total revenue amount equal to the sum of—

"(A) the annual base revenue for the fiscal year (as determined under paragraph (4));

"(B) the dollar amount equal to the inflation adjustment for the fiscal year (as determined under subsection (c)(1));

"(C) the dollar amount equal to the capacity planning adjustment for the fiscal year (as determined under subsection (c)(2)); and

"(D) the dollar amount equal to the operating reserve adjustment for the fiscal year, if applicable (as determined under subsection (c)(3)).

"(3) ALLOCATION OF REVENUE AMOUNT AMONG FEES; LIMITATIONS ON FEE AMOUNTS.—

"(A) ALLOCATION.—The Secretary shall determine the percentage of the total revenue amount for a fiscal year to be derived from, respectively— Determination.

"(i) initial and annual biosimilar biological product development fees and reactivation fees under subsection (a)(1);

"(ii) biosimilar biological product application fees under subsection (a)(2); and

"(iii) biosimilar biological product program fees under subsection (a)(3).

"(B) LIMITATIONS ON FEE AMOUNTS.—Until the first fiscal year for which the capacity planning adjustment under subsection (c)(2) is effective, the amount of any fee under subsection (a) for a fiscal year after fiscal year 2018 shall not exceed 125 percent of the amount of such fee for fiscal year 2018.

"(C) BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT FEES.—The initial biosimilar biological product development fee under subsection (a)(1)(A) for a fiscal year shall be equal to the annual biosimilar biological product development fee under subsection (a)(1)(B) for that fiscal year.

"(D) REACTIVATION FEE.—The reactivation fee under subsection (a)(1)(D) for a fiscal year shall be equal to twice the amount of the annual biosimilar biological product development fee under subsection (a)(1)(B) for that fiscal year.

"(4) ANNUAL BASE REVENUE.—For purposes of paragraph (2), the dollar amount of the annual base revenue for a fiscal year shall be the dollar amount of the total revenue amount for the previous fiscal year, excluding any adjustments to such revenue amount under subsection (c)(3).".

(c) ADJUSTMENTS; ANNUAL FEE SETTING.—Section 744H of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–52) is amended—

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

(2) in subsections (a)(2)(F) and (h) (as redesignated by paragraph (1)), by striking "subsection (c)" and inserting "subsection (d)";

(3) in subsection (a)(4)(A), by striking "subsection (b)(1)(F)" and inserting "subsection (c)(5)"; and

(4) by inserting after subsection (b) the following:

"(c) ADJUSTMENTS; ANNUAL FEE SETTING.—

"(1) INFLATION ADJUSTMENT.—

"(A) IN GENERAL.—For purposes of subsection (b)(2)(B), the dollar amount of the inflation adjustment to the annual base revenue for each fiscal year shall be equal to the product of—

"(i) such annual base revenue for the fiscal year under subsection (b); and

"(ii) the inflation adjustment percentage under subparagraph (B).

Time periods.

"(B) INFLATION ADJUSTMENT PERCENTAGE.—The inflation adjustment percentage under this subparagraph for a fiscal year is equal to the sum of—

"(i) the average annual percent change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 3 years of the preceding 4 fiscal years, multiplied by the proportion of personnel compensation and benefits costs to total costs of the process for the review of biosimilar biological product applications (as defined in section 744G(13)) for the first 3 years of the preceding 4 fiscal years; and

"(ii) the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC–MD–VA–WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data multiplied by the proportion of all costs other than personnel compensation and benefits costs to total costs of the process for the review of biosimilar biological product applications (as defined in section 744G(13)) for the first 3 years of the preceding 4 fiscal years.

"(2) CAPACITY PLANNING ADJUSTMENT.—

Effective date.

"(A) IN GENERAL.—Beginning with the fiscal year described in subparagraph (B)(ii)(II), the Secretary shall, in addition to the adjustment under paragraph (1), further increase the fee revenue and fees under this section for a fiscal year to reflect changes in the resource capacity needs of the Secretary for the process for the review of biosimilar biological product applications.

"(B) CAPACITY PLANNING METHODOLOGY.—

Contracts.

"(i) DEVELOPMENT; EVALUATION AND REPORT.—The Secretary shall obtain, through a contract with an independent accounting or consulting firm, a report evaluating options and recommendations for a new methodology to accurately assess changes in the resource and capacity needs of the process for the review of biosimilar biological product applications. The

capacity planning methodological options and recommendations presented in such report shall utilize and be informed by personnel time reporting data as an input. The report shall be published for public comment not later than September 30, 2020.

Publication. Public information. Deadline.

"(ii) ESTABLISHMENT AND IMPLEMENTATION.—After review of the report described in clause (i) and receipt and review of public comments thereon, the Secretary shall establish a capacity planning methodology for purposes of this paragraph, which shall—

"(I) incorporate such approaches and attributes as the Secretary determines appropriate; and

"(II) be effective beginning with the first fiscal year for which fees are set after such capacity planning methodology is established.

Effective date.

"(C) LIMITATION.—Under no circumstances shall an adjustment under this paragraph result in fee revenue for a fiscal year that is less than the sum of the amounts under subsections (b)(2)(A) (the annual base revenue for the fiscal year) and (b)(2)(B) (the dollar amount of the inflation adjustment for the fiscal year).

"(D) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall publish in the Federal Register notice under paragraph (5) the fee revenue and fees resulting from the adjustment and the methodologies under this paragraph.

Notice.

"(3) OPERATING RESERVE ADJUSTMENT.—

"(A) INTERIM APPLICATION; FEE REDUCTION.—Until the first fiscal year for which the capacity planning adjustment under paragraph (2) is effective, the Secretary may, in addition to the adjustment under paragraph (1), reduce the fee revenue and fees under this section for a fiscal year as the Secretary determines appropriate for long-term financial planning purposes.

"(B) GENERAL APPLICATION AND METHODOLOGY.—Beginning with the first fiscal year for which the capacity planning adjustment under paragraph (2) is effective, the Secretary may, in addition to the adjustments under paragraphs (1) and (2)—

Effective date.

"(i) reduce the fee revenue and fees under this section as the Secretary determines appropriate for long-term financial planning purposes; or

"(ii) increase the fee revenue and fees under this section if such an adjustment is necessary to provide for not more than 21 weeks of operating reserves of carryover user fees for the process for the review of biosimilar biological product applications.

Time period.

"(C) FEDERAL REGISTER NOTICE.—If an adjustment under subparagraph (A) or (B) is made, the rationale for the amount of the increase or decrease (as applicable) in fee revenue and fees shall be contained in the annual Federal Register notice under paragraph (5)(B) establishing fee revenue and fees for the fiscal year involved.

"(4) FISCAL YEAR 2018 ADJUSTMENT.—

"(A) IN GENERAL.—For fiscal year 2018, the Secretary shall adjust the fee revenue and fees under this section in such amount (if any) as needed to reflect an updated

Assessment.

assessment of the workload for the process for the review of biosimilar biological product applications.

Federal Register, publication. Notice.

"(B) METHODOLOGY.—The Secretary shall publish under paragraph (5)(B) a description of the methodology used to calculate the fiscal year 2018 adjustment under this paragraph in the Federal Register notice establishing fee revenue and fees for fiscal year 2018.

"(C) LIMITATION.—No adjustment under this paragraph shall result in an increase in fee revenue and fees under this section in excess of $9,000,000.

Time period. Deadline.

"(5) ANNUAL FEE SETTING.—For fiscal year 2018 and each subsequent fiscal year, the Secretary shall, not later than 60 days before the start of each such fiscal year—

"(A) establish, for the fiscal year, initial and annual biosimilar biological product development fees and reactivation fees under subsection (a)(1), biosimilar biological product application fees under subsection (a)(2), and biosimilar biological product program fees under subsection (a)(3), based on the revenue amounts established under subsection (b) and the adjustments provided under this subsection; and

Federal Register, publication.

"(B) publish such fee revenue and fees in the Federal Register.

"(6) LIMIT.—The total amount of fees assessed for a fiscal year under this section may not exceed the total costs for such fiscal year for the resources allocated for the process for the review of biosimilar biological product applications.".

(d) APPLICATION FEE WAIVER FOR SMALL BUSINESS.—Subsection (d)(1) of section 744H of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–52), as redesignated by subsection (c)(1), is amended—

(1) by striking subparagraph (B);

(2) by striking "; and" at the end of subparagraph (A) and inserting a period; and

(3) by striking "shall pay—" and all that follows through "application fees" and inserting "shall pay application fees".

(e) EFFECT OF FAILURE TO PAY FEES.—Subsection (e) of section 744H of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–52), as redesignated by subsection (c)(1), is amended by striking "all fees" and inserting "all such fees".

(f) CREDITING AND AVAILABILITY OF FEES.—Subsection (f) of section 744H of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–52), as redesignated by subsection (c)(1), is amended—

(1) in paragraph (2)—

(A) by striking subparagraph (C) (relating to fee collection during first program year) and inserting the following:

"(C) COMPLIANCE.—The Secretary shall be considered to have met the requirements of subparagraph (B) in any fiscal year if the costs described in such subparagraph are not more than 15 percent below the level specified in such subparagraph."; and

(B) in subparagraph (D)—

(i) in the heading, by striking "IN SUBSEQUENT YEARS"; and

(ii) by striking "(after fiscal year 2013)"; and

(2) in paragraph (3), by striking "2013 through 2017" and inserting "2018 through 2022".

SEC. 404. REAUTHORIZATION; REPORTING REQUIREMENTS.

Section 744I of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–53) is amended—

(1) in subsection (a)—

(A) by striking "2013" and inserting "2018"; and

(B) by striking "Biosimilar User Fee Act of 2012" and inserting "Biosimilar User Fee Amendments of 2017";

(2) in subsection (b), by striking "2013" and inserting "2018";

(3) by striking subsection (d);

(4) by redesignating subsection (e) as subsection (d); and

(5) in subsection (d), as so redesignated, by striking "2017" each place it appears and inserting "2022".

SEC. 405. SUNSET DATES.

21 USC 379j–51 note.

(a) AUTHORIZATION.—Sections 744G and 744H of the Federal Food, Drug, and Cosmetic Act shall cease to be effective October 1, 2022.

21 USC 379j–53 note.

(b) REPORTING REQUIREMENTS.—Section 744I of the Federal Food, Drug, and Cosmetic Act shall cease to be effective January 31, 2023.

(c) PREVIOUS SUNSET PROVISION.—

Effective date. Repeal. 21 USC 379j–51 note, 379j–53 note.

(1) IN GENERAL.—Effective October 1, 2017, section 404 of the Food and Drug Administration Safety and Innovation Act (Public Law 112–144) is repealed.

(2) CONFORMING AMENDMENT.—The Food and Drug Administration Safety and Innovation Act (Public Law 112–144) is amended in the table of contents in section 2 by striking the item relating to section 404.

SEC. 406. EFFECTIVE DATE.

21 USC 379j–51 note.

The amendments made by this title shall take effect on October 1, 2017, or the date of the enactment of this Act, whichever is later, except that fees under part 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act shall be assessed for all biosimilar biological product applications received on or after October 1, 2017, regardless of the date of the enactment of this Act.

SEC. 407. SAVINGS CLAUSE.

21 USC 379j–51 note. Continuation. Time period.

Notwithstanding the amendments made by this title, part 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to biosimilar biological product applications and supplements (as defined in such part as of such day) that were accepted by the Food and Drug Administration for filing on or after October 1, 2012, but before October 1, 2017, with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2018.

TITLE V—PEDIATRIC DRUGS AND DEVICES

SEC. 501. BEST PHARMACEUTICALS FOR CHILDREN.

Section 409I of the Public Health Service Act (42 U.S.C. 284m) is amended—

(1) in subsection (a)(2)(A)(ii), by inserting "and identification of biomarkers for such diseases, disorders, or conditions," after "biologics,";

(2) in subsection (c)—

(A) in paragraph (6)—

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

"(B) AVAILABILITY OF REPORTS.—

"(i) IN GENERAL.—Each report submitted under subparagraph (A) shall be considered to be in the public domain (subject to section 505A(d)(4) of the Federal Food, Drug, and Cosmetic Act) and not later than 90 days after submission of such report, shall be—

Web posting.

"(I) posted on the internet website of the National Institutes of Health in a manner that is accessible and consistent with all applicable Federal laws and regulations, including such laws and regulations for the protection of—

"(aa) human research participants, including with respect to privacy, security, informed consent, and protected health information; and

"(bb) proprietary interests, confidential commercial information, and intellectual property rights; and

Public information.

"(II) assigned a docket number by the Commissioner of Food and Drugs and made available for the submission of public comments.

"(ii) SUBMISSION OF COMMENTS.—An interested person may submit written comments concerning such pediatric studies to the Commissioner of Food and Drugs, and the submitted comments shall become part of the docket file with respect to each of the drugs."; and

(ii) in subparagraph (C), by striking "appropriate action" and all that follows through the period and inserting "action in a timely and appropriate manner in response to the reports submitted under subparagraph (A), and shall begin such action upon receipt of the report under subparagraph (A), in accordance with paragraph (7)."; and

(B) in paragraph (7)—

(i) in the matter preceding subparagraph (A), by striking "During" and inserting "Within";

(ii) in subparagraph (C)(i), by striking "place" and all that follows through "and of" and inserting "include in the public docket file a reference to the location of the report on the internet website of the National Institutes of Health and a copy of"; and

(iii) in clause (ii), by striking "in the Federal Register and";

(3) by striking subsection (d);

(4) by redesignating subsection (e) as subsection (d); and

(5) in paragraph (1) of subsection (d), as so redesignated, by striking "2013 through 2017" and inserting "2018 through 2022".

SEC. 502. PEDIATRIC DEVICES.

(a) PEDIATRIC USE OF DEVICES.—Section 515A(a)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e–1(a)(3)) is amended—

(1) by redesignating subparagraphs (B) through (D) as subparagraphs (D) through (F), respectively;

(2) by inserting after subparagraph (A) the following:

"(B) any information, based on a review of data available to the Secretary, regarding devices used in pediatric patients but not labeled for such use for which the Secretary determines that approved pediatric labeling could confer a benefit to pediatric patients;

"(C) the number of pediatric devices that receive a humanitarian use exemption under section 520(m);";

(3) in subparagraph (E), as so redesignated, by striking "; and" and inserting ";";

(4) in subparagraph (F) (as so redesignated), by striking "(B), and (C)." and inserting "(C), (D), and (E);"; and

(5) by adding at the end the following:

"(G) the number of devices for which the Secretary relied on data with respect to adults to support a determination of a reasonable assurance of safety and effectiveness in pediatric patients; and

"(H) the number of devices for which the Secretary relied on data from one pediatric subpopulation to support a determination of a reasonable assurance of safety and effectiveness in another pediatric subpopulation.

For the items described in this paragraph, such report shall disaggregate the number of devices by pediatric subpopulation.".

(b) HUMANITARIAN DEVICE EXEMPTION.—Section 520(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (B), by inserting "or an appropriate local committee" after "review committee" each place such term appears; and

(B) in the matter following subparagraph (B), by inserting "or an appropriate local committee" after "review committee" each place such term appears; and

(2) in paragraph (6)(A)(iv), by striking "2017" and inserting "2022".

(c) DEMONSTRATION GRANTS FOR IMPROVING PEDIATRIC AVAILABILITY.—Section 305 of the Pediatric Medical Device Safety and Improvement Act of 2007 (Public Law 110–85; 42 U.S.C. 282 note)) is amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

Consultation.

"(6) providing regulatory consultation to device sponsors in support of the submission of an application for a pediatric device, where appropriate."; and

(2) in subsection (e), by striking "2013 through 2017" and inserting "2018 through 2022".

(d) MEETING ON PEDIATRIC DEVICE DEVELOPMENT.—

Deadline. Public information.

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall convene a public meeting on the development, approval or clearance, and labeling of pediatric medical devices. The Secretary shall invite to such meeting representatives from the medical device industry, academia, recipients of funding under section 305 of the Pediatric Medical Device Safety and Improvement Act of 2007 (Public Law 110–85; 42 U.S.C. 282 note), medical provider organizations, and organizations representing patients and consumers.

(2) TOPICS.—The meeting described in paragraph (1) shall include consideration of ways to—

(A) improve research infrastructure and research networks to facilitate the conduct of clinical studies of devices for pediatric populations that would result in the approval or clearance, and labeling, of medical devices for such populations;

(B) appropriately use extrapolation under section 515A(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e–1(b));

(C) enhance the appropriate use of postmarket registries and data to increase pediatric medical device labeling;

(D) increase Food and Drug Administration assistance to medical device manufacturers in developing devices for pediatric populations that are approved or cleared, and labeled, for their use; and

(E) identify current barriers to pediatric device development and incentives to address such barriers.

(3) REPORT.—The report submitted under section 515A(a)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e–1(a)(3)) with respect to the calendar year in which the meeting described in paragraph (1) is held shall include a summary of, and responses to, recommendations raised in such meeting.

SEC. 503. EARLY MEETING ON PEDIATRIC STUDY PLAN.

(a) IN GENERAL.—Clause (i) of section 505B(e)(2)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c(e)(2)(C)) is amended to read as follows:

"(i) shall meet with the applicant—

Deadlines.

"(I) if requested by the applicant with respect to a drug or biological product that is intended to treat a serious or life-threatening disease or condition, to discuss preparation of the initial pediatric study plan, not later than the end-of-Phase 1 meeting (as such term is used in section 312.82(b) of title 21, Code of Federal Regulations,

or successor regulations) or within 30 calendar days of receipt of such request, whichever is later;

"(II) to discuss the initial pediatric study plan as soon as practicable, but not later than 90 calendar days after the receipt of such plan under subparagraph (A); and

"(III) to discuss the bases for the deferral under subsection (a)(4) or a full or partial waiver under subsection (a)(5);".

(b) CONFORMING CHANGES.—Section 505B(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c(e)) is amended—

(1) in the heading of paragraph (2), by striking "MEETING" and inserting "MEETINGS";

(2) in the heading of paragraph (2)(C), by striking "MEETING" and inserting "MEETINGS";

(3) in clauses (ii) and (iii) of paragraph (2)(C), by striking "no meeting" each place it appears and inserting "no meeting under clause (i)(II)"; and

(4) in paragraph (3) by striking "meeting under paragraph (2)(C)(i)" and inserting "meeting under paragraph (2)(C)(i)(II)".

SEC. 504. DEVELOPMENT OF DRUGS AND BIOLOGICAL PRODUCTS FOR PEDIATRIC CANCERS.

(a) MOLECULAR TARGETS REGARDING CANCER DRUGS AND BIOLOGICAL PRODUCTS.—Section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(ii) by striking "A person" and inserting the following:

"(A) GENERAL REQUIREMENTS.—Except with respect to an application for which subparagraph (B) applies, a person";

(iii) in clause (i), as so redesignated, by striking ", or" at the end and inserting "; or"; and

(iv) by adding after subparagraph (A), as so designated by clause (ii), the following:

"(B) CERTAIN MOLECULARLY TARGETED CANCER INDICATIONS.—A person that submits, on or after the date that is 3 years after the date of enactment of the FDA Reauthorization Act of 2017, an original application for a new active ingredient under section 505 of this Act or section 351 of the Public Health Service Act, shall submit with the application reports on the investigation described in paragraph (3) if the drug or biological product that is the subject of the application is—

Time period. Reports.

"(i) intended for the treatment of an adult cancer; and

"(ii) directed at a molecular target that the Secretary determines to be substantially relevant to the growth or progression of a pediatric cancer.";

(B) in paragraph (2)(A), by striking "paragraph (1)" and inserting "paragraph (1)(A)";

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

(D) by inserting after paragraph (2) the following:

"(3) MOLECULARLY TARGETED PEDIATRIC CANCER INVESTIGATION.—

"(A) IN GENERAL.—With respect to a drug or biological product described in paragraph (1)(B), the investigation described in this paragraph is a molecularly targeted pediatric cancer investigation, which shall be designed to yield clinically meaningful pediatric study data, gathered using appropriate formulations for each age group for which the study is required, regarding dosing, safety, and preliminary efficacy to inform potential pediatric labeling.

Applicability.

"(B) EXTRAPOLATION OF DATA.—Paragraph (2)(B) shall apply to investigations described in this paragraph to the same extent and in the same manner as paragraph (2)(B) applies with respect to the assessments required under paragraph (1)(A).

Applicability.

"(C) DEFERRALS AND WAIVERS.—Deferrals and waivers under paragraphs (4) and (5) shall apply to investigations described in this paragraph to the same extent and in the same manner as such deferrals and waivers apply with respect to the assessments under paragraph (2)(B).";

(E) in paragraph (4), as so redesignated—

(i) by striking "assessments required under paragraph (1)" each place it appears and inserting "assessments required under paragraph (1)(A) or reports on the investigation required under paragraph (1)(B)";

(ii) in subparagraph (A)(ii)(I), by inserting "or reports on the investigation" after "assessments";

(iii) in subparagraph (B)(ii), by striking "assessment under paragraph (1)" and inserting "assessment under paragraph (1)(A) or reports on the investigation under paragraph (1)(B)"; and

(iv) in subparagraph (C)(ii)(II), by inserting "or investigation" after "assessment"; and

(F) in paragraph (5), as so redesignated, by inserting "or reports on the investigation" after "assessments" each place it appears;

(2) in subsection (d)—

(A) by striking "subsection (a)(3)" each place it appears and inserting "subsection (a)(4)";

(B) by inserting "AND REPORTS ON THE INVESTIGATION" after "SUBMISSION OF ASSESSMENTS" in the heading; and

(C) by inserting "or the investigation described in subsection (a)(3)" after "assessment described in subsection (a)(2)" each place it appears;

(3) in subsection (e)—

(A) in paragraph (1), by inserting "or the investigation described in subsection (a)(3)" after "under subsection (a)(2)"; and

(B) in paragraph (2)(A)(i), by inserting "or the investigation described in subsection (a)(3)" after "under subsection (a)(2)"; and

(4) by adding at the end the following:

"(m) LIST OF PRIMARY MOLECULAR TARGETS.—

"(1) IN GENERAL.—Within one year of the date of enactment of the FDA Reauthorization Act of 2017, the Secretary shall establish and update regularly, and shall publish on the internet website of the Food and Drug Administration— Deadline. Update. Web posting. Lists.

"(A) a list of molecular targets considered, on the basis of data the Secretary determines to be adequate, to be substantially relevant to the growth and progression of a pediatric cancer, and that may trigger the requirements under this section; and

"(B) a list of molecular targets of new cancer drugs and biological products in development for which pediatric cancer study requirements under this section will be automatically waived. Waiver.

"(2) CONSULTATION.—In establishing the lists described in paragraph (1), the Secretary shall consult the National Cancer Institute, members of the internal committee under section 505C, and the Pediatric Oncology Subcommittee of the Oncologic Drugs Advisory Committee, and shall take into account comments from the meeting under subsection (c).

"(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

"(A) to require the inclusion of a molecular target on the list published under such paragraph as a condition for triggering the requirements under subsection (a)(1)(B) with respect to a drug or biological product directed at such molecular target; or

"(B) to authorize the disclosure of confidential commercial information, as prohibited under section 301(j) of this Act or section 1905 of title 18, United States Code.".

(b) ORPHAN DRUGS.—Section 505B(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c(k)) is amended to read as follows:

"(k) RELATION TO ORPHAN DRUGS.—

"(1) IN GENERAL; EXEMPTION FOR ORPHAN INDICATIONS.—Unless the Secretary requires otherwise by regulation and except as provided in paragraph (2), this section does not apply to any drug or biological product for an indication for which orphan designation has been granted under section 526.

"(2) APPLICABILITY DESPITE ORPHAN DESIGNATION OF CERTAIN INDICATIONS.—This section shall apply with respect to a drug or biological product for which an indication has been granted orphan designation under 526 if the investigation described in subsection (a)(3) applies to the drug or biological product as described in subsection (a)(1)(B).".

(c) MEETING, CONSULTATION, AND GUIDANCE.— 21 USC 355c note. Deadline.

(1) MEETING.—The Secretary of Health and Human Services (referred to in this subsection as the "Secretary"), acting through the Commissioner of Food and Drugs and in collaboration with the Director of the National Cancer Institute, shall convene a public meeting not later than 1 year after the date of enactment of this Act to solicit feedback from physicians and researchers (including pediatric oncologists and rare disease specialists), patients, and other stakeholders to provide input on development of the guidance under paragraph (2) and the list under subsection (m) of section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c), as added by subsection (a). The Secretary shall seek input at such meeting on—

(A) the data necessary to determine that there is scientific evidence that a drug or biological product is directed at a molecular target that is considered to be substantially relevant to the growth or progression of a pediatric cancer;

(B) the data necessary to determine that there is scientific evidence that a molecular target is considered to be substantially relevant to the growth or progression of a pediatric cancer;

(C) the data needed to meet the requirement of conducting an investigation described in section 505B(a)(3) of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (a);

(D) considerations when developing the list under section 505B(m) of the Federal Food, Drug, and Cosmetic Act that contains molecular targets shared between different tumor types;

Lists.

(E) the process the Secretary shall utilize to update regularly a list of molecular targets that may trigger a pediatric study under section 505B of the Federal Food, Drug, and Cosmetic Act, as so amended, and how often such updates shall occur;

(F) how to overcome the challenges related to pediatric cancer drug and biological product development, including issues related to the ethical, practical, and other barriers to conducting clinical trials in pediatric cancer with small patient populations;

(G) scientific or operational challenges associated with performing an investigation described in section 505B(a)(1)(B) of the Federal Food, Drug, and Cosmetic Act, including the effect on pediatric studies currently underway in a pediatric patient population, treatment of a pediatric patient population, and the ability to complete adult clinical trials;

(H) the advantages and disadvantages of innovative clinical trial designs in addressing the development of cancer drugs or biological products directed at molecular targets in pediatric cancer patients;

(I) the ways in which the Secretary can improve the current process outlined under sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a, 355c) to encourage additional research and development of pediatric cancer treatments;

(J) the ways in which the Secretary might streamline and improve the written request process, including when studies contained in a request under such section 505A are not feasible due to the ethical, practical, or other barriers to conducting clinical trials in pediatric cancer populations;

(K) how the Secretary will facilitate collaboration among pediatric networks, academic centers and experts in pediatric cancer to conduct an investigation described in such section 505B(a)(3);

(L) how the Secretary may facilitate collaboration among sponsors of same-in-class drugs and biological products that would be subject to the requirements for an investigation under such section 505B based on shared molecular targets; and

(M) the ways in which the Secretary will help to mitigate the risks, if any, of discouraging the research and development of orphan drugs when implementing such section 505B as amended.

(2) GUIDANCE.—Not later than 2 years after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs, shall issue final guidance on implementation of the amendments to section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c) regarding molecularly targeted cancer drugs made by this section, including— Deadline.

(A) the scientific criteria, types of data, and regulatory considerations for determining whether a molecular target is substantially relevant to the growth or progression of a pediatric cancer and would trigger an investigation under section 505B of the Federal Food, Drug, and Cosmetic Act, as amended; Criteria.

(B) the process by which the Secretary will engage with sponsors to discuss determinations, investigation requirements, deferrals, waivers, and any other issues that need to be resolved to ensure that any required investigation based on a molecular target can be reasonably conducted;

(C) the scientific or operational challenges for which the Secretary may issue deferrals or waivers for an investigation described in subsection (a)(3) of such section 505B, including adverse impacts on current pediatric studies underway in a pediatric patient population, studies involving drugs designated as orphan drugs, treatment of a pediatric patient population, or the ability to complete adult clinical trials;

(D) how the Secretary and sponsors will facilitate collaboration among pediatric networks, academic centers, and experts in pediatric cancer to conduct an investigation described in subsection (a)(3) of such section 505B;

(E) scientific and regulatory considerations for study designs, including the applicability of innovative clinical trial designs for pediatric cancer drug and biological product developments under sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a, 355c);

(F) approaches to streamline and improve the amendment process, including when studies contained in a request under such section 505A are not feasible due to the ethical, practical, or other barriers to conducting clinical trials in pediatric cancer populations;

(G) the process for submission of an initial pediatric study plan for the investigation described in section 505B(a)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c(a)(3)), including the process for a sponsor to meet and reach agreement with the Secretary on the initial pediatric study plan; and Plan.

(H) considerations for implementation of such section 505B, as so amended, and waivers of the requirements of such section 505B with regard to molecular targets for which several drugs or biological products may be under investigation.

(d) REPORT TO CONGRESS.—Section 508(b) of the Food and Drug Administration Safety and Innovation Act (21 U.S.C. 355c–1(b)) is amended—

(1) in paragraph (10), by striking "; and" and inserting ";"; and

(2) by striking paragraph (11) and inserting the following:

Assessment. "(11) an assessment of the impact of the amendments to such section 505B made by the FDA Reauthorization Act of 2017 on pediatric research and labeling of drugs and biological products and pediatric labeling of molecularly targeted drugs and biological products for the treatment of cancer;

Assessment. "(12) an assessment of the efforts of the Secretary to implement the plan developed under section 505C–1 of the Federal Food, Drug, and Cosmetic Act, regarding earlier submission of pediatric studies under sections 505A and 505B of such Act and section 351(m) of the Public Health Service Act, including—

"(A) the average length of time after the approval of an application under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(1)) or section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)) before studies conducted pursuant to such section 505A, 505B, or section 351(m) are completed, submitted, and incorporated into labeling;

"(B) the average length of time after the receipt of a proposed pediatric study request before the Secretary responds to such request;

"(C) the average length of time after the submission of a proposed pediatric study request before the Secretary issues a written request for such studies;

"(D) the number of written requests issued for each investigational new drug or biological product prior to the submission of an application under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act or section 351(a) of the Public Health Service Act; and

"(E) the average number, and range of numbers, of amendments to written requests issued, and the time the Secretary requires to review and act on proposed amendments to written requests;

Lists. "(13) a list of sponsors of applications or holders of approved applications who received exclusivity under such section 505A or such section 351(m) after receiving a letter issued under such section 505B(d)(1) for any drug or biological product before the studies referred to in such letter were completed and submitted;

Lists. "(14) a list of assessments and investigations required under such section 505B;

"(15) how many requests under such section 505A for molecular targeted cancer drugs, as defined by subsection (a)(1)(B) of such section 505B, approved prior to 3 years after the date of enactment of the FDA Reauthorization Act of 2017, have been issued by the Food and Drug Administration, and how many such requests have been completed; and

Assessment. "(16) the Secretary's assessment of the overall impact of the amendments made by section 504 of the FDA Reauthorization Act of 2017 on the conduct and effectiveness of pediatric

cancer research and the orphan drug program, as well any subsequent recommendations.".

21 USC 355c note.

(e) RULE OF CONSTRUCTION.—Nothing in this section, including the amendments made by this section, shall limit the authority of the Secretary of Health and Human Services to issue written requests under section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) or section 351(m) of the Public Health Service Act (42 U.S.C. 262(m)), or to negotiate or implement amendments to such requests proposed by the an applicant.

(f) GAO REPORT.—

Effective date. Time period. Study.

(1) IN GENERAL.—Beginning on the date that is 5 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of the effectiveness of requiring assessments and investigations described in section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c), as amended by this section, in the development of drugs and biological products for pediatric cancer indications. The Comptroller General shall examine—

Examination.

(A) the indications and associated molecular targets studied in assessments and investigations required for drugs or biological products intended for the treatment of an adult cancer;

(B) the indication for which the study was requested as compared to the indication requested under the new drug application filed by the sponsor;

(C) the number of pediatric cancer indications for which assessments and investigations have been required under such section 505B;

(D) the number of requests for deferral and waiver of pediatric assessments and investigations required under such section and the number of such deferral and waiver requests granted and denied;

(E) the number of orphan-designated indications for drugs and biological products for which assessments and investigations were required under such section;

(F) the number of drugs and biological products approved for the treatment of cancer in the pediatric population for which the supportive studies were required to be conducted under such section;

(G) the number of written requests made under section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) relating to investigations required under subsection (a)(1)(B) of such section 505B; and

(H) any additional considerations by the Secretary regarding the effectiveness of requiring pediatric assessments described in such section 505B in the development of drugs and biological products for pediatric cancer indications.

Criteria.

(2) REVIEW.—The study under paragraph (1) shall include a review of the Food and Drug Administration's use of the authority under section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c), as amended by this section, including the amendments to the deferral and waiver criteria under such section and how such criteria have been applied.

(3) CONSULTATION.—In conducting the study under paragraph (1), the Comptroller General of the United States shall consult with appropriate stakeholders that may be required

to conduct the trials under section 505B of the Federal Food, Drug, and Cosmetic Act, and the ability of such stakeholders to adhere to the requests issued by the Food and Drug Administration.

(4) REPORT.—Not later than the date that is 6 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report containing the results of the study under paragraph (1) to the Secretary of Health and Human Services, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives.

SEC. 505. ADDITIONAL PROVISIONS ON DEVELOPMENT OF DRUGS AND BIOLOGICAL PRODUCTS FOR PEDIATRIC USE.

(a) INFORMING INTERNAL REVIEW COMMITTEE.—Section 505A(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(f)) is amended by adding at the end the following:

"(7) INFORMING INTERNAL REVIEW COMMITTEE.—The Secretary shall provide to the committee referred to in paragraph (1) any response issued to an applicant or holder with respect to a proposed pediatric study request.".

(b) ACTION ON SUBMISSIONS.—

(1) IN GENERAL.—Section 505A(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(d)) is amended—

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

(B) by inserting after paragraph (2) the following:

Deadline.

"(3) ACTION ON SUBMISSIONS.—The Secretary shall review and act upon a submission by a sponsor or holder of a proposed pediatric study request or a proposed amendment to a written request for pediatric studies within 120 calendar days of the submission.".

(2) CONFORMING AMENDMENTS.—

(A) FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a), as amended by paragraph (1), is further amended by striking subsection "(d)(3)" each place it appears and inserting "(d)(4)".

(B) PUBLIC HEALTH SERVICE ACT.—Paragraphs (2), (3), and (4) of section 351(m) of the Public Health Service Act (42 U.S.C. 262(m)) are amended by striking "section 505A(d)(3)" each place it appears and inserting "section 505A(d)(4)".

Deadline. 21 USC 355a note.

(c) PLAN.—The Secretary of Health and Human Services, acting through the internal review committee established under section 505C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355d) shall, not later than one year after the date of enactment of this Act, develop and implement a plan to achieve, when appropriate, earlier submission of pediatric studies under section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) or section 351(m) of the Public Health Service Act (42 U.S.C. 262(m)). Such plan shall include recommendations to achieve—

Recommendations.

(1) earlier discussion of proposed pediatric study requests and written requests with sponsors, and if appropriate, discussion of such requests at the meeting required under section 505B(e)(2)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c(e)(2)(C)), as amended by section 503(a);

(2) earlier issuance of written requests for a pediatric study under such section 505A, including for investigational new drugs prior to the submission of an application under section 505(b)(1) of such Act (21 U.S.C. 355(b)(1)); and

(3) shorter timelines, when appropriate, for the completion of studies pursuant to a written request under such section 505A or such section 351(m).

(d) NEONATOLOGY EXPERTISE.—

(1) IN GENERAL.—Section 6(d) of the Best Pharmaceuticals for Children Act (21 U.S.C. 393a(d)) is amended by striking "For the 5-year period beginning on the date of enactment of this subsection, at" and inserting "At".

(2) DRAFT GUIDANCE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall issue draft guidance on clinical pharmacology considerations for neonatal studies for drugs and biological products. Deadline. 21 USC 355a note.

(e) SUBMISSION OF ASSESSMENTS.—Section 505B(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c(d)(1)) is amended by adding at the end the following: "The Secretary shall inform the Pediatric Advisory Committee of letters issued under this paragraph and responses to such letters.".

(f) INTERNAL COMMITTEE.—Section 505C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355d) is amended by inserting "or pediatric rare diseases" after "psychiatry".

(g) REPORT ON LABELING OF ORPHAN DRUGS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, and make publicly available, including through posting on the internet website of the Food and Drug Administration, a report on the lack of information in the labeling of drugs for indications that have received an orphan designation under section 526 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb) with respect to the use of such drugs pediatric populations. Public information. Web posting.

(2) CONTENTS.—The report described in paragraph (1) shall include—

(A) a list of drugs for which— Lists.

(i) an indication was granted an orphan designation under section 526 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb);

(ii) an application described under section 505B(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c(a)(1)) for such indication was submitted to the Secretary of Health and Human Services on or after April 1, 1999; and

(iii) the labeling for such indication lacks important pediatric information, including information related to safety, dosing, and effectiveness;

(B) a description of the lack of information referred to in subparagraph (A)(iii) for each drug for an indication on such list; and

(C) Federal policy recommendations to improve the labeling of drugs for indications that have received an Recommendations.

orphan designation under such section 526 with respect to the use of such drugs pediatric populations."

TITLE VI—REAUTHORIZATIONS AND IMPROVEMENTS RELATED TO DRUGS

SEC. 601. REAUTHORIZATION OF PROVISION RELATING TO EXCLUSIVITY OF CERTAIN DRUGS CONTAINING SINGLE ENANTIOMERS.

Section 505(u)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(u)(4)) is amended by striking "2017" and inserting "2022".

SEC. 602. REAUTHORIZATION OF THE CRITICAL PATH PUBLIC-PRIVATE PARTNERSHIPS.

Section 566(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–5(f)) is amended by striking "2013 through 2017" and inserting "2018 through 2022".

SEC. 603. REAUTHORIZATION OF ORPHAN GRANTS PROGRAM.

Section 5(c) of the Orphan Drug Act (21 U.S.C. 360ee(c)) is amended by striking "2013 through 2017" and inserting "2018 through 2022".

SEC. 604. PROTECTING AND STRENGTHENING THE DRUG SUPPLY CHAIN.

(a) DIVERTED DRUGS.—Paragraph (1) of section 801(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(d)) is amended—

(1) by striking "(d)(1) Except as" and inserting "(d)(1)(A) Except as"; and

(2) by adding at the end the following:

"(B) Except as authorized by the Secretary in the case of a drug that appears on the drug shortage list under section 506E or in the case of importation pursuant to section 804, no drug that is subject to section 503(b)(1) may be imported into the United States for commercial use if such drug is manufactured outside the United States, unless the manufacturer has authorized the drug to be marketed in the United States and has caused the drug to be labeled to be marketed in the United States.".

(b) COUNTERFEIT DRUGS.—Subsection (b) of section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following:

"(8) Notwithstanding subsection (a), any person who violates section 301(i)(3) by knowingly making, selling or dispensing, or holding for sale or dispensing, a counterfeit drug shall be imprisoned for not more than 10 years or fined in accordance with title 18, United States Code, or both.".

SEC. 605. PATIENT EXPERIENCE DATA.

Section 569C(c)(2)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–8c(c)(2)(A)) is amended by striking "impact of such disease or condition, or a related therapy," and inserting "impact (including physical and psychosocial impacts) of such disease or condition, or a related therapy or clinical investigation".

SEC. 606. COMMUNICATION PLANS.

Section 505–1(e)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1(e)(3)) is amended—

(1) in subparagraph (B), by striking "; or";

(2) in subparagraph (C), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(D) disseminating information to health care providers about drug formulations or properties, including information about the limitations or patient care implications of such formulations or properties, and how such formulations or properties may be related to serious adverse drug events associated with use of the drug.".

SEC. 607. ORPHAN DRUGS.

(a) IN GENERAL.—Section 527 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360cc) is amended—

(1) in subsection (a), in the matter following paragraph (2), by striking "such drug for such disease or condition" and inserting "the same drug for the same disease or condition";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "If an application" and all that follows through "such license if" and inserting "During the 7-year period described in subsection (a) for an approved application under section 505 or license under section 351 of the Public Health Service Act, the Secretary may approve an application or issue a license for a drug that is otherwise the same, as determined by the Secretary, as the already approved drug for the same rare disease or condition if"; Time period. Determination.

(B) in paragraph (1), by striking "notice" and all that follows through "assure" and inserting "of exclusive approval or licensure notice and opportunity for the submission of views, that during such period the holder of the exclusive approval or licensure cannot ensure"; and

(C) in paragraph (2), by striking "such holder provides" and inserting "the holder provides"; and

(3) by adding at the end the following:

"(c) CONDITION OF CLINICAL SUPERIORITY.—

"(1) IN GENERAL.—If a sponsor of a drug that is designated under section 526 and is otherwise the same, as determined by the Secretary, as an already approved or licensed drug is seeking exclusive approval or exclusive licensure described in subsection (a) for the same rare disease or condition as the already approved drug, the Secretary shall require such sponsor, as a condition of such exclusive approval or licensure, to demonstrate that such drug is clinically superior to any already approved or licensed drug that is the same drug.

"(2) DEFINITION.—For purposes of paragraph (1), the term 'clinically superior' with respect to a drug means that the drug provides a significant therapeutic advantage over and above an already approved or licensed drug in terms of greater efficacy, greater safety, or by providing a major contribution to patient care.

"(d) REGULATIONS.—The Secretary may promulgate regulations for the implementation of subsection (c). Beginning on the date of enactment of the FDA Reauthorization Act of 2017, until such Applicability.

time as the Secretary promulgates regulations in accordance with this subsection, the Secretary may apply any definitions set forth in regulations that were promulgated prior to such date of enactment, to the extent such definitions are not inconsistent with the terms of this section, as amended by such Act.

"(e) DEMONSTRATION OF CLINICAL SUPERIORITY STANDARD.—To assist sponsors in demonstrating clinical superiority as described in subsection (c), the Secretary—

Notification.

"(1) upon the designation of any drug under section 526, shall notify the sponsor of such drug in writing of the basis for the designation, including, as applicable, any plausible hypothesis offered by the sponsor and relied upon by the Secretary that the drug is clinically superior to a previously approved drug; and

Publication. Summary.

"(2) upon granting exclusive approval or licensure under subsection (a) on the basis of a demonstration of clinical superiority as described in subsection (c), shall publish a summary of the clinical superiority findings.".

21 USC 360cc note.

(b) RULE OF CONSTRUCTION.—Nothing in the amendments made by subsection (a) shall affect any determination under sections 526 and 527 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb, 360cc) made prior to the date of enactment of the FDA Reauthorization Act of 2017.

SEC. 608. PEDIATRIC INFORMATION ADDED TO LABELING.

Section 505A(o) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(o)) is amended—

(1) in the subsection heading, by striking "**UNDER SECTION 505(j)**";

(2) in paragraph (1)—

(A) by striking "under section 505(j)" and inserting "under subsection (b)(2) or (j) of section 505"; and

(B) by striking "or by exclusivity under clause (iii) or (iv) of section 505(j)(5)(F)" and inserting ", or by exclusivity under clause (iii) or (iv) of section 505(j)(5)(F), clause (iii) or (iv) of section 505(c)(3)(E), or section 527(a), or by an extension of such exclusivity under this section or section 505E";

(3) in paragraph (2), in the matter preceding subparagraph (A)—

(A) by inserting "clauses (iii) and (iv) of section 505(c)(3)(E), or section 527," after "section 505(j)(5)(F),"; and

(B) by striking "drug approved under section 505(j)" and inserting "drug approved pursuant to an application submitted under subsection (b)(2) or (j) of section 505"; and

(4) by amending paragraph (3) to read as follows:

"(3) PRESERVATION OF PEDIATRIC EXCLUSIVITY AND EXTENSIONS.—This subsection does not affect—

"(A) the availability or scope of exclusivity under—

"(i) this section;

"(ii) section 505 for pediatric formulations; or

"(iii) section 527;

"(B) the availability or scope of an extension to any such exclusivity, including an extension under this section or section 505E;

"(C) the question of the eligibility for approval under section 505 of any application described in subsection (b)(2) or (j) of such section that omits any other aspect of labeling protected by exclusivity under—

"(i) clause (iii) or (iv) of section 505(j)(5)(F);

"(ii) clause (iii) or (iv) of section 505(c)(3)(E); or

"(iii) section 527(a); or

"(D) except as expressly provided in paragraphs (1) and (2), the operation of section 505 or section 527.".

SEC. 609. SENSE OF CONGRESS ON LOWERING THE COST OF PRESCRIPTION DRUGS.

It is the sense of the Congress that the Secretary of Health and Human Services should commit to engaging with the House of Representatives and the Senate to take administrative actions and enact legislative changes that—

(1) will lower the cost of prescription drugs for consumers and reduce the burden of such cost on taxpayers; and

(2) in lowering such cost, will—

(A) balance the need to encourage innovation with the need to improve affordability; and

(B) strive to increase competition in the pharmaceutical market, prevent anticompetitive behavior, and promote the timely availability of affordable, high-quality generic drugs and biosimilars.

SEC. 610. EXPANDED ACCESS.

21 USC 360bbb note.

(a) PATIENT ACCESS TO INVESTIGATIONAL DRUGS.—

(1) PUBLIC MEETING.—

Coordination. Consultation. Deadline.

(A) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Commissioner of Food and Drugs, in coordination with the Director of the National Institutes of Health, and in consultation with patients, health care providers, drug sponsors, bioethicists, and other stakeholders, shall, not later than 270 days after the date of enactment of this Act, convene a public meeting to discuss clinical trial inclusion and exclusion criteria to inform the guidance under paragraph (3). The Secretary shall inform the Comptroller General of the United States of the date when the public meeting will take place.

Web posting. Reports. Deadline.

(B) TOPICS.—The Secretary shall make available on the internet website of the Food and Drug Administration a report on the topics discussed at the meeting described in subparagraph (A) within 90 days of such meeting. Such topics shall include discussion of—

(i) the rationale for, and potential barriers for patients created by, research clinical trial inclusion and exclusion criteria;

(ii) how appropriate patient populations can benefit from the results of trials that employ alternative designs;

(iii) barriers to participation in clinical trials, including—

(I) information regarding any potential risks and benefits of participation;

(II) regulatory, geographical, and socio-economic barriers; and

(III) the impact of exclusion criteria on the enrollment in clinical trials of particular populations, including infants and children, pregnant and lactating women, seniors, individuals with advanced disease, and individuals with co-morbid conditions;

(iv) clinical trial designs and methods, including expanded access trials, that increase enrollment of more diverse patient populations, when appropriate, while facilitating the collection of data to establish safe use and support substantial evidence of effectiveness, including data obtained from expanded access trials; and

(v) how changes to clinical trial inclusion and exclusion criteria may impact the complexity and length of clinical trials, the data necessary to demonstrate safety and effectiveness, and potential approaches to mitigating those impacts.

(2) REPORT.—Not later than 1 year after the Secretary issues the report under paragraph (1)(B), the Comptroller General of the United States shall report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives on individual access to investigational drugs through the expanded access program under section 561(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb(b)). The report shall include—

(A) a description of actions taken by manufacturers and distributors under section 561A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–0);

(B) consideration of whether Form FDA 3926 and the guidance documents titled "Expanded Access to Investigational Drugs for Treatment Use—Questions and Answers" and "Individual Patient Expanded Access Applications: Form FDA 3926", issued by the Food and Drug Administration in June 2016, have reduced application burden with respect to individuals and physicians seeking access to investigational new drugs pursuant to section 561(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb) and improved clarity for patients, physicians, and drug manufacturers about such process;

(C) consideration of whether the guidance or regulations issued to implement section 561 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb) have improved access for individual patients to investigational drugs who do not qualify for clinical trials of such investigational drugs, and what barriers to such access remain;

Assessment.

(D) an assessment of methods patients and health care providers use to engage with the Food and Drug Administration or drug sponsors on expanded access; and

Analysis.

(E) an analysis of the Secretary's report under paragraph (1)(B).

(3) GUIDANCE.—

Deadlines.

(A) IN GENERAL.—Not later than 1 year after the publication of the report under paragraph (1)(B), the Secretary, acting through the Commissioner of Food and Drugs, shall issue one or more draft guidances regarding

eligibility criteria for clinical trials. Not later than 1 year after the public comment period on each such draft guidance ends, the Secretary shall issue a revised draft guidance or final guidance.

(B) CONTENTS.—The guidance documents described in subparagraph (A) shall address methodological approaches that a manufacturer or sponsor of an investigation of a new drug may take to—

(i) broaden eligibility criteria for clinical trials and expanded access trials, especially with respect to drugs for the treatment of serious and life-threatening conditions or diseases for which there is an unmet medical need;

(ii) develop eligibility criteria for, and increase trial recruitment to, clinical trials so that enrollment in such trials more accurately reflects the patients most likely to receive the drug, as applicable and as appropriate, while establishing safe use and supporting findings of substantial evidence of effectiveness; and

(iii) use the criteria described in clauses (i) and (ii) in a manner that is appropriate for drugs intended for the treatment of rare diseases or conditions.

(b) IMPROVING INSTITUTIONAL REVIEW BOARD REVIEW OF SINGLE PATIENT EXPANDED ACCESS PROTOCOL.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs, shall issue guidance or regulations, or revise existing guidance or regulations, to streamline the institutional review board review of individual patient expanded access protocols submitted under 561(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb(b)). To facilitate the use of expanded access protocols, any guidance or regulations so issued or revised may include a description of the process for any person acting through a physician licensed in accordance with State law to request that an institutional review board chair (or designated member of the institutional review board) review a single patient expanded access protocol submitted under such section 561(b) for a drug. The Secretary shall update any relevant forms associated with individual patient expanded access requests under such section 561(b) as necessary.

Deadline. Guidance. 21 USC 360bbb note.

Update.

(c) EXPANDED ACCESS POLICY TRANSPARENCY.—Section 561A(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–0(f)) is amended—

(1) in the matter preceding paragraph (1), by striking "later" and inserting "earlier";

(2) by striking paragraph (1);

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

(4) in paragraph (1) as so redesignated, by striking the period at the end and inserting "; or"; and

(5) by adding at the end the following:

"(2) as applicable, 15 days after the drug receives a designation as a breakthrough therapy, fast track product, or regenerative advanced therapy under subsection (a), (b), or (g), respectively, of section 506.".

Time period.

SEC. 611. TROPICAL DISEASE PRODUCT APPLICATION.

(a) IN GENERAL.—Subparagraph (A) of section 524(a)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360n(a)(4)) is amended—

(1) in clause (i), by striking "and" at the end; and

(2) by adding at the end the following:

"(iii) that contains reports of one or more new clinical investigations (other than bioavailability studies) that are essential to the approval of the application and conducted or sponsored by the sponsor of such application; and

"(iv) that contains an attestation from the sponsor of the application that such reports were not submitted as part of an application for marketing approval or licensure by a regulatory authority in India, Brazil, Thailand, or any country that is a member of the Pharmaceutical Inspection Convention or the Pharmaceutical Inspection Cooperation Scheme prior to September 27, 2007.".

21 USC 360n note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to human drug applications submitted after September 30, 2017.

TITLE VII—DEVICE INSPECTION AND REGULATORY IMPROVEMENTS

SEC. 701. RISK-BASED INSPECTIONS FOR DEVICES.

(a) IN GENERAL.—Section 510(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(h)) is amended—

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

"(2) RISK-BASED SCHEDULE FOR DEVICES.—

"(A) IN GENERAL.—The Secretary, acting through one or more officers or employees duly designated by the Secretary, shall inspect establishments described in paragraph (1) that are engaged in the manufacture, propagation, compounding, or processing of a device or devices (referred to in this subsection as 'device establishments') in accordance with a risk-based schedule established by the Secretary.

"(B) FACTORS AND CONSIDERATIONS.—In establishing the risk-based schedule under subparagraph (A), the Secretary shall—

Applicability.

"(i) apply, to the extent applicable for device establishments, the factors identified in paragraph (4); and

"(ii) consider the participation of the device establishment, as applicable, in international device audit programs in which the United States participates or the United States recognizes for purposes of inspecting device establishments."; and

(2) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking "paragraph (3)" and inserting "paragraph (2) or (3)"; and

(B) in subparagraph (C), by inserting "or device" after "drug".

(b) FOREIGN INSPECTIONS.—Section 809(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384e(a)(1)) is amended by striking "section 510(h)(3)" and inserting "paragraph (2) or (3) of section 510(h)".

SEC. 702. IMPROVEMENTS TO INSPECTIONS PROCESS FOR DEVICE ESTABLISHMENTS.

(a) IN GENERAL.—Section 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374) is amended by adding at the end the following:

"(h)(1) In the case of inspections other than for-cause inspections, the Secretary shall review processes and standards applicable to inspections of domestic and foreign device establishments in effect as of the date of the enactment of this subsection, and update such processes and standards through the adoption of uniform processes and standards applicable to such inspections. Such uniform processes and standards shall provide for— Review.

"(A) exceptions to such processes and standards, as appropriate;

"(B) announcing the inspection of the establishment within a reasonable time before such inspection occurs, including by providing to the owner, operator, or agent in charge of the establishment a notification regarding the type and nature of the inspection;

"(C) a reasonable estimate of the timeframe for the inspection, an opportunity for advance communications between the officers or employees carrying out the inspection under subsection (a)(1) and the owner, operator, or agent in charge of the establishment concerning appropriate working hours during the inspection, and, to the extent feasible, advance notice of some records that will be requested; and

"(D) regular communications during the inspection with the owner, operator, or agent in charge of the establishment regarding inspection status, which may be recorded by either party with advance notice and mutual consent.

"(2)(A) The Secretary shall, with respect to a request described in subparagraph (B), provide nonbinding feedback with respect to such request not later than 45 days after the Secretary receives such request. Deadline.

"(B) A request described in this subparagraph is a request for feedback—

"(i) that is made by the owner, operator, or agent in charge of such establishment in a timely manner; and

"(ii) with respect to actions proposed to be taken by a device establishment in a response to a report received by such establishment pursuant to subsection (b) that involve a public health priority, that implicate systemic or major actions, or relate to emerging safety issues (as determined by the Secretary).

"(3) Nothing in this subsection affects the authority of the Secretary to conduct inspections otherwise permitted under this Act in order to ensure compliance with this Act.".

(b) GUIDANCE.— 21 USC 374 note.

(1) DRAFT GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Deadline.

Human Services, acting through the Commissioner of Food and Drugs, shall issue draft guidance that—

(A) specifies how the Food and Drug Administration will implement the processes and standards described in paragraph (1) of subsection (h) of section 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374), as added by subsection (a), and the requirements described in paragraph (2) of such subsection (h);

(B) provides for standardized methods for communications described in such paragraphs;

(C) establishes, with respect to inspections of both domestic and foreign device establishments (as referred to in section 510(h)(2) of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (a)), a standard timeframe for such inspections—

(i) that occurs over consecutive days; and

(ii) to which each investigator conducting such an inspection shall adhere unless the investigator identifies to the establishment involved a reason that more time is needed to conduct such investigation; and

(D) identifies practices for investigators and device establishments to facilitate the continuity of inspections of such establishments.

Deadline. Notice. Public information.

(2) FINAL GUIDANCE.—Not later than 1 year after providing notice and opportunity for public comment on the draft guidance issued under paragraph (1), the Secretary of Health and Human Services shall issue final guidance to implement subsection (h) of section 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374), as added by subsection (a).

(c) ADULTERATED DEVICES.—Subsection (j) of section 501 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351) is amended by inserting "or device" after "drug".

SEC. 703. REAUTHORIZATION OF INSPECTION PROGRAM.

Section 704(g)(11) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(g)(11)) is amended by striking "October 1, 2017" and inserting "October 1, 2022".

SEC. 704. CERTIFICATES TO FOREIGN GOVERNMENTS FOR DEVICES.

Subsection (e)(4) of section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e)(4)) is amended—

(1) by adding at the end the following:

"(E)(i)(I) If the Secretary denies a request for certification under subparagraph (A)(ii) with respect to a device manufactured in an establishment (foreign or domestic) registered under section 510, the Secretary shall provide in writing to the person seeking such certification the basis for such denial, and specifically identify the finding upon which such denial is based.

Summary.

"(II) If the denial of a request as described in subclause (I) is based on grounds other than an injunction proceeding pursuant to section 302, seizure action pursuant to section 304, or a recall designated Class I or Class II pursuant to part 7, title 21, Code of Federal Regulations, and is based on the facility being out of compliance with part 820 of title 21, Code of Federal Regulations, the Secretary shall provide a substantive summary of the specific grounds for noncompliance identified by the Secretary.

"(III) With respect to a device manufactured in an establishment that has received a report under section 704(b), the Secretary

shall not deny a request for certification as described in subclause (I) with respect to a device based solely on the issuance of that report if the owner, operator, or agent in charge of such establishment has agreed to a plan of correction in response to such report.

"(ii)(I) The Secretary shall provide a process for a person who is denied a certification as described in clause (i)(I) to request a review that conforms to the standards of section 517A(b). Review.

"(II) Notwithstanding any previous review conducted pursuant to subclause (I), a person who has been denied a certification as described in clause (i)(I) may at any time request a review in order to present new information relating to actions taken by such person to address the reasons identified by the Secretary for the denial of certification, including evidence that corrective actions are being or have been implemented to address grounds for noncompliance identified by the Secretary.

"(III) Not later than 1 year after the date of enactment of the FDA Reauthorization Act of 2017, the Secretary shall issue guidance providing for a process to carry out this subparagraph. Not later than 1 year after the close of the comment period for such guidance, the Secretary shall issue final guidance. Deadlines. Guidance.

"(iii)(I) Subject to subclause (II), this subparagraph applies to requests for certification on behalf of any device establishment registered under section 510, whether the establishment is located inside or outside of the United States, and regardless of whether such devices are to be exported from the United States. Applicability.

"(II) If an establishment described in subclause (I) is not located within the United States and does not demonstrate that the devices manufactured, prepared, propagated, compounded, or processed at such establishment are to be exported from the United States, this subparagraph shall apply only if— Applicability. Deadlines.

"(aa) the establishment has been inspected by the Secretary within 3 years of the date of the request; or

"(bb) the establishment participates in an audit program in which the United States participates or the United States recognizes, an audit under such program has been conducted, and the findings of such audit are provided to the Secretary within 3 years of the date of the request."; and Audits.

(2) by moving the margins of subparagraphs (C) and (D) 4 ems to the left.

SEC. 705. FACILITATING INTERNATIONAL HARMONIZATION.

Section 704(g) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 374) is amended by adding at the end the following:

"(15)(A) Notwithstanding any other provision of this subsection, the Secretary may recognize auditing organizations that are recognized by organizations established by governments to facilitate international harmonization for purposes of conducting inspections of—

"(i) establishments that manufacture, prepare, propagate, compound, or process devices (other than types of devices licensed under section 351 of the Public Health Service Act), as required under section 510(h); or

"(ii) establishments required to register pursuant to section 510(i).

"(B) Nothing in this paragraph affects—

"(i) the authority of the Secretary to inspect any device establishment pursuant to this Act; or

"(ii) the authority of the Secretary to determine the official classification of an inspection.".

SEC. 706. FOSTERING INNOVATION IN MEDICAL IMAGING.

(a) APPROVAL OF APPLICATIONS FOR CERTAIN DIAGNOSTIC MEDICAL IMAGING DEVICES.—Section 520 of the Federal Food, Drug, and Cosmetic Act (42 U.S.C. 360j) is amended by adding at the end the following:

"(p) DIAGNOSTIC IMAGING DEVICES INTENDED FOR USE WITH CONTRAST AGENTS.—

"(1) IN GENERAL.—The Secretary may, subject to the succeeding provisions of this subsection, approve an application (or a supplement to such an application) submitted under section 515 with respect to an applicable medical imaging device, or, in the case of an applicable medical imaging device for which a notification is submitted under section 510(k), may make a substantial equivalence determination with respect to an applicable medical imaging device, or may grant a request submitted under section 513(f)(2) for an applicable medical imaging device, if such application, notification, or request involves the use of a contrast agent that is not—

Determinations.

"(A) in a concentration, rate of administration, or route of administration that is different from those described in the approved labeling of the contrast agent, except that the Secretary may approve such application, make such substantial equivalence determination, or grant such request if the Secretary determines that such differences in concentration, rate of administration, or route of administration exist but do not adversely affect the safety and effectiveness of the contrast agent when used with the device;

"(B) in a region, organ, or system of the body that is different from those described in the approved labeling of the contrast agent, except that the Secretary may approve such application, make such substantial equivalence determination, or grant such request if the Secretary determines that such differences in region, organ, or system of the body exist but do not adversely affect the safety and effectiveness of the contrast agent when used with the device;

"(C) in a patient population that is different from those described in the approved labeling of the contrast agent, except that the Secretary may approve such application, make such substantial equivalence determination, or grant such request if the Secretary determines such differences in patient population exist but do not adversely affect the safety and effectiveness of the contrast agent when used with the device; or

"(D) in an imaging modality that is different from those described in the approved labeling of the contrast agent.

"(2) PREMARKET REVIEW.—The agency center charged with premarket review of devices shall have primary jurisdiction with respect to the review of an application, notification, or request described in paragraph (1). In conducting such review, such agency center may—

"(A) consult with the agency center charged with the premarket review of drugs or biological products; and Consultation.

"(B) review information and data provided to the Secretary by the sponsor of a contrast agent in an application submitted under section 505 of this Act or section 351 of the Public Health Service Act, so long as the sponsor of such contrast agent has provided to the sponsor of the applicable medical imaging device that is the subject of such review a right of reference and the application is submitted in accordance with this subsection.

"(3) APPLICABLE REQUIREMENTS.—An application submitted under section 515, a notification submitted under section 510(k), or a request submitted under section 513(f)(2), as described in paragraph (1), with respect to an applicable medical imaging device shall be subject to the requirements of such respective section. Such application, notification, or request shall only be subject to the requirements of this Act applicable to devices.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'applicable medical imaging device' means a device intended to be used in conjunction with a contrast agent (or class of contrast agents) for an imaging use that is not described in the approved labeling of such contrast agent (or the approved labeling of any contrast agent in the same class as such contrast agent); and

"(B) the term 'contrast agent' means a drug that is approved under section 505 or licensed under section 351 of the Public Health Service Act, is intended for use in conjunction with an applicable medical imaging device, and—

"(i) is a diagnostic radiopharmaceutical, as defined in section 315.2 and 601.31 of title 21, Code of Federal Regulations (or any successor regulations); or

"(ii) is a diagnostic agent that improves the visualization of structure or function within the body by increasing the relative difference in signal intensity within the target tissue, structure, or fluid.".

(b) APPLICATIONS FOR APPROVAL OF CONTRAST AGENTS INTENDED FOR USE WITH CERTAIN DIAGNOSTIC MEDICAL IMAGING DEVICES.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

"(y) CONTRAST AGENTS INTENDED FOR USE WITH APPLICABLE MEDICAL IMAGING DEVICES.—

"(1) IN GENERAL.—The sponsor of a contrast agent for which an application has been approved under this section may submit a supplement to the application seeking approval for a new use following the authorization of a premarket submission for an applicable medical imaging device for that use with the contrast agent pursuant to section 520(p)(1).

"(2) REVIEW OF SUPPLEMENT.—In reviewing a supplement submitted under this subsection, the agency center charged with the premarket review of drugs may—

"(A) consult with the center charged with the premarket review of devices; and

"(B) review information and data submitted to the Secretary by the sponsor of an applicable medical imaging device pursuant to section 515, 510(k), or 513(f)(2) so long as the sponsor of such applicable medical imaging device

has provided to the sponsor of the contrast agent a right of reference.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'new use' means a use of a contrast agent that is described in the approved labeling of an applicable medical imaging device described in section 520(p), but that is not described in the approved labeling of the contrast agent; and

"(B) the terms 'applicable medical imaging device' and 'contrast agent' have the meanings given such terms in section 520(p).".

SEC. 707. RISK-BASED CLASSIFICATION OF ACCESSORIES.

(a) IN GENERAL.—Subsection (f) of section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c) is amended by adding at the end the following new paragraph:

"(6)(A) Subject to the succeeding subparagraphs of this paragraph, the Secretary shall, by written order, classify an accessory under this section based on the risks of the accessory when used as intended and the level of regulatory controls necessary to provide a reasonable assurance of safety and effectiveness of the accessory, notwithstanding the classification of any other device with which such accessory is intended to be used.

Applicability.

"(B) The classification of any accessory distinct from another device by regulation or written order issued prior to December 13, 2016, shall continue to apply unless and until the accessory is reclassified by the Secretary, notwithstanding the classification of any other device with which such accessory is intended to be used. Nothing in this paragraph shall preclude the Secretary's authority to initiate the classification of an accessory through regulation or written order, as appropriate.

"(C)(i) In the case of a device intended to be used with an accessory, where the accessory has been included in an application for premarket approval of such device under section 515 or a report under section 510(k) for clearance of such device and the Secretary has not classified such accessory distinctly from another device in accordance with subparagraph (A), the person filing the application or report (as applicable) at the time such application or report is filed—

"(I) may include a written request for the proper classification of the accessory pursuant to subparagraph (A);

Evaluation.

"(II) shall include in any such request such information as may be necessary for the Secretary to evaluate, based on the least burdensome approach, the appropriate class for the accessory under subsection (a); and

"(III) shall, if the request under subclause (I) is requesting classification of the accessory in class II, include in the application an initial draft proposal for special controls, if special controls would be required pursuant to subsection (a)(1)(B).

"(ii) The Secretary's response under section 515(d) or section 510(n) (as applicable) to an application or report described in clause (i) shall also contain the Secretary's granting or denial of the request for classification of the accessory involved.

"(iii) The Secretary's evaluation of an accessory under clause (i) shall constitute an order establishing a new classification for

such accessory for the specified intended use or uses of such accessory and for any accessory with the same intended use or uses as such accessory.

"(D) For accessories that have been granted marketing authorization as part of a submission for another device with which the accessory involved is intended to be used, through an application for such other device under section 515(c), a report under section 510(k), or a request for classification under paragraph (2) of this subsection, the following shall apply: Applicability.

"(i) Not later than the date that is one year after the date of enactment of the FDA Reauthorization Act of 2017 and at least once every 5 years thereafter, and as the Secretary otherwise determines appropriate, pursuant to this paragraph, the Secretary shall publish in the Federal Register a notice proposing a list of such accessories that the Secretary determines may be suitable for a distinct classification in class I and the proposed regulations for such classifications. In developing such list, the Secretary shall consider recommendations from sponsors of device submissions and other stakeholders for accessories to be included on such list. The notices shall provide for a period of not less than 60 calendar days for public comment. Within 180 days after the end of the comment period, the Secretary shall publish in the Federal Register a final action classifying such suitable accessories into class I. Deadlines. Federal Register, publication. Notice. Lists. Recommendations. Notices. Time period. Public information.

"(ii) A manufacturer or importer of an accessory that has been granted such marketing authorization may submit to the Secretary a written request for the appropriate classification of the accessory based on the risks and appropriate level of regulatory controls as described in subparagraph (A), and shall, if the request is requesting classification of the accessory in class II, include in the submission an initial draft proposal for special controls, if special controls would be required pursuant to subsection (a)(1)(B). Such request shall include such information as may be necessary for the Secretary to evaluate, based on the least burdensome approach, the appropriate class for the accessory under subsection (a). The Secretary shall provide an opportunity for a manufacturer or importer to meet with appropriate personnel of the Food and Drug Administration to discuss the appropriate classification of such accessory prior to submitting a written request under this clause for classification of the accessory. Evaluation.

"(iii) The Secretary shall respond to a request made under clause (ii) not later than 85 calendar days after receiving such request by issuing a written order classifying the accessory or denying the request. If the Secretary does not agree with the recommendation for classification submitted by the manufacturer or importer, the response shall include a detailed description and justification for such determination. Within 30 calendar days after granting such a request, the Secretary shall publish a notice in the Federal Register announcing such response. Deadlines. Determination. Federal Register, publication. Notice.

"(E) Nothing in this paragraph may be construed as precluding a manufacturer of an accessory of a new type from using the classification process described in subsection (f)(2) to obtain classification of such accessory in accordance with the criteria and requirements set forth in that subsection.".

(b) CONFORMING CHANGE.—Section 513(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(b)) is amended by striking paragraph (9) (relating to classification of an accessory).

21 USC 360c note.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date that is 60 days after the date of enactment of this Act.

SEC. 708. DEVICE PILOT PROJECTS.

(a) POSTMARKET PILOT.—Section 519 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360i) is amended by adding at the end the following:

"(i) POSTMARKET PILOT.—

Deadline.

"(1) IN GENERAL.—In order to provide timely and reliable information on the safety and effectiveness of devices approved under section 515, cleared under section 510(k), or classified under section 513(f)(2), including responses to adverse events and malfunctions, and to advance the objectives of part 803 of title 21, Code of Federal Regulations (or successor regulations), and advance the objectives of, and evaluate innovative new methods of compliance with, this section and section 522, the Secretary shall, within one year of the date of enactment of the FDA Reauthorization Act of 2017, initiate one or more pilot projects for voluntary participation by a manufacturer or manufacturers of a device or device type, or continue existing projects, in accordance with paragraph (3), that—

"(A) are designed to efficiently generate reliable and timely safety and active surveillance data for use by the Secretary or manufacturers of the devices that are involved in the pilot project;

"(B) inform the development of methods, systems, data criteria, and programs that could be used to support safety and active surveillance activities for devices included or not included in such project;

"(C) may be designed and conducted in coordination with a comprehensive system for evaluating medical device technology that operates under a governing board with appropriate representation of stakeholders, including patient groups and device manufacturers;

"(D) use electronic health data including claims data, patient survey data, or any other data, as the Secretary determines appropriate; and

"(E) prioritize devices and device types that meet one or more of the following criteria:

"(i) Devices and device types for which the collection and analysis of real world evidence regarding a device's safety and effectiveness is likely to advance public health.

"(ii) Devices and device types that are widely used.

"(iii) Devices and device types, the failure of which has significant health consequences.

"(iv) Devices and device types for which the Secretary—

"(I) has received public recommendations in accordance with paragraph (2)(B); and

"(II) has determined to meet one or more of the criteria under clause (i), (ii), or (iii) and is appropriate for such a pilot project.

"(2) PARTICIPATION.—The Secretary shall establish the conditions and processes—

"(A) under which a manufacturer of a device may voluntarily participate in a pilot project described in paragraph (1); and

"(B) for facilitating public recommendations for devices to be prioritized under such a pilot project, including requirements for the data necessary to support such a recommendation.

"(3) CONTINUATION OF ONGOING PROJECTS.—The Secretary may continue or expand projects, with respect to providing timely and reliable information on the safety and effectiveness of devices approved under section 515, cleared under section 510(k), or classified under section 513(f)(2), that are being carried out as of the date of the enactment of the FDA Reauthorization Act of 2017. The Secretary shall, beginning on such date of enactment, take such steps as may be necessary— Effective date.

"(A) to ensure such projects meet the requirements of subparagraphs (A) through (E) of paragraph (1); and

"(B) to increase the voluntary participation in such projects of manufacturers of devices and facilitate public recommendations for any devices prioritized under such a project.

"(4) IMPLEMENTATION.—

"(A) CONTRACTING AUTHORITY.—The Secretary may carry out a pilot project meeting the criteria specified in subparagraphs (A) through (E) of paragraph (1) or a project continued or expanded under paragraph (3) by entering into contracts, cooperative agreements, grants, or other appropriate agreements with public or private entities that have a significant presence in the United States and meet the following conditions:

"(i) If such an entity is a component of another organization, the entity and the organization have established an agreement under which appropriate security measures are implemented to maintain the confidentiality and privacy of the data described in paragraph (1)(D) and such agreement ensures that the entity will not make an unauthorized disclosure of such data to the other components of the organization in breach of requirements with respect to confidentiality and privacy of such data established under such security measures.

"(ii) In the case of the termination or nonrenewal of such a contract, cooperative agreement, grant, or other appropriate agreement, the entity or entities involved shall comply with each of the following:

"(I) The entity or entities shall continue to comply with the requirements with respect to confidentiality and privacy referred to in clause (i) with respect to all data disclosed to the entity under such an agreement.

"(II) The entity or entities shall return any data disclosed to such entity pursuant to this subsection and to which it would not otherwise have access or, if returning such data is not practicable, destroy the data.

"(iii) The entity or entities shall have one or more qualifications with respect to—

"(I) research, statistical, epidemiologic, or clinical capability and expertise to conduct and complete the activities under this subsection, including the capability and expertise to provide the Secretary access to de-identified data consistent with the requirements of this subsection;

"(II) an information technology infrastructure to support electronic data and operational standards to provide security for such data, as appropriate;

"(III) experience with, and expertise on, the development of research on, and surveillance of, device safety and effectiveness using electronic health data; or

"(IV) such other expertise which the Secretary determines necessary to carry out such a project.

"(B) REVIEW OF CONTRACT IN THE EVENT OF A MERGER OR ACQUISITION.—The Secretary shall review any contract, cooperative agreement, grant, or other appropriate agreement entered into under this paragraph with an entity meeting the conditions specified in subparagraph (A) in the event of a merger or acquisition of the entity in order to ensure that the requirements specified in this subsection will continue to be met.

"(5) COMPLIANCE WITH REQUIREMENTS FOR RECORDS OR REPORTS ON DEVICES.—The participation of a manufacturer in pilot projects under this subsection or a project continued or expanded under paragraph (3) shall not affect the eligibility of such manufacturer to participate in any quarterly reporting program with respect to devices carried out under this section 519 or section 522. The Secretary may determine that, for a specified time period to be determined by the Secretary, a manufacturer's participation in a pilot project under this subsection or a project continued or expanded under paragraph (3) may meet the applicable requirements of this section or section 522, if—

Determination.

"(A) the project has demonstrated success in capturing relevant adverse event information; and

"(B) the Secretary has established procedures for making adverse event and safety information collected from such project public, to the extent possible.

"(6) PRIVACY REQUIREMENTS.—With respect to the disclosure of any health information collected through a project conducted under this subsection—

"(A) individually identifiable health information so collected shall not be disclosed when presenting any information from such project; and

"(B) any such disclosure shall be made in compliance with regulations issued pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note) and sections 552 and 552a of title 5, United States Code.

"(7) LIMITATIONS.—No pilot project under this subsection, or in coordination with the comprehensive system described in paragraph (1)(C), may allow for an entity participating in

such project, other than the Secretary, to make determinations of safety or effectiveness, or substantial equivalence, for purposes of this Act.

"(8) OTHER PROJECTS REQUIRED TO COMPLY.—Paragraphs (1)(B), (4)(A)(i), (4)(A)(ii), (5), (6), and (7) shall apply with respect to any pilot project undertaken in coordination with the comprehensive system described in paragraph (1)(C) that relates to the use of real world evidence for devices in the same manner and to the same extent as such paragraphs apply with respect to pilot projects conducted under this subsection. Applicability.

"(9) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report containing a description of the pilot projects being conducted under this subsection and projects continued or expanded pursuant to paragraph (3), including for each such project—

"(A) how the project is being implemented in accordance with paragraph (4), including how such project is being implemented through a contract, cooperative agreement, grant, or other appropriate agreement, if applicable;

"(B) the number of manufacturers that have agreed to participate in such project;

"(C) the data sources used to conduct such project;

"(D) the devices or device categories involved in such project;

"(E) the number of patients involved in such project; and

"(F) the findings of the project in relation to device safety, including adverse events, malfunctions, and other safety information.

"(10) SUNSET.—The Secretary may not carry out a pilot project initiated by the Secretary under this subsection after October 1, 2022.".

(b) REPORT.—Not later than January 31, 2021, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall conduct a review through an independent third party to evaluate the strengths, limitations, and appropriate use of evidence collected pursuant to real world evidence pilot projects described in the letters described in section 201(b) of the Medical Device User Fee Amendments of 2017 and subsection (i) of section 519 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360i), as amended by subsection (a), for informing premarket and postmarket decisionmaking for multiple device types, and to determine whether the methods, systems, and programs in such pilot projects efficiently generate reliable and timely evidence about the effectiveness or safety surveillance of devices. Review. Determination.

SEC. 709. REGULATION OF OVER-THE-COUNTER HEARING AIDS.

(a) IN GENERAL.—Section 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j), as amended by section 708, is further amended by adding at the end the following:

"(q) REGULATION OF OVER-THE-COUNTER HEARING AIDS.—

"(1) DEFINITION.—

"(A) IN GENERAL.—In this subsection, the term 'over-the-counter hearing aid' means a device that—

"(i) uses the same fundamental scientific technology as air conduction hearing aids (as defined in section 874.3300 of title 21, Code of Federal Regulations) (or any successor regulation) or wireless air conduction hearing aids (as defined in section 874.3305 of title 21, Code of Federal Regulations) (or any successor regulation);

"(ii) is intended to be used by adults age 18 and older to compensate for perceived mild to moderate hearing impairment;

"(iii) through tools, tests, or software, allows the user to control the over-the-counter hearing aid and customize it to the user's hearing needs;

"(iv) may—

"(I) use wireless technology; or

"(II) include tests for self-assessment of hearing loss; and

"(v) is available over-the-counter, without the supervision, prescription, or other order, involvement, or intervention of a licensed person, to consumers through in-person transactions, by mail, or online.

"(B) EXCEPTION.—Such term does not include a personal sound amplification product intended to amplify sound for nonhearing impaired consumers in situations including hunting and bird-watching.

"(2) REGULATION.—An over-the-counter hearing aid shall be subject to the regulations promulgated in accordance with section 709(b) of the FDA Reauthorization Act of 2017 and shall be exempt from sections 801.420 and 801.421 of title 21, Code of Federal Regulations (or any successor regulations).".

21 USC 360j note. Deadlines.

(b) REGULATIONS TO ESTABLISH CATEGORY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), not later than 3 years after the date of enactment of this Act, shall promulgate proposed regulations to establish a category of over-the-counter hearing aids, as defined in subsection (q) of section 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j) as amended by subsection (a), and, not later than 180 days after the date on which the public comment period on the proposed regulations closes, shall issue such final regulations.

(2) REQUIREMENTS.—In promulgating the regulations under paragraph (1), the Secretary shall—

(A) include requirements that provide reasonable assurances of the safety and effectiveness of over-the-counter hearing aids;

(B) include requirements that establish or adopt output limits appropriate for over-the-counter hearing aids;

(C) include requirements for appropriate labeling of over-the-counter hearing aids, including requirements that such labeling include a conspicuous statement that the device is only intended for adults age 18 and older, information on how consumers may report adverse events, information on any contraindications, conditions, or symptoms of medically treatable causes of hearing loss, and advisements

to consult promptly with a licensed health care practitioner; and

(D) describe the requirements under which the sale of over-the-counter hearing aids is permitted, without the supervision, prescription, or other order, involvement, or intervention of a licensed person, to consumers through in-person transactions, by mail, or online.

(3) PREMARKET NOTIFICATION.—The Secretary shall make findings under section 510(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(m)) to determine whether over-the-counter hearing aids (as defined in section 520(q) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j), as amended by subsection (a)) require a report under section 510(k) to provide reasonable assurance of safety and effectiveness. Determination.

(4) EFFECT ON STATE LAW.—No State or local government shall establish or continue in effect any law, regulation, order, or other requirement specifically related to hearing products that would restrict or interfere with the servicing, marketing, sale, dispensing, use, customer support, or distribution of over-the-counter hearing aids (as defined in section 520(q) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j), as amended by subsection (a)) through in-person transactions, by mail, or online, that is different from, in addition to, or otherwise not identical to, the regulations promulgated under this subsection, including any State or local requirement for the supervision, prescription, or other order, involvement, or intervention of a licensed person for consumers to access over-the-counter hearing aids.

(5) NO EFFECT ON PRIVATE REMEDIES.—Nothing in this section shall be construed to modify or otherwise affect the ability of any person to exercise a private right of action under any State or Federal product liability, tort, warranty, contract, or consumer protection law.

(c) NEW GUIDANCE ISSUED.—Not later than the date on which final regulations are issued under subsection (b), the Secretary shall update and finalize the draft guidance of the Department of Health and Human Services entitled "Regulatory Requirements for Hearing Aid Devices and Personal Sound Amplification Products", issued on November 7, 2013. Such updated and finalized guidance shall clarify which products, on the basis of claims or other marketing, advertising, or labeling material, meet the definition of a device in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) and which products meet the definition of a personal sound amplification product, as set forth in such guidance. Deadline. Update.

(d) REPORT.—Not later than 2 years after the date on which the final regulations described in subsection (b)(1) are issued, the Secretary of Health and Human Services shall submit to Congress a report analyzing any adverse events relating to over-the-counter hearing aids (as defined in subsection (q)(1) of section 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j)).

SEC. 710. REPORT ON SERVICING OF DEVICES.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall post

on the internet website of the Food and Drug Administration a report on the continued quality, safety, and effectiveness of devices (as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))) with respect to servicing (as defined in subsection (c)).

(b) CONTENTS.—The report submitted under subsection (a) shall contain—

(1) the status of, and findings to date, with respect to, the proposed rule entitled "Refurbishing, Reconditioning, Rebuilding, Remarketing, Remanufacturing, and Servicing of Medical Devices Performed by Third-Party Entities and Original Equipment Manufacturers; Request for Comments" published in the Federal Register by the Food and Drug Administration on March 4, 2016 (81 Fed. Reg. 11477);

(2) information presented during the October 2016 public workshop entitled "Refurbishing, Reconditioning, Rebuilding, Remarketing, Remanufacturing, and Servicing of Medical Devices Performed by Third-Party Entities and Original Equipment Manufacturers";

(3) a description of the statutory and regulatory authority of the Food and Drug Administration with respect to the servicing of devices conducted by any entity, including original equipment manufacturers and third party entities;

(4) details regarding how the Food and Drug Administration currently regulates devices with respect to servicing to ensure safety and effectiveness, how the agency could improve such regulation using the authority described in paragraph (3), and whether additional authority is recommended;

(5) information on actions the Food and Drug Administration could take under the authority described in paragraphs (3) and (4) to assess the servicing of devices, including the size, scope, location, and composition of third party entities;

(6) information on actions the Food and Drug Administration could take to track adverse events caused by servicing errors performed by any entity, including original equipment manufacturers and third party entities;

(7) information regarding the regulation by States, the Joint Commission, or other regulatory bodies of device servicing performed by any entity, including original equipment manufacturers and third party entities; and

(8) any additional information determined by the Secretary (acting through the Commissioner) to be relevant to ensuring the quality, safety, and effectiveness of devices with respect to servicing.

(c) SERVICING DEFINED.—In this section, the term "servicing" includes, with respect to a device, refurbishing, reconditioning, rebuilding, remarketing, repairing, remanufacturing, or other servicing of the device.

TITLE VIII—IMPROVING GENERIC DRUG ACCESS

SEC. 801. PRIORITY REVIEW OF GENERIC DRUGS.

Section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) is amended by adding at the end the following:

"(11)(A) Subject to subparagraph (B), the Secretary shall prioritize the review of, and act within 8 months of the date of the submission of, an original abbreviated new drug application submitted for review under this subsection that is for a drug— Deadlines.

"(i) for which there are not more than 3 approved drug products listed under paragraph (7) and for which there are no blocking patents and exclusivities; or

"(ii) that has been included on the list under section 506E.

"(B) To qualify for priority review under this paragraph, not later than 60 days prior to the submission of an application described in subparagraph (A) or that the Secretary may prioritize pursuant to subparagraph (D), the applicant shall provide complete, accurate information regarding facilities involved in manufacturing processes and testing of the drug that is the subject of the application, including facilities in corresponding Type II active pharmaceutical ingredients drug master files referenced in an application and sites or organizations involved in bioequivalence and clinical studies used to support the application, to enable the Secretary to make a determination regarding whether an inspection of a facility is necessary. Such information shall include the relevant (as determined by the Secretary) sections of such application, which shall be unchanged relative to the date of the submission of such application, except to the extent that a change is made to such information to exclude a facility that was not used to generate data to meet any application requirements for such submission and that is not the only facility intended to conduct one or more unit operations in commercial production. Information provided by an applicant under this subparagraph shall not be considered the submission of an application under this subsection. Determination.

"(C) The Secretary may expedite an inspection or reinspection under section 704 of an establishment that proposes to manufacture a drug described in subparagraph (A).

"(D) Nothing in this paragraph shall prevent the Secretary from prioritizing the review of other applications as the Secretary determines appropriate.

"(12) The Secretary shall publish on the internet website of the Food and Drug Administration, and update at least once every 6 months, a list of all drugs approved under subsection (c) for which all patents and periods of exclusivity under this Act have expired and for which no application has been approved under this subsection.". Web posting. Update. Deadline. Lists.

SEC. 802. ENHANCING REGULATORY TRANSPARENCY TO ENHANCE GENERIC COMPETITION.

Section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by section 801, is further amended by adding at the end the following:

"(13) Upon the request of an applicant regarding one or more specified pending applications under this subsection, the Secretary shall, as appropriate, provide review status updates indicating the categorical status of the applications by each relevant review discipline.". Review. Updates.

SEC. 803. COMPETITIVE GENERIC THERAPIES.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 506G the following:

21 USC 356h.

"SEC. 506H. COMPETITIVE GENERIC THERAPIES.

"(a) IN GENERAL.—The Secretary may, at the request of an applicant of a drug that is designated as a competitive generic therapy pursuant to subsection (b), expedite the development and review of an abbreviated new drug application under section 505(j) for such drug.

"(b) DESIGNATION PROCESS.—

"(1) REQUEST.—The applicant may request the Secretary to designate the drug as a competitive generic therapy.

"(2) TIMING.—A request under paragraph (1) may be made concurrently with, or at any time prior to, the submission of an abbreviated new drug application for the drug under section 505(j).

"(3) CRITERIA.—A drug is eligible for designation as a competitive generic therapy under this section if the Secretary determines that there is inadequate generic competition.

Deadline.

"(4) DESIGNATION.—Not later than 60 calendar days after the receipt of a request under paragraph (1), the Secretary may—

"(A) determine whether the drug that is the subject of the request meets the criteria described in paragraph (3); and

"(B) if the Secretary finds that the drug meets such criteria, designate the drug as a competitive generic therapy.

"(c) ACTIONS.—In expediting the development and review of an application under subsection (a), the Secretary may, as requested by the applicant, take actions including the following:

"(1) Hold meetings with the applicant and the review team throughout the development of the drug prior to submission of the application for such drug under section 505(j).

"(2) Provide timely advice to, and interactive communication with, the applicant regarding the development of the drug to ensure that the development program to gather the data necessary for approval is as efficient as practicable.

"(3) Involve senior managers and experienced review staff, as appropriate, in a collaborative, coordinated review of such application, including with respect to drug-device combination products and other complex products.

"(4) Assign a cross-disciplinary project lead—

"(A) to facilitate an efficient review of the development program and application, including manufacturing inspections; and

"(B) to serve as a scientific liaison between the review team and the applicant.

"(d) REPORTING REQUIREMENT.—Not later than one year after the date of the approval of an application under section 505(j) with respect to a drug for which the development and review is expedited under this section, the sponsor of such drug shall report to the Secretary on whether the drug has been marketed in interstate commerce since the date of such approval.

"(e) DEFINITIONS.—In this section:

"(1) The term 'generic drug' means a drug that is approved pursuant to section 505(j).

"(2) The term 'inadequate generic competition' means, with respect to a drug, there is not more than one approved drugs on the list of drugs described in section 505(j)(7)(A) (not

including drugs on the discontinued section of such list) that is—

"(A) the reference listed drug; or

"(B) a generic drug with the same reference listed drug as the drug for which designation as a competitive generic therapy is sought.

"(3) The term 'reference listed drug' means the listed drug (as such term is used in section 505(j)) for the drug involved.".

(b) GUIDANCE; AMENDED REGULATIONS.—

Deadlines. 21 USC 356h note.

(1) IN GENERAL.—

(A) ISSUANCE.—The Secretary of Health and Human Services shall—

(i) not later than 18 months after the date of enactment of this Act, issue draft guidance on section 506H of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a); and

(ii) not later than 1 year after the close of the comment period for the draft guidance, issue final guidance on such section 506H.

(B) CONTENTS.—The guidance issued under this paragraph shall—

(i) specify the process and criteria by which the Secretary makes a designation under section 506H of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a);

(ii) specify the actions the Secretary may take to expedite the development and review of a competitive generic therapy pursuant to such a designation; and

(iii) include good review management practices for competitive generic therapies.

(2) AMENDED REGULATIONS.—The Secretary of Health and Human Services shall issue or revise any regulations as may be necessary to carry out this section not later than 2 years after the date of enactment of this Act.

SEC. 804. ACCURATE INFORMATION ABOUT DRUGS WITH LIMITED COMPETITION.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 506H, as added by section 803, the following:

"SEC. 506I. PROMPT REPORTS OF MARKETING STATUS.

21 USC 356i.

"(a) NOTIFICATION OF WITHDRAWAL.—The holder of an application approved under subsection (c) or (j) of section 505 shall notify the Secretary in writing 180 days prior to withdrawing the approved drug from sale, or if 180 days is not practicable as soon as practicable but not later than the date of withdrawal. The holder shall include with such notice the—

"(1) National Drug Code;

"(2) identity of the drug by established name and by proprietary name, if any;

"(3) new drug application number or abbreviated application number;

"(4) strength of the drug;

"(5) date on which the drug is expected to no longer be available for sale; and

"(6) reason for withdrawal of the drug.

"(b) NOTIFICATION OF DRUG NOT AVAILABLE FOR SALE.—The holder of an application approved under subsection (c) or (j) shall notify the Secretary in writing within 180 calendar days of the date of approval of the drug if the drug will not be available for sale within 180 calendar days of such date of approval. The holder shall include with such notice the—

"(1) identity of the drug by established name and by proprietary name, if any;

"(2) new drug application number or abbreviated application number;

"(3) strength of the drug;

"(4) date on which the drug will be available for sale, if known; and

"(5) reason for not marketing the drug after approval.

Review. Notification.

"(c) ADDITIONAL ONE-TIME REPORT.—Within 180 days of the date of enactment of this section, all holders of applications approved under subsection (c) or (j) of section 505 shall review the information in the list published under subsection 505(j)(7)(A) and shall notify the Secretary in writing that—

"(1) all of the application holder's drugs in the active section of the list published under subsection 505(j)(7)(A) are available for sale; or

"(2) one or more of the application holder's drugs in the active section of the list published under subsection 505(j)(7)(A) have been withdrawn from sale or have never been available for sale, and include with such notice the information required pursuant to subsection (a) or (b), as applicable.

Lists.

"(d) FAILURE TO MEET REQUIREMENTS.—If a holder of an approved application fails to submit the information required under subsection (a), (b), or (c), the Secretary may move the application holder's drugs from the active section of the list published under subsection 505(j)(7)(A) to the discontinued section of the list, except that the Secretary shall remove from the list in accordance with subsection 505(j)(7)(C) drugs the Secretary determines have been withdrawn from sale for reasons of safety of effectiveness.

Lists. Deadline.

"(e) UPDATES.—The Secretary shall update the list published under subsection 505(j)(7)(A) based on the information provided under subsections (a), (b), and (c) by moving drugs that are not available for sale from the active section to the discontinued section of the list, except that drugs the Secretary determines have been withdrawn from sale for reasons of safety or effectiveness shall be removed from the list in accordance with subsection 505(j)(7)(C). The Secretary shall make monthly updates to the list based on the information provided pursuant to subsections (a) and (b), and shall update the list based on the information provided under subsection (c) as soon as practicable.

"(f) LIMITATION ON USE OF NOTICES.—Any notice submitted under this section shall not be made public by the Secretary and shall be used solely for the purpose of the updates described in subsection (e).".

SEC. 805. SUITABILITY PETITIONS.

Deadline.

(a) IN GENERAL.—It is the sense of Congress that the Food and Drug Administration shall meet the requirement under section 505(j)(2)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.

355(j)(2)(C)) and section 314.93(e) of title 21, Code of Federal Regulations, of responding to suitability petitions within 90 days of submission.

(b) REPORT.—The Secretary of Health and Human Services shall include in the annual reports under section 807—

(1) the number of pending petitions under section 505(j)(2)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(2)(C)); and

(2) the number of such petitions pending a substantive response for more than 180 days from the date of receipt.

SEC. 806. INSPECTIONS.

Deadline. Protocols. Review. 21 USC 374 note.

Within 6 months of the date of enactment of this Act, the Secretary of Health and Human Services shall develop and implement a protocol for expediting review of timely responses to reports of observations from an inspection under section 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374). Such protocol shall—

Applicability.

(1) apply to responses to such reports pertaining to applications submitted under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355)—

(A) for which the approval is dependent upon remediation of conditions identified in the report;

(B) for which concerns related to observations from an inspection under such section 704 are the only barrier to approval; and

(C) where the drug that is the subject of the application is a drug—

(i) for which there are not more than 3 other approved applications under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) that reference the same listed drug and for which there are less than 6 abbreviated new drug applications tentatively approved; or

(ii) that is included on the list under section 506E of such Act (21 U.S.C. 356e);

(2) address expedited re-inspection of facilities, as appropriate; and

Time period.

(3) establish a 6-month timeline for completion of review of such responses to such reports.

SEC. 807. REPORTING ON PENDING GENERIC DRUG APPLICATIONS AND PRIORITY REVIEW APPLICATIONS.

Web posting.

Not later than 180 calendar days after the date of enactment of this Act, and quarterly thereafter until October 1, 2022, the Secretary of Health and Human Services shall post on the internet website of the Food and Drug Administration a report that provides, with respect to the months covered by the report—

(1) with respect to applications filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) that, during the most recent calendar year, were subject to priority review under paragraph (11) of such section 505(j) (as added by section 801) or expedited development and review under section 506H of the Federal Food, Drug, and Cosmetic Act (as added by section 803), the numbers of such applications (with denotation of such applications that were filed prior to October 1, 2014) that are—

(A) awaiting action by the applicant;

(B) awaiting action by the Secretary; and

(C) approved by the Secretary;

(2) the number of applications filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) and prior approval supplements withdrawn in each month;

(3) the mean and median approval and tentative approval times and the number of review cycles for such applications;

(4) the number and type of meetings requested and held under such section 506H (as added by section 803); and

(5) the number of such applications on which the Secretary has taken action pursuant to subsection (c) of such section 506H (as added by section 803) and any effect such section 506H may have on the length of time for approval of applications under such section 505(j) and the number of review cycles for such approvals.

SEC. 808. INCENTIVIZING COMPETITIVE GENERIC DRUG DEVELOPMENT.

Section 505(j)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)) is amended—

(1) in subparagraph (B), by adding at the end the following:

"(v) 180-DAY EXCLUSIVITY PERIOD FOR COMPETITIVE GENERIC THERAPIES.—

"(I) EFFECTIVENESS OF APPLICATION.—Subject to subparagraph (D)(iv), if the application is for a drug that is the same as a competitive generic therapy for which any first approved applicant has commenced commercial marketing, the application shall be made effective on the date that is 180 days after the date of the first commercial marketing of the competitive generic therapy (including the commercial marketing of the listed drug) by any first approved applicant.

"(II) LIMITATION.—The exclusivity period under subclause (I) shall not apply with respect to a competitive generic therapy that has previously received an exclusivity period under subclause (I).

"(III) DEFINITIONS.—In this clause and subparagraph (D)(iv):

"(aa) The term 'competitive generic therapy' means a drug—

"(AA) that is designated as a competitive generic therapy under section 506H; and

"(BB) for which there are no unexpired patents or exclusivities on the list of products described in section 505(j)(7)(A) at the time of submission.

"(bb) The term 'first approved applicant' means any applicant that has submitted an application that—

"(AA) is for a competitive generic therapy that is approved on the first day on which any application for such competitive generic therapy is approved;

"(BB) is not eligible for a 180-day exclusivity period under clause (iv) for the drug that is the subject of the application for the competitive generic therapy; and

"(CC) is not for a drug for which all drug versions have forfeited eligibility for a 180-day

exclusivity period under clause (iv) pursuant to subparagraph (D).''; and

(2) in subparagraph (D), by adding at the end the following:

''(iv) SPECIAL FORFEITURE RULE FOR COMPETITIVE GENERIC THERAPY.—The 180-day exclusivity period described in subparagraph (B)(v) shall be forfeited by a first approved applicant if the applicant fails to market the competitive generic therapy within 75 days after the date on which the approval of the first approved applicant's application for the competitive generic therapy is made effective.''. Deadline.

SEC. 809. GAO STUDY OF ISSUES REGARDING FIRST CYCLE APPROVALS OF GENERIC MEDICINES.

(a) STUDY BY GAO.—The Comptroller General of the United States shall conduct a study to determine the following: Determination.

(1) The rate of first cycle approvals and tentative approvals for applications submitted under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) during the period beginning on October 1, 2012, and ending on September 30, 2017. The rate of first cycle approvals and tentative approvals shall be determined and reported per each GDUFA cohort year during this period. Time period.

(2) If the rate determined pursuant to paragraph (1) for any GDUFA cohort year is lower than 20 percent, the reasons contributing to the relatively low rate of first cycle approvals and tentative approvals for generic drug applications shall be itemized, assessed, and reported. In making the assessment required by this paragraph, the Comptroller General shall consider, among other things, the role played by— Assessment.

(A) the Food and Drug Administration's implementation of approval standards for generic drug applications;

(B) the extent to which those approval standards are communicated clearly to industry and applied consistently during the review process;

(C) the procedures for reviewing generic drug applications, including timelines for review activities by the Food and Drug Administration;

(D) the extent to which those procedures are followed consistently (and those timelines are met) by the Food and Drug Administration;

(E) the processes and practices for communication between the Food and Drug Administration and sponsors of generic drug applications; and

(F) the completeness and quality of original generic drug applications submitted to the Food and Drug Administration.

(3) Taking into account the determinations made pursuant to paragraphs (1) and (2) and any review process improvements implemented pursuant to this Act, whether there are ways the review process for generic drugs could be improved to increase the rate of first cycle approvals and tentative approvals for generic drug applications. In making this determination, the Comptroller General shall consider, among other things, options for increasing review efficiency and communication effectiveness.

Time period. Reports.

(b) COMPLETION DATE.—Not later than the expiration of the 2-year period beginning on the date of enactment of this Act, the Comptroller General shall complete the study under subsection (a) and submit a report describing the findings and conclusions of the study to the Secretary, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "GDUFA cohort year" means a fiscal year.

(2) The term "generic drug" means a drug that is approved or is seeking approval under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)).

(3) The term "generic drug application" means an abbreviated new drug application for the approval of a generic drug under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)).

(4) The term "Secretary" means the Secretary of Health and Human Services.

(5)(A) The term "first cycle approvals and tentative approvals" means the approval or tentative approval of a generic drug application after the Food and Drug Administration's complete review of the application and without issuance of one or more complete response letters.

(B) For purposes of this paragraph, the term "complete response letter" means a written communication to the sponsor of a generic drug application or holder of a drug master file from the Food and Drug Administration describing all of the deficiencies that the Administration has identified in the generic drug application (including pending amendments) or drug master file that must be satisfactorily addressed before the generic drug application can be approved.

TITLE IX—ADDITIONAL PROVISIONS

SEC. 901. TECHNICAL CORRECTIONS.

21 USC 355.

(a) Section 3075(a) of the 21st Century Cures Act (Public Law 114–255) is amended—

(1) in the matter preceding paragraph (1), by striking "as amended by section 2074" and inserting "as amended by section 3102"; and

(2) in paragraph (2), by striking "section 2074(1)(C)" and inserting "section 3102(1)(C)".

(b) Section 506G(b)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356g(b)(1)(A)) is amended by striking "identity" and inserting "identify".

(c) Section 505F(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355g(b)) is amended by striking "randomized" and inserting "traditional".

(d) Section 505F(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355g(d)) is amended by striking "2" and inserting "3".

(e) Section 510(h)(6) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(h)(6)) is amended by striking "February 1" and replacing with "May 1".

Effective date. 21 USC 360e–3 and note.

(f) Effective as of the enactment of the 21st Century Cures Act (Public Law 114–255)—

(1) section 3051(a) of such Act is amended by striking "by inserting after section 515B" and inserting "by inserting after section 515A"; and 21 USC 360e–3.

(2) section 515C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e–3), as inserted by such section 3051(a), is redesignated as section 515B.

(g) Section 515B(f)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e–3(f)(2)), as redesignated by subsection (e)(2) of this section, is amended by striking "a proposed guidance" and inserting "a draft version of that guidance".

(h) Section 513(b)(5)(D) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(b)(5)(D)) is amended by striking "medical device submissions" and inserting "medical devices that may be specifically the subject of a review by a classification panel".

SEC. 902. ANNUAL REPORT ON INSPECTIONS.

Web posting. 21 USC 355 note.

Not later than March 1 of each year, the Secretary of Health and Human Services shall post on the internet website of the Food and Drug Administration information related to inspections of facilities necessary for approval of a drug under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), approval of a device under section 515 of such Act (21 U.S.C. 360e), or clearance of a device under section 510(k) of such Act (21 U.S.C. 360(k)) that were conducted during the previous calendar year. Such information shall include the following:

(1) The median time following a request from staff of the Food and Drug Administration reviewing an application or report to the beginning of the inspection, and the median time from the beginning of an inspection to the issuance of a report pursuant to section 704(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(b)).

(2) The median time from the issuance of a report pursuant to such section 704(b) to the sending of a warning letter, issuance of an import alert, or holding of a regulatory meeting for inspections for which the Secretary concluded that regulatory or enforcement action was indicated.

(3) The median time from the sending of a warning letter, issuance of an import alert, or holding of a regulatory meeting to resolution of the regulatory or enforcement action indicated for inspections for which the Secretary concluded that such action was indicated.

(4) The number of times that a facility was issued a report pursuant to such section 704(b) and approval of an application was delayed due to the issuance of a withhold recommendation.

SEC. 903. STREAMLINING AND IMPROVING CONSISTENCY IN PERFORMANCE REPORTING.

Web postings. Time periods.

(a) PDUFA.—Section 736B(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h–2(a)), as amended by section 103, is further amended by inserting after paragraph (2) the following:

"(3) REAL TIME REPORTING.—

"(A) IN GENERAL.—Not later than 30 calendar days after the end of the second quarter of fiscal year 2018, and not later than 30 calendar days after the end of each quarter of each fiscal year thereafter, the Secretary shall post the data described in subparagraph (B) on the internet website of the Food and Drug Administration for such quarter and on a cumulative basis for such fiscal year,

and may remove duplicative data from the annual performance report under this subsection.

"(B) DATA.—The Secretary shall post the following data in accordance with subparagraph (A):

"(i) The number and titles of draft and final guidance on topics related to the process for the review of human drug applications, and whether such guidances were issued as required by statute or pursuant to a commitment under the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2017.

"(ii) The number and titles of public meetings held on topics related to the process for the review of human drug applications, and whether such meetings were required by statute or pursuant to a commitment under the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2017.

"(iii) The number of new drug applications and biological licensing applications approved.

"(iv) The number of new drug applications and biological licensing applications filed.

Effective date. Analysis.

"(4) RATIONALE FOR PDUFA PROGRAM CHANGES.—Beginning with fiscal year 2020, the Secretary shall include in the annual report under paragraph (1)—

"(A) data, analysis, and discussion of the changes in the number of full-time equivalents hired as agreed upon in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2017 and the number of full time equivalents funded by budget authority at the Food and Drug Administration by each division within the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, the Office of Regulatory Affairs, and the Office of the Commissioner;

"(B) data, analysis, and discussion of the changes in the fee revenue amounts and costs for the process for the review of human drugs, including identifying drivers of such changes; and

"(C) for each of the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, the Office of Regulatory Affairs, and the Office of the Commissioner, the number of employees for whom time reporting is required and the number of employees for whom time reporting is not required.".

(b) MDUFA.—Section 738A(a)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–1(a)(1)(A)), as amended by section 204, is further amended—

(1) by striking "Beginning with" and inserting the following:

"(i) GENERAL REQUIREMENTS.—Beginning with"; and

(2) by adding at the end the following:

Effective date.

"(ii) ADDITIONAL INFORMATION.—Beginning with fiscal year 2018, the annual report under this subparagraph shall include the progress of the Center for Devices and Radiological Health in achieving the goals, and future plans for meeting the goals, including—

"(I) the number of premarket applications filed under section 515 per fiscal year for each review division;

"(II) the number of reports submitted under section 510(k) per fiscal year for each review division; and

"(III) the number of expedited development and priority review designations under section 515C per fiscal year.

"(iii) REAL TIME REPORTING.—

"(I) IN GENERAL.—Not later than 30 calendar days after the end of the second quarter of fiscal year 2018, and not later than 30 calendar days after the end of each quarter of each fiscal year thereafter, the Secretary shall post the data described in subclause (II) on the internet website of the Food and Drug Administration for such quarter and on a cumulative basis for such fiscal year, and may remove duplicative data from the annual report under this subparagraph.

"(II) DATA.—The Secretary shall post the following data in accordance with subclause (I):

"(aa) The number and titles of draft and final guidance on topics related to the process for the review of devices, and whether such guidances were issued as required by statute or pursuant to the letters described in section 201(b) of the Medical Device User Fee Amendments of 2017; and

"(bb) The number and titles of public meetings held on topics related to the process for the review of devices, and if such meetings were required by statute or pursuant to a commitment under the letters described in section 201(b) of the Medical Device User Fee Amendments of 2017.

"(iv) RATIONALE FOR MDUFA PROGRAM CHANGES.—Beginning with fiscal year 2020, the Secretary shall include in the annual report under paragraph (1)— Effective date. Analysis.

"(I) data, analysis, and discussion of the changes in the number of full-time equivalents hired as agreed upon in the letters described in section 201(b) of the Medical Device User Fee Amendments of 2017 and the number of full time equivalents funded by budget authority at the Food and Drug Administration by each division within the Center for Devices and Radiological Health, the Center for Biologics Evaluation and Research, the Office of Regulatory Affairs, and the Office of the Commissioner;

"(II) data, analysis, and discussion of the changes in the fee revenue amounts and costs for the process for the review of devices, including identifying drivers of such changes; and

"(III) for each of the Center for Devices and Radiological Health, the Center for Biologics Evaluation and Research, the Office of Regulatory

Affairs, and the Office of the Commissioner, the number of employees for whom time reporting is required and the number of employees for whom time reporting is not required.".

(c) GDUFA.—Section 744C(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–43(a)), as amended by section 304, is further amended—

(1) by striking "Beginning with" and inserting the following:
"(1) GENERAL REQUIREMENTS.—Beginning with"; and

(2) by adding at the end the following:
"(2) REAL TIME REPORTING.—

"(A) IN GENERAL.—Not later than 30 calendar days after the end of the second quarter of fiscal year 2018, and not later than 30 calendar days after the end of each quarter of each fiscal year thereafter, the Secretary shall post the data described in subparagraph (B) on the internet website of the Food and Drug Administration, and may remove duplicative data from the annual report under this subsection.

"(B) DATA.—The Secretary shall post the following data in accordance with subparagraph (A):

"(i) The number and titles of draft and final guidance on topics related to human generic drug activities and whether such guidances were issued as required by statute or pursuant to a commitment under the letters described in section 301(b) of the Generic Drug User Fee Amendments of 2017.

"(ii) The number and titles of public meetings held on topics related to human generic drug activities and whether such meetings were required by statute or pursuant to a commitment under the letters described in section 301(b) of the Generic Drug User Fee Amendments of 2017.

Effective date. Analysis.

"(3) RATIONALE FOR GDUFA PROGRAM CHANGES.—Beginning with fiscal year 2020, the Secretary shall include in the annual report under paragraph (1)—

"(A) data, analysis, and discussion of the changes in the number of full-time equivalents hired as agreed upon in the letters described in section 301(b) of the Generic Drug User Fee Amendments of 2017 and the number of full time equivalents funded by budget authority at the Food and Drug Administration by each division within the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, the Office of Regulatory Affairs, and the Office of the Commissioner;

"(B) data, analysis, and discussion of the changes in the fee revenue amounts and costs for human generic drug activities, including identifying drivers of such changes; and

"(C) for each of the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, the Office of Regulatory Affairs, and the Office of the Commissioner, the number of employees for whom time reporting is required and the number of employees for whom time reporting is not required.".

(d) BSUFA.—Section 744I(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–53(a)), as amended by section 404, is further amended—

(1) by striking "Beginning with" and inserting the following:
"(1) GENERAL REQUIREMENTS.—Beginning with"; and

(2) by adding at the end the following:

"(2) ADDITIONAL INFORMATION.—Beginning with fiscal year 2018, the report under this subsection shall include the progress of the Food and Drug Administration in achieving the goals, and future plans for meeting the goals, including— Effective date.

"(A) information on all previous cohorts for which the Secretary has not given a complete response on all biosimilar biological product applications and supplements in the cohort;

"(B) the number of original biosimilar biological product applications filed per fiscal year, and the number of approvals issued by the agency for such applications; and

"(C) the number of resubmitted original biosimilar biological product applications filed per fiscal year and the number of approvals letters issued by the agency for such applications.

"(3) REAL TIME REPORTING.—

"(A) IN GENERAL.—Not later than 30 calendar days after the end of the second quarter of fiscal year 2018, and not later than 30 calendar days after the end of each quarter of each fiscal year thereafter, the Secretary shall post the data described in subparagraph (B) for such quarter and on a cumulative basis for the fiscal year on the internet website of the Food and Drug Administration, and may remove duplicative data from the annual report under this subsection.

"(B) DATA.—The Secretary shall post the following data in accordance with subparagraph (A):

"(i) The number and titles of draft and final guidance on topics related to the process for the review of biosimilars, and whether such guidances were required by statute or pursuant to a commitment under the letters described in section 401(b) of the Biosimilar User Fee Amendments of 2017.

"(ii) The number and titles of public meetings held on topics related to the process for the review of biosimilars, and whether such meetings were required by statute or pursuant to a commitment under the letters described in section 401(b) of the Biosimilar User Fee Amendments of 2017.

"(4) RATIONALE FOR BSUFA PROGRAM CHANGES.—Beginning with fiscal year 2020, the Secretary shall include in the annual report under paragraph (1)—

"(A) data, analysis, and discussion of the changes in the number of full-time equivalents hired as agreed upon in the letters described in section 401(b) of the Biosimilar User Fee Amendments of 2017 and the number of full time equivalents funded by budget authority at the Food and Drug Administration by each division within the Center for Drug Evaluation and Research, the Center for

Biologics Evaluation and Research, the Office of Regulatory Affairs, and the Office of the Commissioner;

"(B) data, analysis, and discussion of the changes in the fee revenue amounts and costs for the process for the review of biosimilar biological product applications, including identifying drivers of such changes; and

"(C) for each of the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, the Office of Regulatory Affairs, and the Office of the Commissioner, the number of employees for whom time reporting is required and the number of employees for whom time reporting is not required.".

SEC. 904. ANALYSIS OF USE OF FUNDS.

(a) PDUFA REPORTS.—

(1) ANALYSIS IN PDUFA PERFORMANCE REPORTS.—Section 736B(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h–2(a)), as amended by section 903(a), is further amended by adding at the end the following:

"(5) ANALYSIS.—For each fiscal year, the Secretary shall include in the report under paragraph (1) an analysis of the following:

"(A) The difference between the aggregate number of human drug applications filed and the aggregate number of approvals, accounting for—

"(i) such applications filed during one fiscal year for which a decision is not scheduled to be made until the following fiscal year;

"(ii) the aggregate number of applications for each fiscal year that did not meet the goals identified in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2017 for the applicable fiscal year.

Determination.

"(B) Relevant data to determine whether the Center for Drug Evaluation and Research and the Center for Biologics Evaluation and Research have met performance enhancement goals identified in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2017 for the applicable fiscal year.

"(C) The most common causes and trends of external or other circumstances affecting the ability of the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, Office of Regulatory Affairs, and the Food and Drug Administration to meet the review time and performance enhancement goals identified in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2017.".

(2) ISSUANCE OF CORRECTIVE ACTION REPORTS.—Section 736B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h–2) is amended—

(A) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (b) the following:

Effective date. Determinations.

"(c) CORRECTIVE ACTION REPORT.—Beginning with fiscal year 2018, for each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit a corrective action

report to the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate. The report shall include the following information, as applicable:

Recommendations.

"(1) GOALS MET.—For each fiscal year, if the Secretary determines, based on the analysis under subsection (a)(5), that each of the goals identified in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2017 for the applicable fiscal year have been met, the corrective action report shall include recommendations on ways in which the Secretary can improve and streamline the human drug application review process.

"(2) GOALS MISSED.—For any of the goals identified in the letters described in section 101(b) of the Prescription Drug User Fee Amendments of 2017 for the applicable fiscal year that the Secretary determines to not have been met, the corrective action report shall include—

"(A) a detailed justification for such determination and a description, as applicable, of the types of circumstances and trends under which human drug applications that missed the review goal time were approved during the first cycle review, or application review goals were missed; and

"(B) with respect to performance enhancement goals that were not achieved, a description of efforts the Food and Drug Administration has put in place for the fiscal year in which the report is submitted to improve the ability of such agency to meet each such goal for the such fiscal year.

"(d) ENHANCED COMMUNICATION.—

"(1) COMMUNICATIONS WITH CONGRESS.—Each fiscal year, as applicable and requested, representatives from the Centers with expertise in the review of human drugs shall meet with representatives from the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives to report on the contents described in the reports under this section.

Public information.

"(2) PARTICIPATION IN CONGRESSIONAL HEARING.—Each fiscal year, as applicable and requested, representatives from the Food and Drug Administration shall participate in a public hearing before the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, to report on the contents described in the reports under this section. Such hearing shall occur not later than 120 days after the end of each fiscal year for which fees are collected under this part.".

Deadline.

(b) MDUFA REPORTS.—

(1) ANALYSIS IN MDUFA PERFORMANCE REPORTS.—Section 738A(a)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–1(a)(1)(A)), as amended by section 903(b), is further amended by adding at the end the following:

"(iv) ANALYSIS.—For each fiscal year, the Secretary shall include in the report under clause (i) an analysis of the following:

"(I) The difference between the aggregate number of premarket applications filed under section 515 and aggregate reports submitted under section 510(k) and the aggregate number of major deficiency letters, not approvable letters, and denials for such applications issued by the agency, accounting for—

"(aa) the number of applications filed and reports submitted during one fiscal year for which a decision is not scheduled to be made until the following fiscal year; and

"(bb) the aggregate number of applications for each fiscal year that did not meet the goals as identified by the letters described in section 201(b) of the Medical Device User Fee Amendments of 2017 for the applicable fiscal year.

Determination.

"(II) Relevant data to determine whether the Center for Devices and Radiological Health has met performance enhancement goals identified by the letters described in section 201(b) of the Medical Device User Fee Amendments of 2017 for the applicable fiscal year.

"(III) The most common causes and trends for external or other circumstances affecting the ability of the Center for Devices and Radiological Health, the Office of Regulatory Affairs, or the Food and Drug Administration to meet review time and performance enhancement goals identified by the letters described in section 201(b) of the Medical Device User Fee Amendments of 2017.".

(2) ISSUANCE OF CORRECTIVE ACTION REPORTS.—Section 738A(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–1(a)) is amended—

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

(B) by inserting after paragraph (1) the following:

Effective date. Determinations.

"(2) CORRECTIVE ACTION REPORT.—Beginning with fiscal year 2018, for each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit a corrective action report to the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate. The report shall include the following information, as applicable:

Recommendations.

"(A) GOALS MET.—For each fiscal year, if the Secretary determines, based on the analysis under paragraph (1)(A)(iv), that each of the goals identified by the letters described in section 201(b) of the Medical Device User Fee Amendments of 2017 for the applicable fiscal year have been met, the corrective action report shall include recommendations on ways in which the Secretary can improve and streamline the medical device application review process.

"(B) GOALS MISSED.—For each of the goals identified by the letters described in section 201(b) of the Medical

Device User Fee Amendments of 2017 for the applicable fiscal year that the Secretary determines to not have been met, the corrective action report shall include—

"(i) a justification for such determination;

"(ii) a description of the types of circumstances, in the aggregate, under which applications or reports submitted under section 515 or notifications submitted under section 510(k) missed the review goal times but were approved during the first cycle review, as applicable;

"(iii) a summary and any trends with regard to the circumstances for which a review goal was missed; and Summary.

"(iv) the performance enhancement goals that were not achieved during the previous fiscal year and a description of efforts the Food and Drug Administration has put in place for the fiscal year in which the report is submitted to improve the ability of such agency to meet each such goal for the such fiscal year.

"(3) ENHANCED COMMUNICATION.—

"(A) COMMUNICATIONS WITH CONGRESS.—Each fiscal year, as applicable and requested, representatives from the Centers with expertise in the review of devices shall meet with representatives from the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives to report on the contents described in the reports under this section.

"(B) PARTICIPATION IN CONGRESSIONAL HEARING.—Each fiscal year, as applicable and requested, representatives from the Food and Drug Administration shall participate in a public hearing before the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, to report on the contents described in the reports under this section. Such hearing shall occur not later than 120 days after the end of each fiscal year for which fees are collected under this part.". Public information. Deadline.

(c) GDUFA REPORTS.—

(1) ANALYSIS IN GDUFA PERFORMANCE REPORTS.—Section 744C(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–43(a)), as amended by section 903(c) is further amended by adding at the end the following:

"(4) ANALYSIS.—For each fiscal year, the Secretary shall include in the report an analysis of the following:

"(A) The difference between the aggregate number of abbreviated new drug applications filed and the aggregate number of approvals or aggregate number of complete response letters issued by the agency, accounting for—

"(i) such applications filed during one fiscal year for which a decision is not scheduled to be made until the following fiscal year; and

"(ii) the aggregate number of applications for each fiscal year that did not meet the goals identified by the letters described in section 301(b) of the Generic Drug User Fee Amendments of 2017 for the applicable fiscal year.

Determination.

"(B) Relevant data to determine whether the Food and Drug Administration has met the performance enhancement goals identified by the letters described in section 301(b) of the Generic Drug User Fee Amendments of 2017 for the applicable fiscal year.

"(C) The most common causes and trends for external or other circumstances that affected the ability of the Secretary to meet review time and performance enhancement goals identified by the letters described in section 301(b) of the Generic Drug User Fee Amendments of 2017.".

(2) ISSUANCE OF CORRECTIVE ACTION REPORTS.—Section 744C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–43) is amended—

(A) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (b) the following:

Effective date.
Determinations.

"(c) CORRECTIVE ACTION REPORT.—Beginning with fiscal year 2018, for each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit a corrective action report to the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate. The report shall include the following information, as applicable:

Recommendations.

"(1) GOALS MET.—For each fiscal year, if the Secretary determines, based on the analysis under subsection (a)(4), that each of the goals identified by the letters described in section 301(b) of the Generic Drug User Fee Amendments of 2017 for the applicable fiscal year have been met, the corrective action report shall include recommendations on ways in which the Secretary can improve and streamline the abbreviated new drug application review process.

"(2) GOALS MISSED.—For each of the goals identified by the letters described in section 301(b) of the Generic Drug User Fee Amendments of 2017 for the applicable fiscal year that the Secretary determines to not have been met, the corrective action report shall include—

"(A) a detailed justification for such determination and a description, as applicable, of the types of circumstances and trends under which abbreviated new drug applications missed the review goal times but were approved during the first cycle review, or review goals were missed; and

"(B) with respect to performance enhancement goals that were not achieved, a detailed description of efforts the Food and Drug Administration has put in place for the fiscal year in which the report is submitted to improve the ability of such agency to meet each such goal for the such fiscal year.

"(d) ENHANCED COMMUNICATION.—

"(1) COMMUNICATIONS WITH CONGRESS.—Each fiscal year, as applicable and requested, representatives from the Centers with expertise in the review of human drugs shall meet with representatives from the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives to report on the contents described in the reports under this section.

"(2) PARTICIPATION IN CONGRESSIONAL HEARING.—Each fiscal year, as applicable and requested, representatives from the Food and Drug Administration shall participate in a public hearing before the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, to report on the contents described in the reports under this section. Such hearing shall occur not later than 120 days after the end of each fiscal year for which fees are collected under this part.". Public information. Deadline.

(d) BSUFA REPORTS.—

(1) ANALYSIS IN BSUFA PERFORMANCE REPORTS.—Section 744I(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–53(a)) as amended by section 903(d) is further amended by adding at the end the following:

"(5) ANALYSIS.—For each fiscal year, the Secretary shall include in the report an analysis of the following:

"(A) The difference between the aggregate number of biosimilar biological product applications and supplements filed and the aggregate number of approvals issued by the agency, accounting for—

"(i) such applications filed during one fiscal year for which a decision is not scheduled to be made until the following fiscal year; and

"(ii) the aggregate number of applications for each fiscal year that did not meet the goals identified by the letters described in section 401(b) of the Biosimilar User Fee Amendments of 2017 for the applicable fiscal year.

"(B) Relevant data to determine whether the Center for Drug Evaluation and Research and the Center for Biologics Evaluation and Research have met the performance enhancement goals identified by the letters described in section 401(b) of the Biosimilar User Fee Amendments of 2017 for the applicable fiscal year. Determination.

"(C) The most common causes and trends for external or other circumstances affecting the ability of the Secretary to meet review time and performance enhancement goals identified by the letters described in section 401(b) of the Biosimilar User Fee Amendments of 2017.".

(2) ISSUANCE OF CORRECTIVE ACTION REPORTS.—Section 744I of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–53), as amended by section 404, is further amended—

(A) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (b) the following:

"(c) CORRECTIVE ACTION REPORT.—Beginning with fiscal year 2018, and for each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit a corrective action report to the Committee on Energy and Commerce and Committee on Appropriations of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and Committee on Appropriations of the Senate. The report shall include the following information, as applicable: Effective date. Determinations.

"(1) GOALS MET.—For each fiscal year, if the Secretary determines, based on the analysis under subsection (a)(5), that each of the goals identified by the letters described in section

401(b) of the Biosimilar User Fee Amendments of 2017 for the applicable fiscal year have been met, the corrective action report shall include recommendations on ways in which the Secretary can improve and streamline the biosimilar biological product application review process.

"(2) GOALS MISSED.—For each of the goals identified by the letters described in section 401(b) of the Biosimilar User Fee Amendments of 2017 for the applicable fiscal year that the Secretary determines to not have been met, the corrective action report shall include—

"(A) a justification for such determination and a description of the types of circumstances and trends, as applicable, under which biosimilar biological product applications missed the review goal times but were approved during the first cycle review, or review goals were missed; and

"(B) with respect to performance enhancement goals that were not achieved, a description of efforts the Food and Drug Administration has put in place for the fiscal year in which the report is submitted to improve the ability of such agency to meet each such goal for the such fiscal year.

"(d) ENHANCED COMMUNICATION.—

"(1) COMMUNICATIONS WITH CONGRESS.—Each fiscal year, as applicable and requested, representatives from the Centers with expertise in the review of human drugs shall meet with representatives from the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives to report on the contents described in the reports under this section.

Public information.

"(2) PARTICIPATION IN CONGRESSIONAL HEARING.—Each fiscal year, as applicable and requested, representatives from the Food and Drug Administration shall participate in a public hearing before the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, to report on the contents described in the reports under this section. Such hearing shall occur not later than 120 days after the end of each fiscal year for which fees are collected under this part.".

Deadline.

SEC. 905. FACILITIES MANAGEMENT.

(a) EVALUATION.—

Time period.

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the expenses incurred by the Food and Drug Administration related to facility maintenance and renovation in fiscal years 2012 through 2019. The study under this paragraph shall include the following:

Review.

(A) A review of purchases and expenses differentiated by appropriated funds, and resources authorized by the Food and Drug Administration Safety and Innovation Act (Public Law 112–144) and this Act, as applicable, that contributed to—

(i) the maintenance of scientific equipment and any existing facility plan or plans to maintain previously purchased scientific equipment;

(ii) the renovation of facilities in the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health, and the purpose of such renovation including the need for the renovation;

(iii) the assets purchased or repaired under the "repair of facilities and acquisition" authority under parts 2, 3, 7, and 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.);

(iv) the maintenance and repair of facilities and fixtures, including a description of any unanticipated repairs and maintenance as well as scheduled repairs maintenance, and the budget plan for the scheduled or anticipated maintenance;

(v) the acquisition of furniture, a description of the furniture purchased, and the purpose of the furniture including purchases for the Center for Drug Evaluation and Research, the Center for Biologics Evaluation and Research, and the Center for Devices and Radiological Health; and

(vi) the acquisition of other necessary materials and supplies by product category under the authority under parts 2, 3, 7, and 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.).

(B) An analysis of the Food and Drug Administration's ability to further its public health mission and review medical products by incurring the expenses listed in clauses (i) through (vi) of subparagraph (A). In conducting the analysis, the Comptroller General shall request information from and consult with appropriate employees, including staff and those responsible for the fiscal decisions regarding facility maintenance and renovation for the agency. Analysis. Consultation.

(2) REPORT.—

(A) IN GENERAL.—The Comptroller General shall issue a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives not later than July 30, 2020, containing the results of the study under paragraph (1).

(B) RECOMMENDATIONS.—As part of the report under this paragraph, the Comptroller General may provide recommendations, as applicable, on methods through which the Food and Drug Administration may improve planning for—

(i) the maintenance, renovation, and repair of facilities;

(ii) the purchase of furniture or other acquisitions; and

(iii) ways the Food and Drug Administration may allocate the expenses described in clauses (i) and (ii) of paragraph (1)(A), as informed by the analysis under paragraph (1)(B).

(b) ADMINISTRATION.—

(1) PDUFA.—Section 736(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(f)) is amended by adding at the end the following:

Effective date.

"(3) LIMITATION.—Beginning on October 1, 2023, the authorities under section 735(7)(C) shall include only expenditures for leasing and necessary scientific equipment.".

(2) MDUFA.—Section 738(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j(h)) is amended by adding at the end the following:

Effective date.

"(3) LIMITATION.—Beginning on October 1, 2023, the authorities under section 737(9)(C) shall include only leasing and necessary scientific equipment.".

(3) GDUFA.—Section 744B(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–42(e)) is amended—

(A) in the subsection heading, by striking "LIMIT" and inserting "LIMITATIONS";

(B) by striking "The total amount" and inserting the following:

"(1) IN GENERAL.—The total amount"; and

(C) by adding at the end the following:

Effective date.

"(2) LEASING AND NECESSARY EQUIPMENT.—Beginning on October 1, 2023, the authorities under section 744A(11)(C) shall include only leasing and necessary scientific equipment.".

(4) BSUFA.—Section 744H(e)(2)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–52(e)(2)(B)) is amended—

(A) in the subparagraph heading, by striking "LIMITATION" and inserting "LIMITATIONS";

(B) by striking "The fees authorized" and inserting the following:

"(i) IN GENERAL.—The fees authorized"; and

(C) by adding at the end the following:

Effective date.

"(ii) LEASING AND NECESSARY EQUIPMENT.—Beginning on October 1, 2023, the authorities under section 744G(9)(C) shall include only leasing and necessary scientific equipment.".

Approved August 18, 2017.

LEGISLATIVE HISTORY—H.R. 2430 (S. 934):

HOUSE REPORTS: No. 115–201 (Comm. on Energy and Commerce).
CONGRESSIONAL RECORD, Vol. 163 (2017):
July 12, considered and passed House.
Aug. 3, considered and passed Senate.

Public Law 115–53
115th Congress

An Act

To amend Public Law 94–241 with respect to the Northern Mariana Islands.

Aug. 22, 2017
[H.R. 339]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Northern Mariana Islands Economic Expansion Act. 48 USC 1801 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Mariana Islands Economic Expansion Act".

SEC. 2. COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS: TRANSITIONAL WORKERS.

Section 6 of Public Law 94–241 (48 U.S.C. 1806) is amended—

(1) in subsection (a)(6), by striking "$150" and inserting "$200"; and

(2) in subsection (d)(2)—

Permits.

(A) by striking the period at the end of the first sentence and inserting ", except a permit for construction occupations (as that term is defined by the Department of Labor as Standard Occupational Classification Group 47–0000 or any successor provision) shall only be issued to extend a permit first issued before October 1, 2015."; and

(B) by striking "'ending on December 31, 2019'." and inserting "ending on December 31, 2019, except that for fiscal year 2017 an additional 350 permits shall be made available for extension of existing permits, expiring after the date of enactment of the Northern Mariana Islands Economic Expansion Act through September 30, 2017, of which no fewer than 60 shall be reserved for healthcare practitioners and technical operations (as that term is defined by the Department of Labor as Standard Occupational Classification Group 29–0000 or any successor provision), and no fewer than 10 shall be reserved for plant and system operators (as that term is defined by the

Department of Labor as Standard Occupational Classification Group 51–8000 or any successor provision).".

Approved August 22, 2017.

LEGISLATIVE HISTORY—H.R. 339:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Jan. 30, considered and passed House.
Aug. 1, considered and passed Senate, amended.
Aug. 11, House concurred in Senate amendment.

Public Law 115–54
115th Congress

Joint Resolution

Granting the consent and approval of Congress for the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to enter into a compact relating to the establishment of the Washington Metrorail Safety Commission.

Aug. 22, 2017
[H.J. Res. 76]

Whereas the Washington Metropolitan Area Transit Authority, an interstate compact agency of the District of Columbia, the Commonwealth of Virginia, and the State of Maryland, provides transportation services to millions of people each year, the safety of whom is paramount;

Whereas an effective and safe Washington Metropolitan Area Transit Authority system is essential to the commerce and prosperity of the National Capital region;

Whereas the Tri-State Oversight Committee, created by a memorandum of understanding amongst these 3 jurisdictions, has provided safety oversight of the Washington Metropolitan Area Transit Authority;

Whereas 49 U.S.C. 5329 requires the creation of a legally and financially independent state authority for safety oversight of all fixed rail transit facilities;

Whereas the District of Columbia, the Commonwealth of Virginia, and the State of Maryland intend to create a Washington Metrorail Safety Commission to act as the state safety oversight authority for the Washington Metropolitan Area Transit Authority system under 49 U.S.C. 5329; and

Whereas this compact is created for the benefit of the people of the District of Columbia, the Commonwealth of Virginia, and the State of Maryland and for the increase of their safety, commerce, and prosperity: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

CONSENT AND APPROVAL OF CONGRESS

SECTION 1. The consent and approval of Congress is hereby given for the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to enter into a compact for the safety oversight of the Washington Metropolitan Area Transit Authority Metrorail system (known as the Metrorail Safety Commission Interstate Compact), which has been negotiated by representatives of the State, the Commonwealth, and the District, substantially as follows:

"ARTICLE I

"DEFINITIONS

"1. As used in this MSC Compact, the following words and terms shall have the meanings set forth below, unless the context clearly requires a different meaning. Capitalized terms used herein, but not otherwise defined in this MSC Compact, shall have the definition set forth in regulations issued under 49 U.S.C. § 5329, as they may be revised from time to time.

"(a) 'Alternate Member' means an alternate member of the Board;

"(b) 'Board' means the board of directors of the Commission;

"(c) 'Commission' means the Washington Metrorail Safety Commission;

"(d) 'Member' means a member of the Board;

"(e) 'MSC Compact' means this Washington Metrorail Safety Commission Interstate Compact;

"(f) 'Public Transportation Agency Safety Plan' means the comprehensive agency safety plan for a rail transit agency required by 49 U.S.C. § 5329 and the regulations issued thereunder, as may be amended or revised from time to time;

"(g) 'Public Transportation Safety Certification Training Program' means the federal certification training program, as established and amended from time to time by applicable federal laws and regulations, for federal and state employees, or other designated personnel, who conduct safety audits and examinations of public transportation systems, and employees of public transportation agencies directly responsible for safety oversight;

"(h) 'Safety Sensitive Position' means any position held by a WMATA employee or contractor designated in the Public Transportation Agency Safety Plan for the WMATA Rail System and approved by the Commission as directly or indirectly affecting the safety of the passengers or employees of the WMATA Rail System;

"(i) 'Signatory' means the State of Maryland, the Commonwealth of Virginia, and the District of Columbia;

"(j) 'State', 'state', or 'jurisdiction' means the District of Columbia, the State of Maryland, or the Commonwealth of Virginia;

"(k) 'Washington Metropolitan Area Transit Authority' or 'WMATA' is the entity created by the WMATA Compact, which entity is responsible for providing certain rail fixed guideway public transportation system services;

"(l) 'WMATA Compact' means the Washington Metropolitan Area Transit Authority Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9–1107.01 et seq.); and

"(m) 'WMATA Rail System' or 'Metrorail' means the rail fixed guideway public transportation system and all other real and personal property owned, leased, operated, or otherwise used by WMATA rail services and shall include WMATA rail projects under design or construction by owners other than WMATA.

"ARTICLE II

"PURPOSE AND FUNCTIONS

"2. The Signatories to the WMATA Compact hereby adopt this MSC Compact pursuant to 49 U.S.C. § 5329. The Commission created hereunder shall have safety regulatory and enforcement authority over the WMATA Rail System and shall act as the state safety oversight authority for WMATA under 49 U.S.C. § 5329, as may be amended from time to time. WMATA shall be subject to the Commission's rules, regulations, actions, and orders.

"3. The purpose of this MSC Compact is to create a state safety oversight authority for the WMATA Rail System, pursuant to the mandate of federal law, as a common agency of each Signatory, empowered in the manner hereinafter set forth to review, approve, oversee, and enforce the safety of the WMATA Rail System, including, without limitation, to:

"(a) Have exclusive safety oversight authority and responsibility over the WMATA Rail System pursuant to federal law, including, without limitation, the power to restrict, suspend, or prohibit rail service on all or part of the WMATA Rail System as set forth in this MSC Compact;

"(b) Develop and adopt a written state safety oversight program standard;

"(c) Review and approve the WMATA Public Transportation Agency Safety Plan;

"(d) Investigate hazards, incidents, and accidents on the WMATA Rail System;

"(e) Require, review, approve, oversee, and enforce Corrective Action Plans developed by WMATA; and

"(f) Meet other requirements of federal and State law relating to safety oversight of the WMATA Rail System.

"ARTICLE III

"ESTABLISHMENT AND ORGANIZATION

"A. Washington Metrorail Safety Commission

"4. The Commission is hereby created as an instrumentality of each Signatory, which shall be a public body corporate and politic, and which shall have the powers and duties set forth in this MSC Compact.

"5. The Commission shall be financially and legally independent from WMATA.

"B. Board Membership

"6. The Commission shall be governed by a Board of 6 Members with 2 Members appointed or reappointed (including to fill an unexpired term) by each Signatory pursuant to the Signatory's applicable laws.

"7. Each Signatory shall also appoint or reappoint (including to fill an unexpired term) one Alternate Member pursuant to the Signatory's applicable laws.

"8. An Alternate Member shall participate and take action as a Member only in the absence of one or both Members appointed from the same jurisdiction as the Alternate Member's appointing jurisdiction and, in such instances, may cast a single vote.

"9. Members and Alternate Members shall have backgrounds in transit safety, transportation, relevant engineering disciplines, or public finance.

"10. No Member or Alternate Member shall simultaneously hold an elected public office, serve on the WMATA board of directors, be employed by WMATA, or be a contractor to WMATA.

"11. Each Member and Alternate Member shall serve a 4-year term and may be reappointed for additional terms; except that, each Signatory shall make its initial appointments as follows:

"(a) One Member shall be appointed for a 4-year term;

"(b) One Member shall be appointed for a 2-year term; and

Appointment.

"(c) The Alternate Member shall be appointed for a 3-year term.

"12. Any person appointed to fill a vacancy shall serve for the unexpired term.

"13. Members and Alternate Members shall be entitled to reimbursement for reasonable and necessary expenses and shall be compensated for each day spent meeting on the business of the Commission at a rate of $200 per day or at such other rate as may be adjusted in appropriations approved by all of the Signatories.

"14. A Member or an Alternate Member may be removed or suspended from office only for cause in accordance with the laws of such Member's or Alternate Member's appointing jurisdiction.

"C. Quorum and Actions of the Board

"15. Four Members shall constitute a quorum, and the affirmative vote of 4 Members is required for action of the Board. Quorum and voting requirements under this paragraph may be met with one or more Alternate Members pursuant to section 8.

Effective date.

"16. The Commission action shall become effective upon enactment unless otherwise provided for by the Commission.

"D. Oath of Office

"17. Before entering office, each Member and Alternate Member shall take and subscribe to the following oath (or affirmation) of office or any such other oath or affirmation as the constitution or laws of the Signatory he or she represents shall provide:

"I, _____, hereby solemnly swear (or affirm) that I will support and defend the Constitution and the laws of the United States as a Member (or Alternate Member) of the Board of the Washington Metrorail Safety Commission and will faithfully discharge the duties of the office upon which I am about to enter.

"E. Organization and Procedure

"18. The Board shall provide for its own organization and procedure. Meetings of the Board shall be held as frequently as the Board determines, but in no event less than quarterly. The Board shall keep minutes of its meetings and establish rules and regulations governing its transactions and internal affairs, including, without limitation, policies regarding records retention that are not in conflict with applicable federal record retention laws.

"19. The Commission shall keep commercially reasonable records of its financial transactions in accordance with accounting principles generally accepted in the United States of America.

"20. The Commission shall establish an office for the conduct of its affairs at a location to be determined by the Commission.

"21. The Commission shall adopt 5 U.S.C. § 552(a)–(d) and (g), and 5 U.S.C. § 552b, as both may be amended from time to time, as its freedom-of-information policy and open-meeting policy, respectively, and shall not be subject to the comparable laws or policies of any Signatory.

"22. Reports of investigations or inquiries adopted by the Board shall be made publicly available.

"23. The Commission shall adopt a policy on conflict of interest that shall be consistent with the regulations issued under 49 U.S.C. § 5329, as they may be revised from time to time, which, among other things, places appropriate separation between Members, officers, employees, contractors, and agents of the Commission and WMATA.

"24. The Commission shall adopt and utilize its own administrative procedure and procurement policies in conformance with applicable federal regulations and shall not be subject to the administrative procedure or procurement laws of any Signatory.

"F. Officers and Employees

"25. The Board shall elect a Chairman, Vice Chairman, Secretary, and Treasurer from among its Members, each for a 2-year term and shall prescribe their powers and duties.

"26. The Board shall appoint and fix the compensation and benefits of a chief executive officer who shall be the chief administrative officer of the Commission and who shall have expertise in transportation safety and one or more industry-recognized transportation safety certifications.

"27. Consistent with 49 U.S.C. § 5329, as may be amended from time to time, the Commission may employ, under the direction of the chief executive officer, such other technical, legal, clerical, and other employees on a regular, part-time, or as-needed basis as it determines necessary or desirable for the discharge of its duties.

"28. The Commission shall not be bound by any statute or regulation of any Signatory in the employment or discharge of any officer or employee of the Commission, but shall develop its own policies in compliance with federal law. The MSC shall, however, consider the laws of the Signatories in devising its employment and discharge policies, and when it deems it practical, devise policies consistent with the laws of the Signatories.

"29. The Board may fix and provide policies for the qualification, appointment, removal, term, tenure, compensation benefits, worker's compensation, pension, and retirement rights of its employees subject to federal law. The Board may also establish a personnel system based on merit and fitness and, subject to eligibility, participate in the pension, retirement, and worker's compensation plans of any Signatory or agency or political subdivision thereof.

"ARTICLE IV

"POWERS

"A. Safety Oversight Powers

"30. In carrying out its purposes, the Commission, through its Board or designated employees or agents, shall, consistent with federal law:

"(a) Adopt, revise, and distribute a written State Safety Oversight Program;

Review. "(b) Review, approve, oversee, and enforce the adoption and implementation of WMATA's Public Transportation Agency Safety Plan;

Review. "(c) Require, review, approve, oversee, and enforce the adoption and implementation of any Corrective Action Plans that the Commission deems appropriate;

"(d) Implement and enforce relevant federal and State laws and regulations relating to safety of the WMATA Rail System; and

Audit. Time period. "(e) Audit every 3 years the compliance of WMATA with WMATA's Public Transportation Agency Safety Plan or conduct such an audit on an ongoing basis over a 3-year time frame.

"31. In performing its duties, the Commission, through its Board or designated employees or agents, may:

"(a) Conduct, or cause to be conducted, inspections, investigations, examinations, and testing of WMATA personnel and contractors, property, equipment, facilities, rolling stock, and operations of the WMATA Rail System, including, without limitation, electronic information and databases through reasonable means, which may include issuance of subpoenas;

"(b) Enter upon the WMATA Rail System and, upon reasonable notice and a finding by the chief executive officer that a need exists, upon any lands, waters, and premises adjacent to the WMATA Rail System, including, without limitation, property owned or occupied by the federal government, for the purpose of making inspections, investigations, examinations, and testing as the Commission may deem necessary to carry out the purposes of this MSC Compact, and such entry shall not be deemed a trespass. The Commission shall make reasonable reimbursement for any actual damage resulting to any such adjacent lands, waters, and premises as a result of such activities;

"(c) Compel WMATA's compliance with any Corrective Action Plan or order of the Commission by such means as the Commission deems appropriate, including, without limitation, by:

"(1) Taking legal action in a court of competent jurisdiction;

"(2) Issuing citations or fines with funds going into an escrow account for spending by WMATA on Commission-directed safety measures;

"(3) Directing WMATA to prioritize spending on safety-critical items;

"(4) Removing a specific vehicle, infrastructure element, or hazard from the WMATA Rail System; and

"(5) Compelling WMATA to restrict, suspend, or prohibit rail service on all or part of the WMATA Rail System with an appropriate notice period dictated by the circumstances;

"(d) Direct WMATA to suspend or disqualify from performing in any Safety Sensitive Position an individual who is alleged to or has violated safety rules, regulations, policies, or laws;

"(e) Compel WMATA's Office of the Inspector General, created under WMATA Board Resolution 2006–18, or any successor WMATA office or organization having similar duties, to conduct safety-related audits or investigations and to provide its findings to the Commission; and

"(f) Take such other actions as the Commission may deem appropriate consistent with its purpose and powers.

"32. Action by the Board under section 31(c)(5) shall require the unanimous vote of all Members present and voting. The Commission shall coordinate its enforcement activities with appropriate federal and State governmental authorities.

"B. General Powers

"33. In addition to the powers and duties set forth above, the Commission may:

"(a) Sue and be sued;

"(b) Adopt, amend, and repeal rules and regulations respecting the exercise of the powers conferred by this MSC Compact;

"(c) Create and abolish offices, employments, and positions (other than those specifically provided for in this MSC Compact) necessary or desirable for the purposes of the Commission;

"(d) Determine a staffing level for the Commission that is commensurate with the size and complexity of the WMATA Rail System, and require that employees and other designated personnel of the Commission, who are responsible for safety oversight, be qualified to perform such functions through appropriate training, including, without limitation, successful completion of the Public Transportation Safety Certification Training Program;

"(e) Contract for or employ consulting attorneys, inspectors, engineers, and such other experts necessary or desirable and, within the limitations prescribed in this MSC Compact, prescribe their powers and duties and fix their compensation;

"(f) Enter into and perform contracts, leases, and agreements necessary or desirable in the performance of its duties and in the execution of the powers granted under this MSC Compact;

"(g) Apply for, receive, and accept such payments, appropriations, grants, gifts, loans, advances, and other funds, properties, and services as may be transferred or made available to it by the United States government or any other public or private entity or individual, subject to the limitations specified in section 42;

"(h) Adopt an official seal and alter the same at its pleasure;

"(i) Adopt and amend by-laws, policies, and procedures governing the regulation of its affairs;

"(j) Appoint one or more advisory committees; and

"(k) Do such other acts necessary or desirable for the performance of its duties and the execution of its powers under this MSC Compact.

"34. Consistent with this MSC Compact, the Commission shall promulgate rules and regulations to carry out the purposes of this MSC Compact. Regulations.

"ARTICLE V

"GENERAL PROVISIONS

"A. Annual Safety Report

"35. The Commission shall make and publish annually a status report on the safety of the WMATA Rail System, which shall include, among other requirements established by the Commission and federal law, status updates of outstanding Corrective Action Plans, Commission directives, and on-going investigations. A copy of each such report shall be provided to:

"(a) The Administrator of the Federal Transit Administration;

"(b) The Governor of Virginia, the Governor of Maryland, and the Mayor of the District of Columbia;

"(c) The Chairman of the Council of the District of Columbia;

"(d) The President of the Maryland Senate and the Speaker of the Maryland House of Delegates;

"(e) The President of the Virginia Senate and the Speaker of the Virginia House of Delegates; and

"(f) The General Manager and each member of the board of directors of WMATA.

"36. The Commission may prepare, publish, and distribute such other safety reports that it deems necessary or desirable.

"B. Annual Report of Operations

"37. The Commission shall make and publish an annual report on its programs, operations, and finances, which shall be distributed in the same manner provided by section 35.

"38. The Commission may also prepare, publish, and distribute such other public reports and informational materials as it deems necessary or desirable.

"C. Annual Independent Audit

"39. An independent annual audit shall be made of the financial accounts of the Commission. The audit shall be made by qualified certified public accountants selected by the Board, who shall have no personal interest, direct or indirect, in the financial affairs of the Commission or any of its officers or employees. The report of audit shall be prepared in accordance with generally accepted auditing principles and shall be distributed in the same manner provided by section 35. Members, employees, agents, and contractors of the Commission shall provide access to information necessary or desirable for the conduct of the annual audit.

"D. Financing

"40. The Commission's operations shall be funded, independently of WMATA, by the Signatory jurisdictions and, when available, by federal funds. The Commission shall have no authority to levy taxes.

"41. The Signatories shall unanimously agree on adequate funding levels for the Commission and make equal contributions of such funding, subject to annual appropriation, to cover the portion of Commission operations not funded by federal funds.

Loans.

"42. The Commission may borrow up to 5% of its last annual appropriations budget in anticipation of receipts, or as otherwise set forth in the appropriations budget approved by all of the Signatories, from any lawful lending institution for any purpose of this MSC Compact, including, without limitation, for administrative expenses. Such loans shall be for a term not to exceed 2 years, or at such longer term approved by each Signatory pursuant to its laws as evidenced by the written authorization by the Mayor of the District of Columbia and the Governors of Maryland and Virginia, and at such rates of interest as shall be acceptable to the Commission.

Time period.

"43. With respect to the District of Columbia, the commitment or obligation to render financial assistance to the Commission shall be created, by appropriation or in such other manner, or by such other legislation, as the District of Columbia shall determine; provided, that any such commitment or obligation shall be approved by Congress pursuant to the District of Columbia Home Rule Act,

approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1–201.01 et seq.).

"44. Pursuant to the requirements of 31 U.S.C. §§ 1341, 1342, 1349 to 1351, and 1511 to 1519, and D.C. Official Code §§ 47–105 and 47–355.01 to 355.08 (collectively, the 'Anti-Deficiency Acts'), the District cannot obligate itself to any financial commitment in any present or future year unless the necessary funds to pay that commitment have been appropriated and are lawfully available for the purpose committed. Thus, pursuant to the Anti-Deficiency Acts, nothing in the MSC Compact creates an obligation of the District in anticipation of an appropriation for such purpose, and the District's legal liability for the payment of any amount under this MSC Compact does not and may not arise or obtain in advance of the lawful availability of appropriated funds for the applicable fiscal year.

"E. Tax Exemption

"45. The exercise of the powers granted by this MSC Compact shall in all respects be for the benefit of the people of the District of Columbia, the Commonwealth of Virginia, and the State of Maryland and for the increase of their safety, commerce, and prosperity, and as the activities associated with this MSC Compact shall constitute the performance of essential governmental functions, the Commission shall not be required to pay any taxes or assessments upon the services or any property acquired or used by the Commission under the provisions of this MSC Compact or upon the income therefrom, and shall at all times be free from taxation within the District of Columbia, the Commonwealth of Virginia, and the State of Maryland.

"F. Reconsideration of Commission Orders

"46. WMATA shall have the right to petition the Commission for reconsideration of an order based on rules and procedures developed by the Commission.

"47. Consistent with section 16, the filing of a petition for reconsideration shall not act as a stay upon the execution of a Commission order, or any part of it, unless the Commission orders otherwise. WMATA may appeal any adverse action on a petition for reconsideration as set forth in section 48.

"G. Judicial Matters

"48. The United States District Court for the Eastern District of Virginia, Alexandria Division, the United States District Court for the District of Maryland, Southern Division, and the United States District Court for the District of Columbia shall have exclusive and original jurisdiction of all actions brought by or against the Commission and to enforce subpoenas under this MSC Compact.

"49. The commencement of a judicial proceeding shall not operate as a stay of a Commission order unless specifically ordered by the court.

"H. Liability and Indemnification

"50. The Commission and its Members, Alternate Members, officers, agents, employees, or representatives shall not be liable for suit or action or for any judgment or decree for damages, loss, or injury resulting from action taken within the scope of their employment or duties under this MSC Compact, nor required in any case arising or any appeal taken under this MSC Compact to give a supersedeas bond or security for damages. Nothing in this paragraph shall be construed to protect such person from

suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

Contracts.

"51. The Commission shall be liable for its contracts and for its torts and those of its Members, Alternate Members, officers, agents, employees, and representatives committed in the conduct of any proprietary function, in accordance with the law of the applicable Signatory (including, without limitation, rules on conflict of laws) but shall not be liable for any torts occurring in the performance of a governmental function. The exclusive remedy for such breach of contract or tort for which the Commission shall be liable, as herein provided, shall be by suit against the Commission. Nothing contained in this MSC Compact shall be construed as a waiver by the District of Columbia, the Commonwealth of Virginia, or the State of Maryland of any immunity from suit.

"I. Commitment of Parties

"52. Each of the Signatories pledges to each other faithful cooperation in providing safety oversight for the WMATA Rail System, and, to affect such purposes, agrees to consider in good faith and request any necessary legislation to achieve the objectives of this MSC Compact.

"J. Amendments and Supplements

"53. Amendments and supplements to this MSC Compact shall be adopted by legislative action of each of the Signatories and the consent of Congress. When one Signatory adopts an amendment or supplement to an existing section of this MSC Compact, that amendment or supplement shall not be immediately effective, and the previously enacted provision or provisions shall remain in effect in each jurisdiction until the amendment or supplement is approved by the other Signatories and is consented to by Congress.

"K. Withdrawal and Termination

"54. Any Signatory may withdraw from this MSC Compact, which action shall constitute a termination of this MSC Compact.

Time period.
Notice.

"55. Withdrawal from this MSC Compact shall be by a Signatory's repeal of this MSC Compact from its laws, but such repeal shall not take effect until 2 years after the effective date of the repealed statute and written notice of the withdrawal being given by the withdrawing Signatory to the governors or mayor, as appropriate, of the other Signatories.

Plans.

"56. Prior to termination of this MSC Compact, the Commission shall provide each Signatory:

"(a) A mechanism for concluding the operations of the Commission;

Proposal.

"(b) A proposal to maintain state safety oversight of the WMATA Rail System in compliance with applicable federal law;

"(c) A plan to hold surplus funds in a trust for a successor regulatory entity for 4 years after the termination of this MSC Compact; and

"(d) A plan to return any surplus funds that remain 4 years after the creation of the trust.

"L. Construction and Severability

"57. This MSC Compact shall be liberally construed to effectuate the purposes for which it is created.

"58. If any part or provision of this MSC Compact or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application

directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this MSC Compact or the application thereof to other persons or circumstances, and the Signatories hereby declare that they would have entered into this MSC Compact or the remainder thereof had the invalidity of such provision or application thereof been apparent.

"M. Adoption; Effective Date

"59. This MSC Compact shall be adopted by the Signatories in the manner provided by law therefor and shall be signed and sealed in 4 duplicate original copies. One such copy shall be filed with the Secretary of State of the State of Maryland, the Secretary of the Commonwealth of Virginia, and the Secretary of the District of Columbia in accordance with the laws of each jurisdiction. One copy shall be filed and retained in the archives of the Commission upon its organization. This MSC Compact shall become effective upon the enactment of concurring legislation by the District of Columbia, the Commonwealth of Virginia, and the State of Maryland, and consent thereto by Congress and when all other acts or actions have been taken, including, without limitation, the signing and execution of this MSC Compact by the Governors of Maryland and Virginia and the Mayor of the District of Columbia.

"N. Conflict of Laws

"60. Any conflict between any authority granted herein, or the exercise of such authority, and the provisions of the WMATA Compact shall be resolved in favor of the exercise of such authority by the Commission.

"61. All other general or special laws inconsistent with this MSC Compact are hereby declared to be inapplicable to the Commission or its activities.".

RIGHT TO ALTER, AMEND, OR REPEAL

SEC. 2. The right to alter, amend, or repeal this joint resolution is expressly reserved. The consent granted by this joint resolution shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region that forms the subject of the Compact.

CONSTRUCTION AND SEVERABILITY

SEC. 3. It is intended that the provisions of this Compact shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this Compact, or legislation enabling the Compact, is held invalid, the remainder of the Compact or its application to other situations or persons shall not be affected.

INCONSISTENCY OF LANGUAGE

SEC. 4. The validity of this Compact shall not be affected by any insubstantial differences in its form or language as adopted by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia.

EFFECTIVE DATE

SEC. 5. This joint resolution shall take effect on the date of enactment of this joint resolution.

Approved August 22, 2017.

LEGISLATIVE HISTORY—H.J. Res. 76 (S.J. Res. 22):

HOUSE REPORTS: No. 115–227 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 163 (2017):
July 17, considered and passed House.
Aug. 4, considered and passed Senate pursuant to a unanimous-consent agreement on Aug. 3.

Public Law 115–55
115th Congress

An Act

To amend title 38, United States Code, to reform the rights and processes relating to appeals of decisions regarding claims for benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

Aug. 23, 2017
[H.R. 2288]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans Appeals Improvement and Modernization Act of 2017.
38 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Appeals Improvement and Modernization Act of 2017".

SEC. 2. REFORM OF RIGHTS AND PROCESSES RELATING TO APPEALS OF DECISIONS REGARDING CLAIMS FOR BENEFITS UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.

(a) DEFINITIONS.—Section 101 of title 38, United States Code, is amended by adding at the end the following new paragraphs:

"(34) The term 'agency of original jurisdiction' means the activity which entered the original determination with regard to a claim for benefits under laws administered by the Secretary.

"(35) The term 'relevant evidence' means evidence that tends to prove or disprove a matter in issue.

"(36) The term 'supplemental claim' means a claim for benefits under laws administered by the Secretary filed by a claimant who had previously filed a claim for the same or similar benefits on the same or similar basis.".

(b) NOTICE REGARDING CLAIMS.—Section 5103(a) of such title is amended—

(1) in paragraph (1), in the first sentence, by striking "The" and inserting "Except as provided in paragraph (3), the";

(2) in paragraph (2)(B)(i) by striking ", a claim for reopening a prior decision on a claim, or a claim for an increase in benefits;" and inserting "or a supplemental claim;"; and

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

"(3) The requirement to provide notice under paragraph (1) shall not apply with respect to a supplemental claim that is filed within the timeframe set forth in subparagraphs (B) and (D) of section 5110(a)(2) of this title.".

(c) MODIFICATION OF RULE REGARDING DISALLOWED CLAIMS.—Section 5103A(f) of such title is amended—

(1) by striking "reopen" and inserting "readjudicate"; and

(2) by striking "material" and inserting "relevant".

(d) MODIFICATION OF DUTY TO ASSIST CLAIMANTS.—Section 5103A of such title is amended—

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

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

"(e) APPLICABILITY OF DUTY TO ASSIST.—(1) The Secretary's duty to assist under this section shall apply only to a claim, or supplemental claim, for a benefit under a law administered by the Secretary until the time that a claimant is provided notice of the agency of original jurisdiction's decision with respect to such claim, or supplemental claim, under section 5104 of this title.

"(2) The Secretary's duty to assist under this section shall not apply to higher-level review by the agency of original jurisdiction, pursuant to section 5104B of this title, or to review on appeal by the Board of Veterans' Appeals.

"(f) CORRECTION OF DUTY TO ASSIST ERRORS.—(1) If, during review of the agency of original jurisdiction decision under section 5104B of this title, the higher-level adjudicator identifies or learns of an error on the part of the agency of original jurisdiction to satisfy its duties under this section, and that error occurred prior to the agency of original jurisdiction decision being reviewed, unless the Secretary may award the maximum benefit in accordance with this title based on the evidence of record, the higher-level adjudicator shall return the claim for correction of such error and readjudication.

"(2)(A) If the Board of Veterans' Appeals, during review on appeal of an agency of original jurisdiction decision, identifies or learns of an error on the part of the agency of original jurisdiction to satisfy its duties under this section, and that error occurred prior to the agency of original jurisdiction decision on appeal, unless the Secretary may award the maximum benefit in accordance with this title based on the evidence of record, the Board shall remand the claim to the agency of original jurisdiction for correction of such error and readjudication.

"(B) Remand for correction of such error may include directing the agency of original jurisdiction to obtain an advisory medical opinion under section 5109 of this title.

"(3) Nothing in this subsection shall be construed to imply that the Secretary, during the consideration of a claim, does not have a duty to correct an error described in paragraph (1) or (2) that was erroneously not identified during higher-level review or during review on appeal with respect to the claim.".

(e) DECISIONS AND NOTICES OF DECISIONS.—Subsection (b) of section 5104 of such title is amended to read as follows:

"(b) Each notice provided under subsection (a) shall also include all of the following:

"(1) Identification of the issues adjudicated.

Summary. "(2) A summary of the evidence considered by the Secretary.

Summary. "(3) A summary of the applicable laws and regulations.

"(4) Identification of findings favorable to the claimant.

"(5) In the case of a denial, identification of elements not satisfied leading to the denial.

"(6) An explanation of how to obtain or access evidence used in making the decision.

Criteria. "(7) If applicable, identification of the criteria that must be satisfied to grant service connection or the next higher level of compensation.".

(f) BINDING NATURE OF FAVORABLE FINDINGS.—

(1) IN GENERAL.—Chapter 51 of such title is amended by inserting after section 5104 the following new section:

"§ 5104A. Binding nature of favorable findings 38 USC 5104A.

"Any finding favorable to the claimant as described in section 5104(b)(4) of this title shall be binding on all subsequent adjudicators within the Department, unless clear and convincing evidence is shown to the contrary to rebut such favorable finding.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of such title is amended by inserting after the item relating to section 5104 the following new item: 38 USC prec. 5100.

"5104A. Binding nature of favorable findings.".

(g) HIGHER-LEVEL REVIEW BY AGENCY OF ORIGINAL JURISDICTION.—

(1) IN GENERAL.—Chapter 51 of such title, as amended by subsection (f), is further amended by inserting after section 5104A, as added by such subsection, the following new section:

"§ 5104B. Higher-level review by the agency of original jurisdiction 38 USC 5104B.

"(a) IN GENERAL.—(1) A claimant may request a review of the decision of the agency of original jurisdiction by a higher-level adjudicator within the agency of original jurisdiction.

"(2) The Secretary shall approve each request for review under paragraph (1). Approval.

"(b) TIME AND MANNER OF REQUEST.—(1) A request for higher-level review by the agency of original jurisdiction shall be—

"(A) in writing in such form as the Secretary may prescribe; and

"(B) made within one year of the notice of the agency of original jurisdiction's decision. Deadline.

"(2) Such request may specifically indicate whether such review is requested by a higher-level adjudicator at the same office within the agency of original jurisdiction or by an adjudicator at a different office of the agency of original jurisdiction. The Secretary shall not deny such request for review by an adjudicator at a different office of the agency of original jurisdiction without good cause.

"(c) DECISION.—Notice of a higher-level review decision under this section shall be provided in writing and shall include a general statement— Notice.

"(1) reflecting whether evidence was not considered pursuant to subsection (d); and

"(2) noting the options available to the claimant to have the evidence described in paragraph (1), if any, considered by the Department.

"(d) EVIDENTIARY RECORD FOR REVIEW.—The evidentiary record before the higher-level adjudicator shall be limited to the evidence of record in the agency of original jurisdiction decision being reviewed.

"(e) DE NOVO REVIEW.—A review of the decision of the agency of original jurisdiction by a higher-level adjudicator within the agency of original jurisdiction shall be de novo.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of such title, as amended by subsection (f), is further amended by inserting after the item relating 38 USC prec. 5100.

to section 5104A, as added by such subsection, the following new item:

"5104B. Higher-level review by the agency of original jurisdiction.".

(h) OPTIONS FOLLOWING DECISION BY AGENCY OF ORIGINAL JURISDICTION.—

(1) IN GENERAL.—Chapter 51 of such title, as amended by subsection (g), is further amended by inserting after section 5104B, as added by such subsection, the following new section:

Time periods.
38 USC 5104C.

"§ 5104C. Options following decision by agency of original jurisdiction

"(a) WITHIN ONE YEAR OF DECISION.—(1) Subject to paragraph (2), in any case in which the Secretary renders a decision on a claim, the claimant may take any of the following actions on or before the date that is one year after the date on which the agency of original jurisdiction issues a decision with respect to that claim:

"(A) File a request for higher-level review under section 5104B of this title.

"(B) File a supplemental claim under section 5108 of this title.

"(C) File a notice of disagreement under section 7105 of this title.

"(2)(A) Once a claimant takes an action set forth in paragraph (1), the claimant may not take another action set forth in that paragraph with respect to the same claim or same issue contained within the claim until—

"(i) the higher-level review, supplemental claim, or notice of disagreement is adjudicated; or

"(ii) the request for higher-level review, supplemental claim, or notice of disagreement is withdrawn.

"(B) Nothing in this subsection shall prohibit a claimant from taking any of the actions set forth in paragraph (1) in succession with respect to a claim or an issue contained within the claim.

"(C) Nothing in this subsection shall prohibit a claimant from taking different actions set forth in paragraph (1) with respect to different claims or different issues contained within a claim.

"(D) The Secretary may, as the Secretary considers appropriate, develop and implement a policy for claimants who—

"(i) take an action under paragraph (1);

"(ii) wish to withdraw the action before the higher-level review, supplemental claim, or notice of disagreement is adjudicated; and

"(iii) in lieu of such action take a different action under paragraph (1).

"(b) MORE THAN ONE YEAR AFTER DECISION.—In any case in which the Secretary renders a decision on a claim and more than one year has passed since the date on which the agency of original jurisdiction issues a decision with respect to that claim, the claimant may file a supplemental claim under section 5108 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of such title, as amended by subsection (g), is further amended by inserting after the item relating

38 USC prec. 5100.

to section 5104B, as added by such subsection, the following new item:

"5104C. Options following decision by agency of original jurisdiction.".

(i) SUPPLEMENTAL CLAIMS.—

(1) IN GENERAL.—Section 5108 of such title is amended to read as follows: 38 USC 5108.

"§ 5108. Supplemental claims

"(a) IN GENERAL.—If new and relevant evidence is presented or secured with respect to a supplemental claim, the Secretary shall readjudicate the claim taking into consideration all of the evidence of record.

"(b) DUTY TO ASSIST.—(1) If a claimant, in connection with a supplemental claim, reasonably identifies existing records, whether or not in the custody of a Federal department or agency, the Secretary shall assist the claimant in obtaining the records in accordance with section 5103A of this title.

"(2) Assistance under paragraph (1) shall not be predicated upon a finding that new and relevant evidence has been presented or secured.".

(2) RULE OF CONSTRUCTION.—Section 5108 of such title, as amended by paragraph (1), shall not be construed to impose a higher evidentiary threshold than the new and material evidence standard that was in effect pursuant to such section on the day before the date of the enactment of this Act. 38 USC 5108 note.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of such title is amended by striking the item relating to section 5108 and inserting the following new item: 38 USC prec. 5100.

"5108. Supplemental claims.".

(j) REMAND TO OBTAIN ADVISORY MEDICAL OPINION.—Section 5109 of such title is amended by adding at the end the following new subsection:

"(d)(1) The Board of Veterans' Appeals shall remand a claim to direct the agency of original jurisdiction to obtain an advisory medical opinion from an independent medical expert under this section if the Board finds that the Veterans Benefits Administration should have exercised its discretion to obtain such an opinion.

"(2) The Board's remand instructions shall include the questions to be posed to the independent medical expert providing the advisory medical opinion.".

(k) RESTATEMENT OF REQUIREMENT FOR EXPEDITED TREATMENT OF RETURNED AND REMANDED CLAIMS.—

(1) IN GENERAL.—Section 5109B of such title is amended to read as follows:

"§ 5109B. Expedited treatment of returned and remanded claims

"The Secretary shall take such actions as may be necessary to provide for the expeditious treatment by the Veterans Benefits Administration of any claim that is returned by a higher-level adjudicator under section 5104B of this title or remanded by the Board of Veterans' Appeals.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of such title is amended by striking 38 USC prec. 5100.

the item relating to section 5109B and inserting the following new item:

"5109B. Expedited treatment of returned and remanded claims.".

(l) EFFECTIVE DATES OF AWARDS.—Section 5110 of title 38, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a)(1) Unless specifically provided otherwise in this chapter, the effective date of an award based on an initial claim, or a supplemental claim, of compensation, dependency and indemnity compensation, or pension, shall be fixed in accordance with the facts found, but shall not be earlier than the date of receipt of application therefor.

Determination.

"(2) For purposes of determining the effective date of an award under this section, the date of application shall be considered the date of the filing of the initial application for a benefit if the claim is continuously pursued by filing any of the following, either alone or in succession:

"(A) A request for higher-level review under section 5104B of this title on or before the date that is one year after the date on which the agency of original jurisdiction issues a decision.

"(B) A supplemental claim under section 5108 of this title on or before the date that is one year after the date on which the agency of original jurisdiction issues a decision.

Notice.

"(C) A notice of disagreement on or before the date that is one year after the date on which the agency of original jurisdiction issues a decision.

"(D) A supplemental claim under section 5108 of this title on or before the date that is one year after the date on which the Board of Veterans' Appeals issues a decision.

"(E) A supplemental claim under section 5108 of this title on or before the date that is one year after the date on which the Court of Appeals for Veterans Claims issues a decision.

"(3) Except as otherwise provided in this section, for supplemental claims received more than one year after the date on which the agency of original jurisdiction issued a decision or the Board of Veterans' Appeals issued a decision, the effective date shall be fixed in accordance with the facts found, but shall not be earlier than the date of receipt of the supplemental claim."; and

(2) in subsection (i), in the first sentence—

(A) by striking "reopened" and inserting "readjudicated";

(B) by striking "material" and inserting "relevant"; and

(C) by striking "reopening" and inserting "readjudication".

(m) DEFINITION OF AWARD OR INCREASED AWARD FOR PURPOSES OF PROVISIONS RELATING TO COMMENCEMENT OF PERIOD OF PAYMENT.—Section 5111(d)(1) of such title is amended by striking "or reopened award" and inserting "award or award based on a supplemental claim".

(n) MODIFICATION OF LIMITATION ON FEES ALLOWABLE FOR REPRESENTATION.—Section 5904(c) of such title is amended, in paragraphs (1) and (2), by striking "notice of disagreement is filed" both places it appears and inserting "claimant is provided notice of the agency of original jurisdiction's initial decision under section 5104 of this title".

(o) CLARIFICATION OF BOARD OF VETERANS' APPEALS REFERRAL REQUIREMENTS AFTER ORDER FOR RECONSIDERATION OF DECISIONS.—Section 7103(b)(1) of title 38, United States Code, is amended by striking "heard" both places it appears and inserting "decided".

(p) CONFORMING AMENDMENT RELATING TO READJUDICATION.—Section 7104(b) of such title is amended by striking "reopened" and inserting "readjudicated".

(q) MODIFICATION OF PROCEDURES FOR APPEALS TO BOARD OF VETERANS' APPEALS.— Notices.

(1) IN GENERAL.—Section 7105 of title 38, United States Code, is amended—

(A) in subsection (a), by striking the first sentence and inserting "Appellate review shall be initiated by the filing of a notice of disagreement in the form prescribed by the Secretary.";

(B) by amending subsection (b) to read as follows: Time period.

"(b)(1)(A) Except in the case of simultaneously contested claims, a notice of disagreement shall be filed within one year from the date of the mailing of notice of the decision of the agency of original jurisdiction pursuant to section 5104, 5104B, or 5108 of this title.

"(B) A notice of disagreement postmarked before the expiration of the one-year period shall be accepted as timely filed.

"(C) A question as to timeliness or adequacy of the notice of disagreement shall be decided by the Board.

"(2)(A) Notices of disagreement shall be in writing, shall identify the specific determination with which the claimant disagrees, and may be filed by the claimant, the claimant's legal guardian, or such accredited representative, attorney, or authorized agent as may be selected by the claimant or legal guardian.

"(B) Not more than one recognized organization, attorney, or agent may be recognized at any one time in the prosecution of a claim.

"(C) Notices of disagreement shall be filed with the Board.

"(3) The notice of disagreement shall indicate whether the claimant requests—

"(A) a hearing before the Board, which shall include an opportunity to submit evidence in accordance with section 7113(b) of this title; Hearing.

"(B) an opportunity to submit additional evidence without a hearing before the Board, which shall include an opportunity to submit evidence in accordance with section 7113(c) of this title; or

"(C) a review by the Board without a hearing or the submittal of additional evidence. Review.

"(4) The Secretary shall develop a policy to permit a claimant to modify the information identified in the notice of disagreement after the notice of disagreement has been filed under this section pursuant to such requirements as the Secretary may prescribe."; Policy.

(C) by amending subsection (c) to read as follows:

"(c) If no notice of disagreement is filed in accordance with this chapter within the prescribed period, the action or decision of the agency of original jurisdiction shall become final and the claim shall not thereafter be readjudicated or allowed, except—

"(1) in the case of a readjudication or allowance pursuant to a higher-level review that was requested in accordance with section 5104B of this title;

"(2) as may otherwise be provided by section 5108 of this title; or

"(3) as may otherwise be provided in such regulations as are consistent with this title.";

(D) by striking subsection (d) and inserting the following new subsection (d):

"(d) The Board may dismiss any appeal which fails to identify the specific determination with which the claimant disagrees.";

(E) by striking subsection (e); and

(F) in the section heading, by striking "**notice of disagreement and**".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item relating to section 7105 and inserting the following new item:

38 USC prec. 7101.

"7105. Filing of appeal.".

(r) MODIFICATION OF PROCEDURES AND REQUIREMENTS FOR SIMULTANEOUSLY CONTESTED CLAIMS.—Subsection (b) of section 7105A of such title is amended to read as follows:

Notices.

Time period.

"(b)(1) The substance of the notice of disagreement shall be communicated to the other party or parties in interest and a period of thirty days shall be allowed for filing a brief or argument in response thereto.

"(2) Such notice shall be forwarded to the last known address of record of the parties concerned, and such action shall constitute sufficient evidence of notice.".

(s) REPEAL OF PROCEDURES FOR ADMINISTRATIVE APPEALS.—

(1) IN GENERAL.—Chapter 71 of such title is amended by striking section 7106.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item relating to section 7106.

38 USC prec. 7101.

(t) MODIFICATIONS RELATING TO APPEALS: DOCKETS; HEARINGS.—Section 7107 of such title is amended to read as follows:

"§ 7107. Appeals: dockets; hearings

"(a) DOCKETS.—(1) Subject to paragraph (2), the Board shall maintain at least two separate dockets.

Notification.

"(2) The Board may not maintain more than two separate dockets unless the Board notifies the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives of any additional docket, including a justification for maintaining such additional docket.

"(3)(A) The Board may assign to each docket maintained under paragraph (1) such cases as the Board considers appropriate, except that cases described in clause (i) of subparagraph (B) may not be assigned to any docket to which cases described in clause (ii) of such paragraph are assigned.

"(B) Cases described in this paragraph are the following:

"(i) Cases in which no Board hearing is requested.

"(ii) Cases in which a Board hearing is requested in the notice of disagreement.

"(4) Except as provided in subsection (b), each case before the Board will be decided in regular order according to its respective place on the docket to which it is assigned by the Board.

"(b) ADVANCEMENT ON THE DOCKET.—(1) A case on one of the dockets of the Board maintained under subsection (a) may, for cause shown, be advanced on motion for earlier consideration and determination.

"(2) Any such motion shall set forth succinctly the grounds upon which the motion is based.

"(3) Such a motion may be granted only—

"(A) if the case involves interpretation of law of general application affecting other claims;

"(B) if the appellant is seriously ill or is under severe financial hardship; or

"(C) for other sufficient cause shown.

"(c) MANNER AND SCHEDULING OF HEARINGS FOR CASES ON A DOCKET THAT MAY INCLUDE A HEARING.—(1) For cases on a docket maintained by the Board under subsection (a) that may include a hearing, in which a hearing is requested in the notice of disagreement, the Board shall notify the appellant whether a Board hearing will be held— Notification.

"(A) at its principal location; or

"(B) by picture and voice transmission at a facility of the Department where the Secretary has provided suitable facilities and equipment to conduct such hearings.

"(2)(A) Upon notification of a Board hearing at the Board's principal location as described in subparagraph (A) of paragraph (1), the appellant may alternatively request a hearing as described in subparagraph (B) of such paragraph. If so requested, the Board shall grant such request.

"(B) Upon notification of a Board hearing by picture and voice transmission as described in subparagraph (B) of paragraph (1), the appellant may alternatively request a hearing as described in subparagraph (A) of such paragraph. If so requested, the Board shall grant such request.

"(d) SCREENING OF CASES.—Nothing in this section shall be construed to preclude the screening of cases for purposes of—

"(1) determining the adequacy of the record for decisional purposes; or

"(2) the development, or attempted development, of a record found to be inadequate for decisional purposes.

"(e) POLICY ON CHANGING DOCKETS.—The Secretary shall develop and implement a policy allowing an appellant to move the appellant's case from one docket to another docket.".

(u) REPEAL OF CERTAIN AUTHORITY FOR INDEPENDENT MEDICAL OPINIONS.—

(1) IN GENERAL.—Section 7109 of such title is repealed. 38 USC 7109.

(2) CONFORMING AMENDMENT.—Section 5701(b)(1) of such title is amended by striking "or 7109".

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item relating to section 7109. 38 USC prec. 7101.

(v) CLARIFICATION OF PROCEDURES FOR REVIEW OF DECISIONS ON GROUNDS OF CLEAR AND UNMISTAKABLE ERROR.—Section 7111(e) of such title is amended by striking ", without referral to any adjudicative or hearing official acting on behalf of the Secretary".

(w) EVIDENTIARY RECORD BEFORE BOARD OF VETERANS' APPEALS.—

(1) IN GENERAL.—Chapter 71 of such title is amended by adding at the end the following new section:

38 USC 7113.

"§ 7113. Evidentiary record before the Board of Veterans' Appeals

"(a) CASES WITH NO REQUEST FOR A HEARING OR ADDITIONAL EVIDENCE.—For cases in which a hearing before the Board of Veterans' Appeals is not requested in the notice of disagreement and no request was made to submit evidence, the evidentiary record before the Board shall be limited to the evidence of record at the time of the decision of the agency of original jurisdiction on appeal.

"(b) CASES WITH A REQUEST FOR A HEARING.—(1) Except as provided in paragraph (2), for cases in which a hearing is requested in the notice of disagreement, the evidentiary record before the Board shall be limited to the evidence of record at the time of the decision of the agency of original jurisdiction on appeal.

"(2) The evidentiary record before the Board for cases described in paragraph (1) shall include each of the following, which the Board shall consider in the first instance:

"(A) Evidence submitted by the appellant and his or her representative, if any, at the Board hearing.

Deadline.

"(B) Evidence submitted by the appellant and his or her representative, if any, within 90 days following the Board hearing.

"(c) CASES WITH NO REQUEST FOR A HEARING AND WITH A REQUEST FOR ADDITIONAL EVIDENCE.—(1) Except as provided in paragraph (2), for cases in which a hearing is not requested in the notice of disagreement but an opportunity to submit evidence is requested, the evidentiary record before the Board shall be limited to the evidence considered by the agency of original jurisdiction in the decision on appeal.

"(2) The evidentiary record before the Board for cases described in paragraph (1) shall include each of the following, which the Board shall consider in the first instance:

"(A) Evidence submitted by the appellant and his or her representative, if any, with the notice of disagreement.

Deadline.

"(B) Evidence submitted by the appellant and his or her representative, if any, within 90 days following receipt of the notice of disagreement.".

(2) NOTIFICATION WHEN EVIDENCE NOT CONSIDERED.—Section 7104(d) of such title is amended—

(A) in paragraph (1), by striking "; and" and inserting a semicolon;

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

(C) by inserting after paragraph (1) the following new paragraph (2):

"(2) a general statement—

"(A) reflecting whether evidence was not considered in making the decision because the evidence was received at a time when not permitted under section 7113 of this title; and

"(B) noting such options as may be available for having the evidence considered by the Department; and".

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of such title is amended by inserting after the item relating to section 7112 the following new item: 38 USC prec. 7101.

"7113. Evidentiary record before the Board of Veterans' Appeals.".

(x) APPLICABILITY.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to all claims for which notice of a decision under section 5104 of title 38, United States Code, is provided by the Secretary of Veterans Affairs on or after the later of— Effective dates. Time period. 38 USC 101 note.

(A) the date that is 540 days after the date of the enactment of this Act; and

(B) the date that is 30 days after the date on which the Secretary of Veterans Affairs submits to the appropriate committees of Congress—

(i) a certification that the Secretary confirms, without delegation, that the Department of Veterans Affairs has the resources, personnel, office space, procedures, and information technology required— Certification.

(I) to carry out the new appeals system;

(II) to timely address appeals under the new appeals system; and

(III) to timely address appeals of decisions on legacy claims; and

(ii) a summary of the expectations for performance outcomes that the Secretary used in making the certification under clause (i)(III) and a comparison of such expected performance outcomes with actual performance outcomes with respect to appeals of legacy claims before the effective date of the new appeals system. Summary.

(2) COLLABORATION.—In determining whether and when to make a certification under paragraph (1)(B), the Secretary shall collaborate with, partner with, and give weight to the advice of veterans service organizations and such other stakeholders as the Secretary considers appropriate.

(3) EARLY APPLICABILITY.—The Secretary may apply the new appeals system to a claim with respect to which the claimant—

(A) receives a notice of a decision under section 5104 of such title after the date of the enactment of this Act and before the applicability date set forth in paragraph (1); and Notice.

(B) elects to subject the claim to the new appeals system.

(4) PHASED ROLLOUT.—The Secretary may begin implementation of the new appeals system in phases, with the first phase of such phased implementation beginning on the applicability date set forth in paragraph (1). Effective date.

(5) TREATMENT OF LEGACY CLAIMS.—With respect to legacy claims, upon the issuance to a claimant of a statement of the case or supplemental statement of the case occurring on or after the applicability date specified in paragraph (1), a claimant may elect to participate in the new appeals system.

(6) PUBLICATION OF APPLICABILITY DATE.—Not later than the date on which the new appeals system goes into effect (or the first phase of the new appeals system goes into effect Deadline. Federal Register, publication.

under paragraph (4), as the case may be), the Secretary shall publish in the Federal Register such date.

(7) DEFINITIONS.—In this subsection:

(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(i) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(ii) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

(B) VETERANS SERVICE ORGANIZATION.—The term "veterans service organization" means any organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

38 USC 101 note.

(y) RULE OF CONSTRUCTION.—Nothing in this section or any of the amendments made by this section shall be construed to limit the ability of a claimant to request a revision of a decision under section 5109A or 7111 of title 38, United States Code.

38 USC 101 note.

SEC. 3. COMPREHENSIVE PLAN FOR PROCESSING OF LEGACY APPEALS AND IMPLEMENTING NEW APPEALS SYSTEM.

Deadline.

(a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress and the Comptroller General of the United States a comprehensive plan for—

(1) the processing of appeals of decisions on legacy claims that the Secretary considers pending;

(2) implementing the new appeals system;

(3) timely processing, under the new appeals system, of—

(A) supplemental claims under section 5108 of title 38, United States Code, as amended by section 2(i);

(B) requests for higher-level review under section 5104B of such title, as added by section 2(g); and

(C) appeals on any docket maintained under section 7107 of such title, as amended by section 2(t); and

(4) monitoring the implementation of the new appeals system, including metrics and goals—

(A) to track the progress of the implementation;

(B) to evaluate the efficiency and effectiveness of the implementation; and

(C) to identify potential issues relating to the implementation.

(b) ELEMENTS.—The plan required by subsection (a) shall include, at a minimum, the following:

(1) Delineation of the total resource requirements of the Veterans Benefits Administration and the Board of Veterans' Appeals, disaggregated by resources required to implement and administer the new appeals system and resources required to address the appeals of decisions on legacy claims.

(2) Delineation of the personnel requirements of the Administration and the Board, including staffing levels during the—

(A) period in which the Administration and the Board are concurrently processing—

(i) appeals of decisions on legacy claims; and

(ii) appeals of decisions on non-legacy claims under the new appeals system; and

(B) the period during which the Administration and the Board are no longer processing any appeals of decisions on legacy claims.

(3) Identification of the legal authorities under which the Administration or the Board may—

(A) hire additional employees to conduct the concurrent processing described in paragraph (2)(A); and Hiring.

(B) remove employees who are no longer required by the Administration or the Board once the Administration and the Board are no longer processing any appeals of decisions on legacy claims.

(4) An estimate of the amount of time the Administration and the Board will require to hire additional employees as described in paragraph (3)(A) once funding has been made available for such purpose, including a comparison of such estimate and the historical average time required by the Administration and the Board to hire additional employees. Estimate.

(5) A description of the amount of training and experience that will be required of individuals conducting higher-level reviews under section 5104B of title 38, United States Code, as added by section 2(g).

(6) An estimate of the percentage of higher-level adjudicators who will be employees of the Department of Veterans Affairs who were Decision Review Officers on the day before the new appeals system takes effect or had experience, as of such date, comparable to that of one who was a Decision Review Officer. Estimate.

(7) A description of the functions that will be performed after the date on which the new appeals system takes effect by Decision Review Officers who were Decision Review Officers on the day before the date the new appeals system takes effect.

(8) Identification of and a timeline for—

(A) any training that may be required as a result of hiring new employees to carry out the new appeals system or to process appeals of decisions on legacy claims; and

(B) any retraining of existing employees that may be required to carry out such system or to process such claims.

(9) Identification of the costs to the Department of Veterans Affairs of the training identified under paragraph (8) and any additional training staff and any additional training facilities that will be required to provide such training.

(10) A description of the modifications to the information technology systems of the Administration and the Board that the Administration and the Board require to carry out the new appeals system, including cost estimates and a timeline for making the modifications.

(11) An estimate of the office space the Administration and the Board will require during each of the periods described in paragraph (2), including— Estimates.

(A) an estimate of the amount of time the Administration and the Board will require to acquire any additional office space to carry out processing of appeals of decisions

on legacy claims and processing of appeals under the new appeals system;

(B) a comparison of the estimate under subparagraph (A) and the historical average time required by the Administration and the Board to acquire new office space; and

Telework plan.

(C) a plan for using telework to accommodate staff exceeding available office space, including how the Administration and the Board will provide training and oversight with respect to such teleworking.

(12) Projections for the productivity of individual employees at the Administration and the Board in carrying out tasks relating to the processing of appeals of decisions on legacy claims and appeals under the new appeals system, taking into account the experience level of new employees and the enhanced notice requirements under section 5104(b) of title 38, United States Code, as amended by section 2(e).

(13) An outline of the outreach the Secretary expects to conduct to inform veterans, families of veterans, survivors of veterans, veterans service organizations, military service organizations, congressional caseworkers, advocates for veterans, and such other stakeholders as the Secretary considers appropriate about the new appeals system, including—

(A) a description of the resources required to conduct such outreach; and

(B) timelines for conducting such outreach.

(14) Timelines for updating any policy guidance, Internet websites, and official forms that may be necessary to carry out the new appeals system, including—

(A) identification of which offices and entities will be involved in efforts relating to such updating; and

(B) historical information about how long similar update efforts have taken.

(15) A timeline, including interim milestones, for promulgating such regulations as may be necessary to carry out the new appeals system and a comparison with historical averages for time required to promulgate regulations of similar complexity and scope.

(16) An outline of the circumstances under which claimants with pending appeals of decisions on legacy claims would be authorized to have their appeals reviewed under the new appeals system.

(17) A delineation of the key goals and milestones for reducing the number of pending appeals that are not processed under the new appeals system, including the expected number of appeals, remands, and hearing requests at the Administration and the Board each year, beginning with the one year period beginning on the date of the enactment of this Act, until there are no longer any appeals pending before the Administration or the Board for a decision on a legacy claim.

Contingency plan.

(18) A description of each risk factor associated with each element of the plan and a contingency plan to minimize each such risk.

(c) REVIEW BY COMPTROLLER GENERAL OF THE UNITED STATES.—

(1) IN GENERAL.—Not later than 90 days after the Comptroller General of the United States receives the plan required by subsection (a), the Comptroller General shall— Deadline.

(A) assess such plan; and Assessment.

(B) notify the appropriate committees of Congress of the findings of the Comptroller General with respect to the assessment conducted under subparagraph (A). Notification.

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

(A) An assessment of whether the plan comports with sound planning practices. Assessment.

(B) Identification of any gaps in the plan.

(C) Formulation of such recommendations as the Comptroller General considers appropriate.

(d) PERIODIC PROGRESS REPORTS.—Not later than 90 days after the date on which the Secretary submits the plan under subsection (a), not less frequently than once every 90 days thereafter until the applicability date set forth in section 2(x)(1), and not less frequently than once every 180 days thereafter for the seven-year period following such applicability date, the Secretary shall submit to the appropriate committees of Congress and the Comptroller General a report on the progress of the Secretary in carrying out the plan and what steps, if any, the Secretary has taken to address any recommendations formulated by the Comptroller General pursuant to subsection (c)(2)(C).

(e) PUBLICATION.—The Secretary shall make available to the public on an Internet website of the Department of Veterans Affairs— Public information. Web posting.

(1) the plan required by subsection (a); and

(2) the periodic progress reports required by subsection (d).

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(2) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

SEC. 4. PROGRAMS TO TEST ASSUMPTIONS RELIED ON IN DEVELOPMENT OF COMPREHENSIVE PLAN FOR PROCESSING OF LEGACY APPEALS AND SUPPORTING NEW APPEALS SYSTEM.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may carry out such programs as the Secretary considers appropriate to test any assumptions relied upon in developing the comprehensive plan required by section 3(a) and to test the feasibility and advisability of any facet of the new appeals system.

(2) REPORTING REQUIRED.—Whenever the Secretary determines, based on the conduct of a program under paragraph (1), that legislative changes to the new appeals system are necessary, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives notice of such determination. Determination. Notice.

(b) DEPARTMENT OF VETERANS AFFAIRS PROGRAM ON FULLY DEVELOPED APPEALS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may, under subsection (a)(1), carry out a program to provide the option of an alternative appeals process that shall more quickly determine such appeals in accordance with this subsection.

(2) ELECTION.—

(A) FILING.—In accordance with subparagraph (B), a claimant may elect to file a fully developed appeal under the program by filing with the Secretary all of the following:

(i) The notice of disagreement under chapter 71 of title 38, United States Code, along with the written election of the claimant to have the appeal determined under the program.

(ii) All evidence that the claimant believes is needed for the appeal as of the date of the filing.

(iii) A statement of the argument in support of the claim, if any.

(B) TIMING.—A claimant shall make an election under subparagraph (A) as part of the notice of disagreement filed by the claimant in accordance with subparagraph (A)(i).

Assessment. Notification.

(C) TRIAGE.—The Secretary shall, upon expiration of the period specified in paragraph (3)(C)(iii), ensure that an assessment is undertaken of whether an appeal filed under subparagraph (A) of this paragraph satisfies the requirements for appeal under the program and provide appropriate notification to the claimant of the results of that assessment.

(D) REVERSION.—

(i) ELECTED REVERSION.—At any time, a claimant who makes an election under subparagraph (A) may elect to revert to the standard appeals process. Such a reversion shall be final.

(ii) AUTOMATIC REVERSION.—A claimant described in clause (i), or a claimant who makes an election under subparagraph (A) but is later determined to be ineligible for the program under paragraph (1), shall revert to the standard appeals process without any penalty to the claimant other than the loss of the docket number associated with the fully developed appeal.

(E) OUTREACH.—In providing claimants with notices of the determination of a claim during the period in which the program under paragraph (1) is carried out, the Secretary shall conduct outreach as follows:

(i) The Secretary shall provide to the claimant (and to the representative of record of the claimant, if any) information regarding—

(I) the program, including the advantages and disadvantages of the program;

(II) how to make an election under subparagraph (A);

(III) the limitation on the use of new evidence described in subparagraph (C) of paragraph (3) and the development of information under subparagraph (D) of such paragraph;

(IV) the ability of the claimant to seek advice and education regarding such process from veterans service organizations, attorneys, and claims agents recognized under chapter 59 of title 38, United States Code; and

(V) the circumstances under which the appeal will automatically revert to the standard appeals process, including by making a request for a hearing.

(ii) The Secretary shall collaborate, partner with, and give weight to the advice of the three veterans service organizations with the most members and such other stakeholders as the Secretary considers appropriate to publish on the Internet website of the Department of Veterans Affairs an online tutorial explaining the advantages and disadvantages of the program. Web posting.

(3) TREATMENT BY DEPARTMENT AND BOARD.—

(A) PROCESS.—Upon the election of a claimant to file a fully developed appeal pursuant to paragraph (2)(A), the Secretary shall—

(i) not provide the claimant with a statement of the case nor require the claimant to file a substantive appeal; and

(ii) transfer jurisdiction over the fully developed appeal directly to the Board of Veterans' Appeals.

(B) DOCKET.—

(i) IN GENERAL.—The Board of Veterans' Appeals shall—

(I) maintain fully developed appeals on a separate docket than standard appeals;

(II) decide fully developed appeals in the order that the fully developed appeals are received on the fully developed appeal docket;

(III) except as provided by clause (ii), decide not more than one fully developed appeal for each four standard appeals decided; and

(IV) to the extent practicable, decide each fully developed appeal by the date that is one year following the date on which the claimant files the notice of disagreement.

(ii) ADJUSTMENT.—Beginning one year after the date on which the program commences, the Board may adjust the number of standard appeals decided for each fully developed appeal under clause (i)(III) if the Board determines that such adjustment is fair for both standard appeals and fully developed appeals. Effective date. Determination.

(C) LIMITATION ON USE OF NEW EVIDENCE.—

(i) IN GENERAL.—Except as provided by clauses (ii) and (iii)—

(I) a claimant may not submit or identify to the Board of Veterans' Appeals any new evidence relating to a fully developed appeal after filing such appeal unless the claimant reverts to the standard appeals process pursuant to paragraph (2)(D); and

(II) if a claimant submits or identifies any such new evidence, such submission or identification shall be deemed to be an election to make such a reversion pursuant to paragraph (2)(D).

(ii) EVIDENCE GATHERED BY BOARD.—Clause (i) shall not apply to evidence developed pursuant to subparagraphs (D) and (E). The Board shall consider such evidence in the first instance without consideration by the Veterans Benefits Administration.

(iii) REPRESENTATIVE OF RECORD.—The representative of record of a claimant for appeals purposes, if any, shall be provided an opportunity to review the fully developed appeal of the claimant and submit any additional arguments or evidence that the representative determines necessary during a period specified by the Board for purposes of this subparagraph.

Determination. Records.

(D) PROHIBITION ON REMAND FOR ADDITIONAL DEVELOPMENT.—If the Board of Veterans' Appeals determines that a fully developed appeal requires Federal records, independent medical opinions, or new medical examinations, the Board shall—

(i) in accordance with subparagraph (E), take such actions as may be necessary to develop such records, opinions, or examinations in accordance with section 5103A of title 38, United States Code;

(ii) retain jurisdiction of the fully developed appeal without requiring a determination by the Veterans Benefits Administration based on such records, opinions, or examinations;

(iii) ensure the claimant, and the representative of record of a claimant, if any, receives a copy of such records, opinions, or examinations; and

Time period.

(iv) provide the claimant a period of 90 days after the date of mailing such records, opinions, or examinations during which the claimant may provide the Board any additional evidence without requiring the claimant to make a reversion pursuant to paragraph (2)(D).

(E) DEVELOPMENT UNIT.—

Determination.

(i) ESTABLISHMENT.—The Board of Veterans' Appeals shall establish an office to develop Federal records, independent medical opinions, and new medical examinations pursuant to subparagraph (D)(i) that the Board determines necessary to decide a fully developed appeal.

(ii) REQUIREMENTS.—The Secretary shall—

(I) ensure that the Veterans Benefits Administration cooperates with the Board of Veterans' Appeals in carrying out clause (i); and

Determination.

(II) transfer employees of the Veterans Benefits Administration who, prior to the enactment of this Act, were responsible for processing claims remanded by the Board of Veterans' Appeals to positions within the office of the Board established under clause (i) in a number the Secretary determines sufficient to carry out such subparagraph.

(F) HEARINGS.—Notwithstanding section 7107 of title 38, United States Code, the Secretary may not provide

hearings with respect to fully developed appeals under the program. If a claimant requests to hold a hearing pursuant to such section 7107, such request shall be deemed to be an election to revert to the standard appeals process pursuant to paragraph (2)(D).

(4) DURATION; APPLICABILITY.—

(A) DURATION.—Subject to subsection (c), the Secretary may carry out the program during such period as the Secretary considers appropriate.

(B) APPLICABILITY.—This section shall apply only to fully developed appeals that are filed during the period in which the program is carried out pursuant to subparagraph (A).

(5) DEFINITIONS.—In this subsection:

(A) COMPENSATION.—The term "compensation" has the meaning given that term in section 101 of title 38, United States Code.

(B) FULLY DEVELOPED APPEAL.—The term "fully developed appeal" means an appeal of a claim for disability compensation that is—

(i) filed by a claimant in accordance with paragraph (2)(A); and

(ii) considered in accordance with this subsection.

(C) STANDARD APPEAL.—The term "standard appeal" means an appeal of a claim for disability compensation that is not a fully developed appeal.

(c) TERMINATION OF AUTHORITY.—The Secretary of Veterans Affairs may not carry out a program under this section after the applicability date set forth in section 2(x)(1).

SEC. 5. PERIODIC PUBLICATION OF METRICS RELATING TO PROCESSING OF APPEALS BY DEPARTMENT OF VETERANS AFFAIRS.

Web posting.

The Secretary of Veterans Affairs shall periodically publish on an Internet website of the Department of Veterans Affairs the following:

(1) With respect to the processing by the Secretary of appeals under the new appeals system of decisions regarding claims for benefits under laws administered by the Secretary, the following:

(A) For the Veterans Benefits Administration and, to the extent practicable, each regional office of the Department of Veterans Affairs, the number of—

(i) supplemental claims under section 5108 of title 38, United States Code, as amended by section 2(i), that are pending; and

(ii) requests for higher-level review under section 5104B of such title, as added by section 2(g), that are pending.

(B) The number of appeals on any docket maintained under section 7107 of such title, as amended by section 2(t), that are pending.

(C) The average duration for processing claims and supplemental claims, disaggregated by regional office.

(D) The average duration for processing requests for higher-level review under section 5104B of such title, as added by section 2(g), disaggregated by regional office.

(E) The average number of days that appeals are pending on a docket of the Board of Veterans' Appeals maintained pursuant to section 7107 of such title, as amended by section 2(t), disaggregated by—

(i) appeals that include a request for a hearing;

(ii) appeals that do not include a request for a hearing and do include submittal of evidence; and

(iii) appeals that do not include a request for a hearing and do not include submittal of evidence.

(F) With respect to the policy developed and implemented under section 7107(e) of such title, as amended by section 2(t)—

(i) the number of cases moved from one docket to another pursuant to such policy;

(ii) the average time cases were pending prior to moving from one docket to another; and

(iii) the average time to adjudicate the cases after so moving.

(G) The total number of remands to obtain advisory medical opinions under section 5109(d) of title 38, United States Code, as added by section 2(j).

(H) The average number of days between the date on which the Board remands a claim to obtain an advisory medical opinion under section 5109(d) of such title, as so added, and the date on which the advisory medical opinion is obtained.

(I) The average number of days between the date on which the Board remands a claim to obtain an advisory medical opinion under section 5109(d) of such title, as so added, and the date on which the agency of original jurisdiction issues a decision taking that advisory opinion into account.

(J) The number of appeals that are granted, the number of appeals that are remanded, and the number of appeals that are denied by the Board disaggregated by docket.

(K) The number of claimants each year that take action within the period set forth in section 5110(a)(2) of such title, as added by section 2(l), to protect their effective date under such section 5110(a)(2), disaggregated by the status of the claimants taking the actions, such as whether the claimant is represented by a veterans service organization, the claimant is represented by an attorney, or the claimant is taking such action pro se.

(L) The total number of times on average each claimant files under section 5110(a)(2) of such title, as so added, to protect their effective date under such section, disaggregated by the subparagraph of such section under which they file.

(M) The average duration, from the filing of an initial claim until the claim is resolved and claimants no longer take any action to protect their effective date under section 5110(a)(2) of such title, as so added—

(i) of claims under the new appeals system, excluding legacy claims that opt in to the new appeals system; and

(ii) of legacy claims that opt in to the new appeals system.

(N) How frequently an action taken within one year to protect an effective date under section 5110(a)(2) of such title, as so added, leads to additional grant of benefits, disaggregated by action taken.

(O) The average of how long it takes to complete each segment of the claims process while claimants are protecting the effective date under such section, disaggregated by the time waiting for the claimant to take an action and the time waiting for the Secretary to take an action.

(P) The number and the average amount of retroactive awards of benefits from the Secretary as a result of protected effective dates under such section, disaggregated by action taken.

(Q) The average number of times claimants submit to the Secretary different claims with respect to the same condition, such as an initial claim and a supplemental claim.

(R) The number of cases each year in which a claimant inappropriately tried to take simultaneous actions, such as filing a supplemental claim while a higher-level review is pending, what actions the Secretary took in response, and how long it took on average to take those actions.

(S) In the case that the Secretary develops and implements a policy under section 5104C(a)(2)(D) of such title, as amended by section 2(h)(1), the number of actions withdrawn and new actions taken pursuant to such policy.

(T) The number of times the Secretary received evidence relating to an appeal or higher-level review at a time not authorized under the new appeals system, disaggregated by actions taken by the Secretary to deal with the evidence and how long on average it took to take those actions.

(U) The number of errors committed by the Secretary in carrying out the Secretary's duty to assist under section 5103A of title 38, United States Code, that were identified by higher-level review and by the Board, disaggregated by type of error, such as errors relating to private records and inadequate examinations, and a comparison with errors committed by the Secretary in carrying out such duty with respect to appeals of decisions on legacy claims.

Assessment.

(V) An assessment of the productivity of employees at the regional offices and at the Board, disaggregated by level of experience of the employees.

(W) The percentage of cases that are decided within the goals established by the Secretary for deciding cases, disaggregated by cases that involve a supplemental claim, cases that involve higher-level review, and by docket maintained under section 7107(a) of such title, as amended by section 2(t), or in the case that the Secretary has not established goals for deciding cases, the percentage of cases which are decided within one year, two years, three years, and more than three years, disaggregated by docket.

(X) Of the cases that involve higher-level review, the percentage of decisions that are overturned in whole or in part by the higher-level adjudicator, that are upheld

by the higher-level adjudicator, and that are returned for correction of an error.

(Y) The frequency by which the Secretary readjudicates a claim pursuant to section 5108 of such title, as amended by section 2(i), and the frequency by which readjudication pursuant to section 5108 of such title, as so amended, results in an award of benefits.

(Z) In any case in which the Board decides to screen cases for a purpose described in section 7107(d) of such title, as amended by section 2(t)(1)—

(i) a description of the way in which the cases are screened and the purposes for which they are screened;

(ii) a description of the effect such screening has had on—

(I) the timeliness of the issuance of decisions of the Board; and

(II) the inventory of cases before the Board; and

(iii) the type and frequency of development errors detected through such screening.

(2) With respect to the processing by the Secretary of appeals of decisions on legacy claims, the following:

(A) The average duration of each segment of the appeals process, disaggregated by periods in which the Secretary is waiting for a claimant to take an action and periods in which the claimant is waiting for the Secretary to take an action.

(B) The frequency by which appeals lead to additional grant of benefits by the Secretary, disaggregated by whether the additional benefits are a result of additional evidence added after the initial decision.

(C) The number and average amount of retroactive awards of benefits resulting from an appeal.

(D) The average duration from filing a legacy claim with the Secretary until all appeals and remands relating to such legacy claim are completed.

(E) The average number of times claimants submit to the Secretary different claims with respect to the same condition, such as an initial claim, new and material evidence, or a claim for an increase in benefits.

Assessment.

(F) An assessment of the productivity of employees at the regional offices and at the Board, disaggregated by level of experience of the employees.

(G) The average number of days the duration of an appeal is extended because the Secretary secured or attempted to secure an advisory medical opinion under section 5109 of title 38, United States Code, or section 7109 of such title (as in effect on the day before the date of the enactment of this Act).

(H) The frequency by which claims are reopened pursuant to section 5108 of such title and the frequency by which such reopening results in an award of benefits.

(3) With respect to the processing by the Secretary of appeals of decisions on legacy claims that opt in to the new appeals system, the following:

(A) The cumulative number of such legacy claims.

(B) The portion of work in the new appeals system attributable to appeals of decisions on such legacy claims.

(C) The average period such legacy claims were pending before opting in to the new appeals system and the average period required to adjudicate such legacy claims on average after opting in—

(i) with respect to claims at a regional office of the Department of Veterans Affairs, disaggregated by—

(I) supplemental claims under section 5108 of title 38, United States Code, as amended by section 2(i); and

(II) requests for higher-level review under section 5104B of such title, as added by section 2(g); and

(ii) with respect to appeals, disaggregated by docket of the Board maintained under section 7107 of such title, as amended by section 2(t).

SEC. 6. DEFINITIONS.

In this Act:

(1) CLAIMANT.—The term "claimant" has the meaning given such term in section 5100 of title 38, United States Code.

(2) LEGACY CLAIMS.—The term "legacy claim" means a claim—

(A) that was submitted to the Secretary of Veterans Affairs for a benefit under a law administered by the Secretary; and

(B) for which notice of a decision under section 5104 of title 38, United States Code, was provided by the Secretary before the date set forth in section 2(x).

(3) OPT IN.—The term "opt in" means, with respect to a legacy claim of a claimant, that the claimant elects to subject the claim to the new appeals system pursuant to—

(A) section 2(x)(3); or

(B) such other mechanism as the Secretary may prescribe for purposes of carrying out this Act and the amendments made by this Act.

(4) NEW APPEALS SYSTEM.—The term "new appeals system" means the set of processes and mechanisms by which the

Secretary processes, pursuant to the authorities and requirements modified by section 2, claims for benefits under laws administered by the Secretary.

Approved August 23, 2017.

LEGISLATIVE HISTORY—H.R. 2288 (S. 1024):

HOUSE REPORTS: No. 115–135 (Comm. on Veterans' Affairs).
SENATE REPORTS: No. 115–126 (Comm. on Veterans' Affairs) accompanying S. 1024.
CONGRESSIONAL RECORD, Vol. 163 (2017):
May 23, considered and passed House.
Aug. 1, considered and passed Senate, amended.
Aug. 11, House concurred in Senate amendment.

Public Law 115–56
115th Congress

An Act

Making continuing appropriations for the fiscal year ending September 30, 2018, and for other purposes.

Sept. 8, 2017
[H.R. 601]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Continuing Appropriations Act, 2018 and Supplemental Appropriations for Disaster Relief Requirements Act, 2017.

This Act may be cited as the "Continuing Appropriations Act, 2018 and Supplemental Appropriations for Disaster Relief Requirements Act, 2017".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. REFERENCES.

1 USC 1 note.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—REINFORCING EDUCATION ACCOUNTABILITY IN DEVELOPMENT ACT

Reinforcing Education Accountability in Development Act. 22 USC 2151c note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Reinforcing Education Accountability in Development Act" or the "READ Act".

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

22 USC 2151c note.

SEC. 2. DEFINITIONS.

(a) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this Act, the term "appropriate congressional committees" means—

(1) the Committee on Appropriations of the Senate;

(2) the Committee on Foreign Relations of the Senate;

(3) the Committee on Appropriations of the House of Representatives; and

(4) the Committee on Foreign Affairs of the House of Representatives.

(b) OTHER DEFINITIONS.—In this Act, the terms "basic education", "marginalized children and vulnerable groups", "national education plan", "partner country", and "relevant Executive branch agencies and officials" have the meanings given such terms in section 105(c) of the Foreign Assistance Act of 1961, as added by section 3.

22 USC 2151c note.

SEC. 3. ASSISTANCE TO PROMOTE SUSTAINABLE, QUALITY BASIC EDUCATION.

Section 105 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151c) is amended by adding at the end the following:

"(c) ASSISTANCE TO PROMOTE SUSTAINABLE, QUALITY BASIC EDUCATION.—

"(1) DEFINITIONS.—In this subsection:

"(A) BASIC EDUCATION.—The term 'basic education' includes—

"(i) measurable improvements in literacy, numeracy, and other basic skills development that prepare an individual to be an active, productive member of society and the workforce;

"(ii) workforce development, vocational training, and digital literacy informed by real market needs and opportunities and that results in measurable improvements in employment;

"(iii) programs and activities designed to demonstrably improve—

"(I) early childhood, preprimary education, primary education, and secondary education, which can be delivered in formal or nonformal education settings; and

"(II) learning for out-of-school youth and adults; and

"(iv) capacity building for teachers, administrators, counselors, and youth workers that results in measurable improvements in student literacy, numeracy, or employment.

"(B) COMMUNITIES OF LEARNING.—The term 'communities of learning' means a holistic approach to education and community engagement in which schools act as the primary resource center for delivery of a service to the community at large, leveraging and maximizing the impact of other development efforts and reducing duplication and waste.

"(C) GENDER PARITY IN BASIC EDUCATION.—The term 'gender parity in basic education' means that girls and boys have equal access to quality basic education.

"(D) MARGINALIZED CHILDREN AND VULNERABLE GROUPS.—The term 'marginalized children and vulnerable groups' includes girls, children affected by or emerging from armed conflict or humanitarian crises, children with disabilities, children in remote or rural areas (including those who lack access to safe water and sanitation), religious or ethnic minorities, indigenous peoples, orphans and children affected by HIV/AIDS, child laborers, married adolescents, and victims of trafficking.

"(E) NATIONAL EDUCATION PLAN.—The term 'national education plan' means a comprehensive national education plan developed by partner country governments in consultation with other stakeholders as a means for wide-scale improvement of the country's education system, including explicit, credible strategies informed by effective practices and standards to achieve quality universal basic education.

"(F) NONFORMAL EDUCATION.—The term 'nonformal education' means organized educational activities outside the established formal system, whether operating separately or as an important feature of a broader activity, that are intended to provide students with measurable improvements in literacy, numeracy, and other basic skills development that prepare an individual to be an active, productive member of society and the workforce.

"(G) PARTNER COUNTRY.—The term 'partner country' means a developing country that participates in or benefits from basic education programs under this subsection pursuant to the prioritization criteria described in paragraph (4), including level of need, opportunity for impact, and the availability of resources.

"(H) RELEVANT EXECUTIVE BRANCH AGENCIES AND OFFICIALS.—The term 'relevant Executive branch agencies and officials' means the Department of State, the United States Agency for International Development, the Department of the Treasury, the Department of Labor, the Department of Education, the Department of Agriculture, and the Department of Defense, the Chief Executive Officer of the Millennium Challenge Corporation, the National Security Advisor, and the Director of the Peace Corps.

"(I) SUSTAINABILITY.—The term 'sustainability' means, with respect to any basic education program that receives funding pursuant to this section, the ability of a service delivery system, community, partner, or beneficiary to maintain, over time, such basic education program without the use of foreign assistance.

"(2) POLICY.—In carrying out this section, it shall be the policy of the United States to work with partner countries, as appropriate, other donors, multilateral institutions, the private sector, and nongovernmental and civil society organizations, including faith-based organizations and organizations that represent teachers, students, and parents, to promote sustainable, quality basic education through programs and activities that—

"(A) take into consideration and help respond to the needs, capacities, and commitment of developing countries to achieve measurable improvements in literacy, numeracy, and other basic skills development that prepare an individual to be an active, productive member of society and the workforce;

"(B) strengthen educational systems, promote communities of learning, as appropriate, expand access to safe learning environments, including by breaking down specific barriers to basic education for women and girls, ensure continuity of education, including in conflict settings, measurably improve teacher skills and learning outcomes, and support the engagement of parents in the education of their children to help partner countries ensure that all children, including marginalized children and other vulnerable groups, have access to and benefit from quality basic education;

"(C) promote education as a foundation for sustained economic growth and development within a comprehensive assistance strategy that places partner countries on a trajectory toward graduation from assistance provided under this section with clearly defined benchmarks of success that are used as requirements for related procurement vehicles, such as grants, contracts, and cooperative agreements;

"(D) monitor and evaluate the effectiveness and quality of basic education programs in partner countries; and

"(E) promote United States values, especially respect for all persons and freedoms of religion, speech, and the press.

"(3) PRINCIPLES.—In carrying out the policy referred to in paragraph (2), the United States shall be guided by the following principles of aid effectiveness:

"(A) ALIGNMENT.—Assistance provided under this section to support programs and activities under this subsection shall be aligned with and advance United States foreign policy and economic interests.

"(B) COUNTRY OWNERSHIP.—To the greatest extent practicable, assistance provided under this section to support programs and activities under this subsection should be aligned with and support the national education plans and country development strategies of partner countries, including activities that are appropriate for and meet the needs of local and indigenous cultures.

"(C) COORDINATION.—

"(i) IN GENERAL.—Assistance provided under this section to support programs and activities under this subsection should be coordinated with and leverage the unique capabilities and resources of local and national governments in partner countries, other donors, multilateral institutions, the private sector, and nongovernmental and civil society organizations, including faith-based organizations and organizations that represent teachers, students, and parents.

"(ii) MULTILATERAL PROGRAMS AND INITIATIVES.—Assistance provided under this section to support programs and activities under this subsection should be

coordinated with and support proven multilateral education programs and financing mechanisms, which may include the Global Partnership for Education, that demonstrate commitment to efficiency, effectiveness, transparency, and accountability.

"(D) EFFICIENCY.—The President shall seek to improve the efficiency and effectiveness of assistance provided under this section to support programs and activities under this subsection by coordinating the related efforts of relevant Executive branch agencies and officials. President.

"(E) EFFECTIVENESS.—Programs and activities supported under this subsection—

"(i) shall be consistent with the policies and principles set forth in this subsection;

"(ii) shall be designed to achieve specific, measurable goals and objectives that are directly related to the provision of basic education (as defined in this section); and

"(iii) shall include appropriate targets, metrics, and indicators that—

"(I) move a country along the path to graduation from assistance provided under this subsection; and

"(II) can be applied with reasonable consistency across such programs and activities to measure progress and outcomes.

"(F) TRANSPARENCY AND ACCOUNTABILITY.—Programs and activities supported under this subsection shall be subject to rigorous monitoring and evaluation, which may include impact evaluations, the results of which shall be made publically available in a fully searchable, electronic format.

"(4) PRIORITY AND OTHER REQUIREMENTS.—The President shall ensure that assistance provided under this section to support programs and activities under this subsection is aligned with the foreign policy and economic interests of the United States and, subject to such alignment, priority is given to developing countries in which— President.

"(A) there is the greatest need and opportunity to expand access to basic education and to improve learning outcomes, including for marginalized and vulnerable groups, particularly women and girls to ensure gender parity in basic education, or populations affected by conflict or crisis;

"(B) such assistance can produce a substantial, measurable impact on children and educational systems; and

"(C) there is the greatest opportunity to reduce childhood and adolescence exposure to or engagement in violent extremism or extremist ideologies.".

SEC. 4. COMPREHENSIVE INTEGRATED UNITED STATES STRATEGY TO PROMOTE BASIC EDUCATION.

President. 22 USC 2151c note. Deadline.

(a) STRATEGY REQUIRED.—Not later than one year after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a comprehensive United States strategy to be carried out during the following five fiscal years to promote quality basic education in partner countries by—

(1) seeking to equitably expand access to basic education for all children, particularly marginalized children and vulnerable groups; and

(2) measurably improving the quality of basic education and learning outcomes.

(b) REQUIREMENT TO CONSULT.—In developing the strategy required under subsection (a), the President shall consult with—

(1) the appropriate congressional committees;

(2) relevant Executive branch agencies and officials;

(3) partner country governments; and

(4) local and international nongovernmental organizations, including faith-based organizations and organizations representing students, teachers, and parents, and other development partners engaged in basic education assistance programs in developing countries.

(c) PUBLIC COMMENT.—The President shall provide an opportunity for public comment on the strategy required under subsection (a).

(d) ELEMENTS.—The strategy required under subsection (a)—

(1) shall be developed and implemented consistent with the principles set forth in section 105(c) of the Foreign Assistance Act of 1961, as added by section 3; and

(2) shall seek—

(A) to prioritize assistance provided under this subsection to countries that are partners of the United States and whose populations are most in need of improved basic education, as determined by indicators such as literacy and numeracy rates;

(B) to build the capacity of relevant actors in partner countries, including in government and in civil society, to develop and implement national education plans that measurably improve basic education;

(C) to identify and replicate successful interventions that improve access to and quality of basic education in conflict settings and in partner countries;

(D) to project general levels of resources needed to achieve stated program objectives;

(E) to develop means to track implementation in partner countries and ensure that such countries are expending appropriate domestic resources and instituting any relevant legal, regulatory, or institutional reforms needed to achieve stated program objectives;

(F) to leverage United States capabilities, including through technical assistance, training, and research; and

(G) to improve coordination and reduce duplication among relevant Executive branch agencies and officials, other donors, multilateral institutions, nongovernmental organizations, and governments in partner countries.

22 USC 2151c note.

SEC. 5. IMPROVING COORDINATION AND OVERSIGHT.

Establishment.

(a) SENIOR COORDINATOR OF UNITED STATES INTERNATIONAL BASIC EDUCATION ASSISTANCE.—There is established within the United States Agency for International Development a Senior Coordinator of United States International Basic Education Assistance (referred to in this section as the "Senior Coordinator"). The Senior Coordinator shall be appointed by the President, shall be a current USAID employee serving in a career or noncareer position

President.

in the Senior Executive Service or at the level of a Deputy Assistant Administrator or higher, and shall serve concurrently as the Senior Coordinator.

(b) DUTIES.—

(1) IN GENERAL.—The Senior Coordinator shall have primary responsibility for the oversight and coordination of all resources and activities of the United States Government relating to the promotion of international basic education programs and activities.

(2) SPECIFIC DUTIES.—The Senior Coordinator shall—

(A) facilitate program and policy coordination of international basic education programs and activities among relevant Executive branch agencies and officials, partner governments, multilateral institutions, the private sector, and nongovernmental and civil society organizations;

(B) develop and revise the strategy required under section 4;

(C) monitor, evaluate, and report on activities undertaken pursuant to the strategy required under section 4; and

(D) establish due diligence criteria for all recipients of funds provided by the United States to carry out activities under this Act and the amendments made by this Act.

(c) OFFSET.—In order to eliminate duplication of effort and activities and to offset any costs incurred by the United States Agency for International Development in appointing the Senior Coordinator under subsection (a), the President shall, after consulting with appropriate congressional committees, eliminate a position within the United States Agency for International Development (unless otherwise authorized or required by law) that the President determines to be necessary to fully offset such costs and eliminate duplication.

President. Consultation. Determination.

SEC. 6. MONITORING AND EVALUATION OF PROGRAMS.

President. 22 USC 2151c note.

The President shall seek to ensure that programs carried out under the strategy required under section 4 shall—

(1) apply rigorous monitoring and evaluation methodologies to determine if programs and activities provided under this subsection accomplish measurable improvements in literacy, numeracy, or other basic skills development that prepare an individual to be an active, productive member of society and the workforce;

(2) include methodological guidance in the implementation plan and support systemic data collection using internationally comparable indicators, norms, and methodologies, to the extent practicable and appropriate;

(3) disaggregate all data collected and reported by age, gender, marital status, disability, and location, to the extent practicable and appropriate;

(4) include funding for both short- and long-term monitoring and evaluation to enable assessment of the sustainability and scalability of assistance programs; and

(5) support the increased use and public availability of education data for improved decision making, program effectiveness, and monitoring of global progress.

22 USC 2151c note.
President.

SEC. 7. TRANSPARENCY AND REPORTING TO CONGRESS.

(a) ANNUAL REPORT ON THE IMPLEMENTATION OF STRATEGY.—Not later than 180 days after the end of each fiscal year during which the strategy developed pursuant to section 4(a) is carried out, the President shall—

(1) submit a report to the appropriate congressional committees that describes the implementation of such strategy; and

Public information.

(2) make the report described in paragraph (1) available to the public.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include—

(1) a description of the efforts made by relevant Executive branch agencies and officials to implement the strategy developed pursuant to section 4, with a particular focus on the activities carried out under the strategy;

(2) a description of the extent to which each partner country selected to receive assistance for basic education meets the priority criteria specified in section 105(c) of the Foreign Assistance Act, as added by section 3; and

(3) a description of the progress achieved over the reporting period toward meeting the goals, objectives, benchmarks, and timeframes specified in the strategy developed pursuant to section 4 at the program level, as developed pursuant to monitoring and evaluation specified in section 6, with particular emphasis on whether there are demonstrable student improvements in literacy, numeracy, or other basic skills development that prepare an individual to be an active, productive member of society and the workforce.

Supplemental Appropriations for Disaster Relief Requirements, 2017.

DIVISION B—SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF REQUIREMENTS

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2017, and for other purposes, namely:

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF FUND

For an additional amount for "Disaster Relief Fund" for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $7,400,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the amount designated under this heading as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates such amount and transmits such designation to the Congress.

President.

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Disaster Loans Program Account" for the cost of direct loans authorized by section 7(b) of the Small Business Act, $450,000,000, to remain available until expended: *Provided*, That up to $225,000,000 may be transferred to and merged with "Salaries and Expenses" for administrative expenses to carry out the disaster loan program authorized by section 7(b) of the Small Business Act: *Provided further*, That none of the funds provided under this heading may be used for indirect administrative expenses: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the amount designated under this heading as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates such amount and transmits such designation to the Congress.

President.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Community Development Fund", $7,400,000,000, to remain available until expended, for necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared in 2017 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: *Provided further*, That as a condition of making any grant, the Secretary shall certify in advance that such grantee has in place proficient financial controls and procurement processes and has established adequate procedures to prevent any duplication of benefits as defined by section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), to ensure timely expenditure of funds, to maintain comprehensive websites regarding all disaster recovery activities assisted with these funds, and to detect and prevent waste, fraud, and abuse of funds: *Provided further*, That prior to the obligation of funds a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas: *Provided further*, That such funds may not

Grants.
Certification.

Plan.
Criteria.

be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations made pursuant to section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306): *Provided further*, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: *Provided further,* That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), if the Secretary finds that good cause exists for the waiver or alternative requirement and such waiver or alternative requirement would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: *Provided further*, That, notwithstanding the preceding proviso, recipients of funds provided under this heading that use such funds to supplement Federal assistance provided under section 402, 403, 404, 406, 407, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval or permit: *Provided further*, That, notwithstanding section 104(g)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)(2)), the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading if the recipient has adopted an environmental review, approval or permit under the preceding proviso or the activity or project is categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the Secretary shall publish via notice in the Federal Register any waiver, or alternative requirement, to any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver or alternative requirement: *Provided further*, That of the amounts made available under this heading, up to $10,000,000 may be transferred, in aggregate, to "Department of Housing and Urban Development—Program Office Salaries and Expenses—Community Planning and Development" for necessary costs, including information technology costs, of administering and overseeing the obligation and expenditure of amounts under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the amount designated under this heading as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates such amount and transmits such designation to the Congress.

Waiver authority.

Notice.
Federal Register, publication.
Deadline.

President.

This division may be cited as the "Supplemental Appropriations for Disaster Relief Requirements, 2017".

DIVISION C—TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT

Time period. 31 USC 3101 note.

SEC. 101. (a) IN GENERAL.—Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date of enactment of this Act and ending on December 8, 2017.

Effective date.

(b) SPECIAL RULE RELATING TO OBLIGATIONS ISSUED DURING EXTENSION PERIOD.—Effective on December 9, 2017, the limitation in effect under section 3101(b) of title 31, United States Code, shall be increased to the extent that—

(1) the face amount of obligations issued under chapter 31 of such title and the face amount of obligations whose principal and interest are guaranteed by the United States Government (except guaranteed obligations held by the Secretary of the Treasury) outstanding on December 9, 2017, exceeds

(2) the face amount of such obligations outstanding on the date of the enactment of this Act.

(c) RESTORING CONGRESSIONAL AUTHORITY OVER THE NATIONAL DEBT.—

(1) EXTENSION LIMITED TO NECESSARY OBLIGATIONS.—An obligation shall not be taken into account under section 101(b)(1) unless the issuance of such obligation was necessary to fund a commitment incurred pursuant to law by the Federal Government that required payment before December 9, 2017.

(2) PROHIBITION ON CREATION OF CASH RESERVE DURING EXTENSION PERIOD.—The Secretary of the Treasury shall not issue obligations during the period specified in section 101(a) for the purpose of increasing the cash balance above normal operating balances in anticipation of the expiration of such period.

DIVISION D—CONTINUING APPROPRIATIONS ACT, 2018

Continuing Appropriations Act, 2018.

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2018, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2017 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2017, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2017 (division A of Public Law 115–31) and section 193 of Public Law 114–223, as amended by division A of Public Law 114–254.

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2017 (division B of Public Law 115–31), except section 540.

(3) The Department of Defense Appropriations Act, 2017 (division C of Public Law 115–31).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2017 (division D of Public Law 115–31).

(5) The Financial Services and General Government Appropriations Act, 2017 (division E of Public Law 115–31).

(6) The Department of Homeland Security Appropriations Act, 2017 (division F of Public Law 115–31), except section 310.

Applicability.

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2017 (division G of Public Law 115–31), except that the language under the heading "FLAME Wildfire Suppression Reserve Fund" in the Departments of Agriculture and the Interior shall be applied by adding at the end the following: "*Provided further*, That notwithstanding the first proviso under the heading and notwithstanding the FLAME Act of 2009, 43 U.S.C. 1748a(e), such funds shall be available to be transferred to and merged with other appropriations accounts to fully repay amounts previously transferred for wildfire suppression".

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2017 (division H of Public Law 115–31) and sections 171, 194, and 195 of Public Law 114–223, as amended by division A of Public Law 114–254.

(9) The Legislative Branch Appropriations Act, 2017 (division I of Public Law 115–31) and section 175 of Public Law 114–223, as amended by division A of Public Law 114–254.

(10) The Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017 (division A of Public Law 114–223), except for appropriations for fiscal year 2017 in the matter preceding the first proviso under the heading "Medical Community Care", and division L of Public Law 115–31.

(11) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (division J of Public Law 115–31).

(12) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2017 (division K of Public Law 115–31), except sections 420 and 421.

(13) The Security Assistance Appropriations Act, 2017 (division B of Public Law 114–254).

Rate reduction.

(b) The rate for operations provided by subsection (a) is hereby reduced by 0.6791 percent.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for: (1) the new production of items not funded for production in fiscal year 2017 or prior years; (2) the increase in production rates above those sustained with fiscal year 2017 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account)

for which appropriations, funds, or other authority were not available during fiscal year 2017.

Contracts.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2017.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

Expiration date.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2018, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs:

(1) the enactment into law of an appropriation for any project or activity provided for in this Act;

(2) the enactment into law of the applicable appropriations Act for fiscal year 2018 without any provision for such project or activity; or

(3) December 8, 2017.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2018 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2017, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain

program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2017, to be continued through the date specified in section 106(3).

Time period. Continuation.

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2017 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2017, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a) Each amount incorporated by reference in this Act that was previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to section 251(b)(2)(A) of such Act or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act, respectively.

(b) The reduction in section 101(b) of this Act shall not apply to—

(1) amounts designated under subsection (a) of this section;

(2) amounts made available by section 101(a) by reference to the second paragraph under the heading "Social Security Administration—Limitation on Administrative Expenses" in division H of Public Law 115–31; or

(3) amounts made available by section 101(a) by reference to the paragraph under the heading "Centers for Medicare and Medicaid Services—Health Care Fraud and Abuse Control Account" in division H of Public Law 115–31.

Applicability.

(c) Section 6 of Public Law 115–31 shall apply to amounts designated in subsection (a) for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement.

SEC. 115. During the period covered by this Act, discretionary amounts appropriated for fiscal year 2018 that were provided in advance by appropriations Acts shall be available in the amounts provided in such Acts, reduced by the percentage in section 101(b).

SEC. 116. Notwithstanding section 101, amounts are provided for "Department of Agriculture—Domestic Food Programs—Food and Nutrition Service—Commodity Assistance Program" at a rate for operations of $317,139,000, of which $238,120,000 shall be for the Commodity Supplemental Food Program.

SEC. 117. The final proviso in section 715 of division A of Public Law 115–31 shall be applied during the period covered by this Act by adding "from amounts first made available for fiscal year 2018" after "unobligated balances" and as if the following were struck from such proviso: "the carryover amounts authorized in the first proviso of this section for section 32 and". Applicability.

SEC. 118. Amounts made available by section 101 for "Department of Commerce—Bureau of the Census—Periodic Censuses and Programs" may be apportioned up to the rate for operations necessary to maintain the schedule and deliver the required data according to statutory deadlines in the 2020 Decennial Census Program.

SEC. 119. Section 1215(f)(1) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 113 note), as most recently amended by section 1223 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), shall be applied by substituting "2018" for "2017" through the earlier of the date specified in section 106(3) of this Act or the date of the enactment of an Act authorizing appropriations for fiscal year 2018 for military activities of the Department of Defense. Applicability.

SEC. 120. (a) Funds made available by section 101 for "Department of Energy—Energy Programs—Uranium Enrichment Decontamination and Decommissioning Fund" may be apportioned up to the rate for operations necessary to avoid disruption of continuing projects or activities funded in this appropriation.

(b) The Secretary of Energy shall notify the Committees on Appropriations of the House of Representatives and the Senate not later than 3 days after each use of the authority provided in subsection (a). Notification. Deadline.

SEC. 121. Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) shall be applied by substituting the date specified in section 106(3) for "September 30, 2017". Applicability.

SEC. 122. (a) Notwithstanding section 101, the third proviso under the heading "Power Marketing Administrations—Operation and Maintenance, Southeastern Power Administration" in division D of Public Law 115–31 shall be applied by substituting "$51,000,000" for "$60,760,000". Applicability.

(b) Notwithstanding section 101, the third proviso under the heading "Power Marketing Administrations—Operation and Maintenance, Southwestern Power Administration" in division D of Public Law 115–31 shall be applied by substituting "$10,000,000" for "$73,000,000".

(c) Notwithstanding section 101, the third proviso under the heading "Power Marketing Administrations—Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration" in division D of Public Law 115–31 shall be applied by substituting "$179,000,000" for "$367,009,000".

SEC. 123. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds under the heading "District of Columbia Funds" for such programs and activities under the District of Columbia Appropriations Act, 2017 (title IV of division E of Public Law 115–31) at the rate set forth under "Part A—Summary of Expenses" as included in the Fiscal Year 2018 Local Budget Act of 2017 (D.C. Act 22–99), as modified as of the date of the enactment of this Act.

Applicability.

SEC. 124. (a) Notwithstanding section 101, amounts are provided for "General Services Administration—Allowances and Office Staff for Former Presidents" to carry out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), at a rate for operations of $4,754,000.

(b) Notwithstanding section 101, no funds are provided by this Act for "General Services Administration—Expenses, Presidential Transition" and "Executive Office of the President and Funds Appropriated to the President—Presidential Transition Administrative Support".

(c) Notwithstanding section 101, the matter preceding the first proviso under the heading "District of Columbia—Federal Payment for Emergency Planning and Security Costs in the District of Columbia" in division E of Public Law 115–31 shall be applied by substituting "$14,900,000" for "$34,895,000" and the first proviso under that heading shall not apply during the period covered by this Act.

(d) Notwithstanding section 101, the matter preceding the first proviso under the heading "National Archives and Records Administration—Operating Expenses" in division E of Public Law 115–31 shall be applied by substituting "$375,784,000" for "$380,634,000".

(e) Notwithstanding section 101, the matter preceding the first proviso under the heading "Department of the Interior—National Park Service—Operation of the National Park System" in division G of Public Law 115–31 shall be applied by substituting "$2,420,818,000" for "$2,425,018,000".

SEC. 125. Amounts made available by section 101 for "Department of Homeland Security—Office of the Secretary and Executive Management—Operations and Support", "Department of Homeland Security—Management Directorate—Operations and Support", and "Department of Homeland Security—Intelligence, Analysis, and Operations Coordination—Operations and Support" may be apportioned up to the rate for operations necessary to carry out activities previously funded under "Department of Homeland Security—Working Capital Fund", consistent with the fiscal year 2018 President's Budget.

SEC. 126. Amounts made available by section 101 for "U.S. Customs and Border Protection—Operations and Support", "U.S. Immigration and Customs Enforcement—Operations and Support", "Transportation Security Administration—Operations and Support", and "United States Secret Service—Operations and Support" accounts of the Department of Homeland Security may be apportioned at a rate for operations necessary to maintain not less than the number of staff achieved on September 30, 2017.

Continuation.

SEC. 127. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this Act.

Applicability.

SEC. 128. Section 404 of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 124 Stat. 2950), as amended, shall be applied in subsection (b) by substituting the date specified in section 106(3) for "September 30, 2017".

SEC. 129. Amounts made available by section 101 for "Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief Fund" may be apportioned up to the rate

for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

Applicability.

SEC. 130. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2017".

SEC. 131. Section 810 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6809) is amended by striking "September 30, 2018" and inserting "September 30, 2019".

Continuation.

SEC. 132. The authority provided by subsection (m)(3) of section 8162 of the Department of Defense Appropriations Act, 2000 (40 U.S.C. 8903 note; Public Law 106–79) shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 133. In addition to the amounts otherwise provided by section 101, an additional amount is provided for "Environmental Protection Agency—Water Infrastructure Finance and Innovation Program Account" for administrative expenses to carry out the direct and guaranteed loan programs, notwithstanding section 5033 of the Water Infrastructure Finance and Innovation Act of 2014, at a rate for operations of $3,000,000.

Continuation.
Applicability.

SEC. 134. (a) The following sections of the Federal Insecticide, Fungicide, and Rodenticide Act shall continue in effect through the date specified in section 106(3) of this joint resolution—

(1) subparagraphs (C) through (E) of section 4(i)(1) (7 U.S.C. 136a–1(i)(1)(C)–(E));

(2) section 4(k)(3) (7 U.S.C. 136a–1(k)(3));

(3) section 4(k)(4) (7 U.S.C. 136a-1(k)(4)); and

(4) section 33(c)(3)(B) (7 U.S.C. 136w–8(c)(3)(B)).

(b)(1) Section 4(i)(1)(I) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)(1)(I)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2017".

(2) Notwithstanding section 33(m)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(m)(2)), section 33(m)(1) of such Act (7 U.S.C. 136w–8(m)(1)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2017".

(c) Section 408(m)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(m)(3)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2017".

Applicability.

SEC. 135. Section 114(f) of the Higher Education Act of 1965 (20 U.S.C. 1011c(f)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2017".

Applicability.

SEC. 136. The second proviso under the heading "Department of Health and Human Services—Administration for Children and Families—Children and Families Services Programs" in title II of division H of Public Law 115–31 shall be applied during the period covered by this Act as if the following were struck from such proviso: ", of which $80,000,000 shall be available for a cost of living adjustment notwithstanding section 640(a)(3)(A) of such Act".

Applicability.

SEC. 137. The proviso at the end of paragraph (1) under the heading "Department of Labor—Employment and Training Administration—State Unemployment Insurance and Employment Service Operations" in title I of division G of Public Law 113–

235 shall be applied through the date specified in section 106(3) of this Act by substituting "seven" for "six".

Continuation. Applicability.

SEC. 138. In making Federal financial assistance, the National Institutes of Health shall continue through the date specified in section 106(3) of this Act to apply the provisions relating to indirect costs in part 75 of title 45, Code of Federal Regulations, including with respect to the approval of deviations from negotiated rates, to the same extent and in the same manner as the National Institutes of Health applied such provisions in the third quarter of fiscal year 2017. None of the funds appropriated in this Act may be used to develop or implement a modified approach to such provisions, or to intentionally or substantially expand the fiscal effect of the approval of such deviations from negotiated rates beyond the proportional effect of such approvals in such quarter.

Applicability.

SEC. 139. (a) Section 529 of division H of Public Law 115–31 shall be applied by substituting "prior to the beginning of fiscal year 2018 under section 2104(n)(2)" for "from the appropriation to the Fund for the first semiannual allotment period for fiscal year 2017 under section 2104(n)(2)(A)(ii)"; and

(b) section 532 of division H of Public Law 115–31 shall be applied by substituting "2,652,000,000" for "1,132,000,000".

SEC. 140. Notwithstanding 2 U.S.C. 4577, amounts made available by section 101 for "Legislative Branch—Senate—Salaries, Officers and Employees—Office of the Sergeant at Arms and Doorkeeper" may be apportioned up to the rate for operations necessary to maintain current Senate cybersecurity capabilities.

Rescissions.

SEC. 141. (a) The remaining unobligated balances of funds made available under the heading "Department of Veterans Affairs—Departmental Administration—Construction, Major Projects" in division A of the Disaster Relief Appropriations Act of 2013 and Sandy Recovery Improvement Act of 2013 (Public Law 113–2) are hereby rescinded: *Provided*, That the amounts rescinded pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to that section of that Act.

Expiration date.

(b) In addition to the amount otherwise provided by section 101 for "Department of Veterans Affairs—Departmental Administration—Construction, Major Projects", there is appropriated for an additional amount for fiscal year 2017, to remain available until September 30, 2022, an amount equal to the unobligated balances rescinded pursuant to subsection (a), for renovations and repairs as a consequence of damage caused by Hurricane Sandy: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

President.

(c) Each amount designated in this section by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President

subsequently so designates all such amounts and transmits such designations to the Congress.

(d) This section shall become effective immediately upon enactment of this Act. Effective date.

SEC. 142. Sections 579(a)(1) and (b) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) shall be applied by substituting the date specified in section 106(3) for "October 1, 2017". Applicability.

This division may be cited as the "Continuing Appropriations Act, 2018".

Approved September 8, 2017.

LEGISLATIVE HISTORY—H.R. 601:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Jan. 24, considered and passed House.
Aug. 1, considered and passed Senate, amended.
Sept. 6, House concurred in certain Senate amendments, in another with an amendment, pursuant to H. Res. 502. Senate considered concurring in House amendment with an amendment.
Sept. 7, Senate considered and concurred in House amendment with an amendment.
Sept. 8, House concurred in Senate amendment.

Public Law 115–57
115th Congress

An Act

Sept. 12, 2017
[H.R. 3732]

To amend section 1113 of the Social Security Act to provide authority for increased fiscal year 2017 and 2018 payments for temporary assistance to United States citizens returned from foreign countries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Emergency Aid to American Survivors of Hurricanes Irma and Jose Overseas Act.
42 USC 1305 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Aid to American Survivors of Hurricanes Irma and Jose Overseas Act".

SEC. 2. INCREASE IN AGGREGATE PAYMENTS FOR FISCAL YEAR 2017 AND 2018 FOR TEMPORARY ASSISTANCE TO UNITED STATES CITIZENS RETURNED FROM FOREIGN COUNTRIES.

(a) IN GENERAL.—Section 1113(d) of the Social Security Act (42 U.S.C. 1313(d)) is amended—

(1) by striking "fiscal year 2010" and inserting "fiscal years 2017 and 2018"; and

(2) by striking "that fiscal year" and inserting "each such fiscal year".

(b) EMERGENCY DESIGNATION.—The amounts made available by the amendments made by subsection (a) are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

Approved September 12, 2017.

LEGISLATIVE HISTORY—H.R. 3732:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Sept. 11, considered and passed House and Senate.

Public Law 115–58
115th Congress

Joint Resolution

Condemning the violence and domestic terrorist attack that took place during events between August 11 and August 12, 2017, in Charlottesville, Virginia, recognizing the first responders who lost their lives while monitoring the events, offering deepest condolences to the families and friends of those individuals who were killed and deepest sympathies and support to those individuals who were injured by the violence, expressing support for the Charlottesville community, rejecting White nationalists, White supremacists, the Ku Klux Klan, neo-Nazis, and other hate groups, and urging the President and the President's Cabinet to use all available resources to address the threats posed by those groups.

Sept. 14, 2017
[S.J. Res. 49]

Whereas, on the night of Friday, August 11, 2017, a day before a White nationalist demonstration was scheduled to occur in Charlottesville, Virginia, hundreds of torch-bearing White nationalists, White supremacists, Klansmen, and neo-Nazis chanted racist, anti-Semitic, and anti-immigrant slogans and violently engaged with counter-demonstrators on and around the grounds of the University of Virginia in Charlottesville;

Whereas, on Saturday, August 12, 2017, ahead of the scheduled start time of the planned march, protestors and counter-demonstrators gathered at Emancipation Park in Charlottesville;

Whereas the extremist demonstration turned violent, culminating in the death of peaceful counter-demonstrator Heather Heyer and injuries to 19 other individuals after a neo-Nazi sympathizer allegedly drove a vehicle into a crowd, an act that resulted in a charge of second degree murder, 3 counts of malicious wounding, and 1 count of hit and run; Heather Heyer.

Whereas 2 Virginia State Police officers, Lieutenant H. Jay Cullen and Trooper Pilot Berke M.M. Bates, died in a helicopter crash as they patrolled the events occurring below them; H. Jay Cullen. Berke M.M. Bates.

Whereas the Charlottesville community is engaged in a healing process following this horrific and violent display of bigotry; and

Whereas White nationalists, White supremacists, the Ku Klux Klan, neo-Nazis, and other hate groups reportedly are organizing similar events in other cities in the United States and communities everywhere are concerned about the growing and open display of hate and violence being perpetrated by those groups: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) condemns the racist violence and domestic terrorist attack that took place between August 11 and August 12, 2017, in Charlottesville, Virginia;

(2) recognizes—

(A) Heather Heyer, who was killed, and 19 other individuals who were injured in the reported domestic terrorist attack; and

(B) several other individuals who were injured in separate attacks while standing up to hate and intolerance;

(3) recognizes the public service and heroism of Virginia State Police officers Lieutenant H. Jay Cullen and Trooper Pilot Berke M.M. Bates, who lost their lives while responding to the events from the air;

(4) offers—

(A) condolences to the families and friends of Heather Heyer, Lieutenant H. Jay Cullen, and Trooper Pilot Berke M.M. Bates; and

(B) sympathy and support to those individuals who are recovering from injuries sustained during the attacks;

(5) expresses support for the Charlottesville community as the community heals following this demonstration of violent bigotry;

(6) rejects White nationalism, White supremacy, and neo-Nazism as hateful expressions of intolerance that are contradictory to the values that define the people of the United States; and

(7) urges—

(A) the President and his administration to—

(i) speak out against hate groups that espouse racism, extremism, xenophobia, anti-Semitism, and White supremacy; and

(ii) use all resources available to the President and the President's Cabinet to address the growing prevalence of those hate groups in the United States; and

(B) the Attorney General to work with—

(i) the Secretary of Homeland Security to investigate thoroughly all acts of violence, intimidation, and domestic terrorism by White supremacists, White nationalists, neo-Nazis, the Ku Klux Klan, and associated groups in order to determine if any criminal laws have been violated and to prevent those groups from fomenting and facilitating additional violence; and

(ii) the heads of other Federal agencies to improve the reporting of hate crimes and to emphasize the importance of the collection, and the reporting to the

Federal Bureau of Investigation, of hate crime data by State and local agencies.

Approved September 14, 2017.

LEGISLATIVE HISTORY—S.J. Res. 49:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Sept. 11, considered and passed Senate.
Sept. 12, considered and passed House.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2017):
Sept. 14, Presidential statement.

Public Law 115–59
115th Congress

An Act

Sept. 15, 2017
[H.R. 624]

To restrict the inclusion of social security account numbers on Federal documents sent by mail, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Social Security Number Fraud Prevention Act of 2017.
42 USC 405 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Number Fraud Prevention Act of 2017".

SEC. 2. RESTRICTION OF SOCIAL SECURITY NUMBERS ON DOCUMENTS SENT BY MAIL.

Determination.

(a) RESTRICTION.—An agency may not include the social security account number of an individual on any document sent by mail unless the head of the agency determines that the inclusion of the social security account number on the document is necessary.

Deadline.

(b) REGULATIONS.—Not later than 5 years after the date of the enactment of this Act, the head of each CFO Act agency shall issue regulations specifying the circumstances under which inclusion of a social security account number on a document sent by mail is necessary. Such regulations shall include—

(1) instructions for the partial redaction of social security account numbers where feasible; and

(2) a requirement that social security account numbers not be visible on the outside of any package sent by mail.

(c) REPORT.—Not later than 30 days after the date of the enactment of this Act, and not later than the first, second, third, fourth, and fifth-year anniversary of such date of enactment, the head of each CFO Act agency shall submit to the Committee on Ways and Means and the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate, and any other appropriate authorizing committees of the House of Representatives and the Senate, a report on the implementation of subsection (a) that includes the following:

(1) The title and identification number of any document used by the CFO Act agency during the previous year that includes the complete social security account number of an individual.

Plan.

(2) For the first report submitted, a plan that describes how the CFO Act agency will comply with the requirements of subsection (a).

(3) For the final report submitted, the title and identification number of each document used by the CFO Act agency

for which the head of the agency has determined, in accordance with regulations issued pursuant to subsection (b), that the inclusion of a social security account number on such document is necessary, and the rationale for such determination.

(4) For any other report that is not the first or final report submitted, an update on the implementation of the plan described under paragraph (2). Update.

(d) DEFINITIONS.—In this section:

(1) AGENCY.—The term "agency" has the meaning given that term in section 551 of title 5, United States Code, but includes an establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol, and any activities under the direction of the Architect of the Capitol).

(2) CFO ACT AGENCY.—The term "CFO Act agency" means the agencies listed in paragraphs (1) and (2) of section 901(b) of title 31, United States Code.

(e) EFFECTIVE DATE.—Subsection (a) shall apply with respect to any document sent by mail on or after the date that is 5 years after the date of the enactment of this Act.

Approved September 15, 2017.

LEGISLATIVE HISTORY—H.R. 624:

HOUSE REPORTS: No. 115–150, Pt. 1 (Comm. on Oversight and Government Reform).

CONGRESSIONAL RECORD, Vol. 163 (2017):
May 24, considered and passed House.
Sept. 6, considered and passed Senate.

Public Law 115–60
115th Congress

An Act

Sept. 15, 2017
[S. 1616]

To award the Congressional Gold Medal to Bob Dole, in recognition for his service to the nation as a soldier, legislator, and statesman.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Bob Dole Congressional Gold Medal Act. 31 USC 5111 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bob Dole Congressional Gold Medal Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Bob Dole was born on July 22, 1923, in Russell, Kansas.

(2) Growing up during the Great Depression, Bob Dole learned the values of hard work and discipline, and worked at a local drug store.

(3) In 1941, Bob Dole enrolled at the University of Kansas as a pre-medical student. During his time at KU he played for the basketball, football, and track teams, and joined the Kappa Sigma Fraternity, from which he would receive the "Man of the Year" award in 1970.

(4) Bob Dole's collegiate studies were interrupted by WWII, and he enlisted in the United States Army. During a military offensive in Italy, he was seriously wounded while trying to save a fellow soldier. Despite his grave injuries, Dole recovered and was awarded two Purple Hearts and a Bronze Star with an Oak Cluster for his service. He also received an American Campaign Medal, a European-African-Middle Eastern Campaign Medal, and a World War II Victory Medal.

(5) While working on his law degree from Washburn University, Bob Dole was elected into the Kansas House of Representatives, serving from 1951–1953.

(6) Bob Dole was elected into the U.S. House of Representatives and served two Kansas districts from 1961–1969.

(7) In 1969, Bob Dole was elected into the U.S. Senate and served until 1996. Over the course of this period, he served as Chairman of the Republican National Committee, Chairman of the Finance Committee, Senate Minority Leader, and Senate Majority Leader.

(8) Bob Dole was known for his ability to work across the aisle and embrace practical bipartisanship on issues such as Social Security.

(9) Bob Dole has been a life-long advocate for the disabled and was a key figure in the passing of the Americans with Disabilities Act in 1990.

(10) After his appointment as Majority Leader, Bob Dole set the record as the nation's longest-serving Republican Leader in the Senate.

(11) Several Presidents of the United States have specially honored Bob Dole for his hard work and leadership in the public sector. This recognition is exemplified by the following:

(A) President Reagan awarded Bob Dole the Presidential Citizens Medal in 1989 stating, "Whether on the battlefield or Capitol Hill, Senator Dole has served America heroically. Senate Majority Leader during one of the most productive Congresses of recent time, he has also been a friend to veterans, farmers, and Americans from every walk of life. Bob Dole has stood for integrity, straight talk and achievement throughout his years of distinguished public service.".

(B) Upon awarding Bob Dole with the Presidential Medal of Freedom in 1997, President Clinton made the following comments, "Son of the soil, citizen, soldier and legislator, Bob Dole understands the American people, their struggles, their triumphs and their dreams . . . In times of conflict and crisis, he has worked to keep America united and strong . . . our country is better for his courage, his determination, and his willingness to go the long course to lead America.".

(12) After his career in public office, Bob Dole became an active advocate for the public good. He served as National Chairman of the World War II Memorial Campaign, helping raise over $197 million to construct the National WWII Memorial, and as Co-Chair of the Families of Freedom Scholarship Fund, raising over $120 million for the educational needs of the families of victims of 9/11.

(13) From 1997–2001, Bob Dole served as chairman of the International Commission on Missing Persons in the Former Yugoslavia.

(14) In 2003, Bob Dole established The Robert J. Dole Institute of Politics at the University of Kansas to encourage bipartisanship in politics.

(15) Bob Dole is a strong proponent of international justice and, in 2004, received the Golden Medal of Freedom from the President of Kosovo for his support of democracy and freedom in Kosovo.

(16) In 2007, President George W. Bush appointed Bob Dole to co-chair the President's Commission on Care for America's Returning Wounded Warriors, which inspected the system of medical care received by U.S. soldiers returning from Iraq and Afghanistan.

(17) Bob Dole was the co-creator of the McGovern-Dole International Food for Education and Child Nutrition Program, helping combat child hunger and poverty. In 2008, he was co-awarded the World Food Prize for his work with this organization.

(18) Bob Dole is co-founder of the Bipartisan Policy Center which works to develop policies suitable for bipartisan support.

(19) Bob Dole is a strong advocate for veterans, having volunteered on a weekly basis for more than a decade on behalf of the Honor Flight Network.

(20) Bob Dole serves as Finance Chairman of the Campaign for the National Eisenhower Memorial, leading the private fundraising effort to memorialize President Dwight D. Eisenhower in Washington, DC.

(21) Bob Dole was acknowledged by many organizations for his achievements both inside and outside of politics, including being awarded the "U.S. Senator John Heinz Award for Outstanding Public Service By An Elected Official", the Gold Good Citizenship Award, the American Patriot Award, the Survivor's Gratitude Award, the U.S. Association of Former Member of Congress Distinguished Service Award, a Distinguished Service Medal, the French Legion of Honor medal, the Horatio Alger Award, the U.S. Defense Department's Distinguished Public Service Award, the National Collegiate Athletic Association's Teddy Roosevelt Award, the Albert Schweitzer Medal "for outstanding contributions to animal welfare", the 2004 Sylvanus Thayer Award, and honorary degrees from the University of Kansas, Fort Hays State University, and the University of New Hampshire School of Law.

(22) Throughout his life-long service to our country, Bob Dole has embodied the American spirit of leadership and determination, and serves as one of the most prolific role models both in and outside of politics.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of Congress, of a gold medal of appropriate design to Bob Dole, in recognition for his service to the nation as a soldier, legislator, and statesman.

(b) DESIGN AND STRIKING.—For the purpose of the award referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck under section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

Approved September 15, 2017.

LEGISLATIVE HISTORY—S. 1616:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Aug. 3, considered and passed Senate.
Sept. 5, considered and passed House.

Public Law 115–61
115th Congress

An Act

Sept. 27, 2017
[H.R. 3110]

To amend the Financial Stability Act of 2010 to modify the term of the independent member of the Financial Stability Oversight Council.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Financial Stability Oversight Council Insurance Member Continuity Act. 12 USC 5301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Financial Stability Oversight Council Insurance Member Continuity Act".

SEC. 2. FINANCIAL STABILITY OVERSIGHT COUNCIL.

Section 111(c) of the Financial Stability Act of 2010 (12 U.S.C. 5321(c)) is amended by adding at the end the following:

"(4) TERM OF INDEPENDENT MEMBER.—Notwithstanding paragraph (1), if a successor to the independent member of the Council serving under subsection (b)(1)(J) is not appointed and confirmed by the end of the term of service of such member, such member may continue to serve until the earlier of—

"(A) 18 months after the date on which the term of service ends; or

"(B) the date on which a successor to such member is appointed and confirmed.".

Approved September 27, 2017.

LEGISLATIVE HISTORY—H.R. 3110:

HOUSE REPORTS: No. 115–293 (Comm. on Financial Services).
CONGRESSIONAL RECORD, Vol. 163 (2017):
Sept. 5, considered and passed House.
Sept. 19, considered and passed Senate.

Public Law 115–62
115th Congress

An Act

To amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, and for other purposes.

Sept. 29, 2017
[H.R. 3819]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Department of Veterans Affairs Expiring Authorities Act of 2017.
38 USC 101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Department of Veterans Affairs Expiring Authorities Act of 2017".

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

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. SCORING OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE I—EXTENSIONS OF AUTHORITY RELATING TO HEALTH CARE

SEC. 101. EXTENSION OF AUTHORITY FOR COLLECTION OF COPAYMENTS FOR HOSPITAL CARE AND NURSING HOME CARE.

38 USC 1710.

Section 1710(f)(2)(B) is amended by striking "September 30, 2017" and inserting "September 30, 2019".

SEC. 102. EXTENSION OF REQUIREMENT TO PROVIDE NURSING HOME CARE TO CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES.

Section 1710A(d) is amended by striking "December 31, 2017" and inserting "September 30, 2019". 38 USC 1710A.

SEC. 103. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR ASSISTANCE AND SUPPORT SERVICES FOR CAREGIVERS.

Section 1720G(e) is amended—

(1) in paragraph (3), by striking "and";

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph: "(5) $839,828,000 for each of fiscal years 2018 and 2019.".

SEC. 104. EXTENSION OF AUTHORITY FOR RECOVERY FROM THIRD PARTIES OF COST OF CARE AND SERVICES FURNISHED TO VETERANS WITH HEALTH-PLAN CONTRACTS FOR NON-SERVICE-CONNECTED DISABILITY.

Section 1729(a)(2)(E) is amended, in the matter preceding clause (i), by striking "October 1, 2017" and inserting "September 30, 2019".

SEC. 105. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON ASSISTANCE FOR CHILD CARE FOR CERTAIN VETERANS RECEIVING HEALTH CARE.

(a) EXTENSION.—Subsection (e) of section 205 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1144; 38 U.S.C. 1710 note) is amended by striking "December 31, 2017" and inserting "September 30, 2019".

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (h) of such section is amended by striking "and 2017" and inserting "2017, 2018, and 2019".

SEC. 106. EXTENSION OF AUTHORITY TO MAKE GRANTS TO VETERANS SERVICE ORGANIZATIONS FOR TRANSPORTATION OF HIGHLY RURAL VETERANS.

Section 307(d) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1154; 38 U.S.C. 1710 note) is amended by striking "2017" and inserting "2019".

SEC. 107. EXTENSION OF PILOT PROGRAM ON COMMUNITY-BASED BRAIN INJURY REHABILITATIVE CARE SERVICES FOR VETERANS WITH TRAUMATIC BRAIN INJURY.

(a) EXTENSION.—Subsection (g) of section 1705 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 38 U.S.C. 1710C note) is amended by striking "October 6, 2017" and inserting "January 6, 2018".

(b) FINAL REPORT SUBMITTAL DATE.—Subsection (e)(2)(A) of such section is amended by striking "60 days after the completion of the pilot program" and inserting "December 6, 2017".

(c) NOTIFICATION TO PARTICIPANTS IN PROGRAM.—Not later than December 6, 2017, the Secretary of Veterans Affairs shall notify veterans participating in the pilot program under such section regarding a plan for transition of care for such veterans. Deadline. 38 USC 1710C note.

SEC. 108. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON COUNSELING IN RETREAT SETTINGS FOR WOMEN VETERANS NEWLY SEPARATED FROM SERVICE.

(a) EXTENSION.—Subsection (d) of section 203 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1143; 38 U.S.C. 1712A note) is amended by striking "December 31, 2017" and inserting "September 30, 2019".

(b) REPORT SUBMITTAL DATE.—Subsection (e) of such section is amended by striking "180 days after the completion of the pilot program" and inserting "March 31, 2018".

(c) AUTHORIZATION OF APPROPRIATIONS.—Subsection (f) of such section is amended by striking "and 2017" and inserting "2017, 2018, and 2019".

SEC. 109. EXTENSION OF TEMPORARY EXPANSION OF PAYMENTS AND ALLOWANCES FOR BENEFICIARY TRAVEL IN CONNECTION WITH VETERANS RECEIVING CARE FROM VET CENTERS.

(a) EXTENSION.—Subsection (a) of section 104 of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 (Public Law 112–154; 126 Stat. 1169) is amended by striking "a three-year initiative" and inserting "an initiative, to run through September 30, 2018,".

(b) REPORT SUBMITTAL DATE.—Subsection (b)(1) of such section is amended by striking "180 days after the date of the completion of the initiative" and inserting "March 31, 2018".

TITLE II—EXTENSIONS OF AUTHORITY RELATING TO BENEFITS

SEC. 201. EXTENSION OF AUTHORITY FOR CALCULATING NET VALUE OF REAL PROPERTY AT TIME OF FORECLOSURE.

38 USC 3732.

Section 3732(c)(11) is amended by striking "October 1, 2017" and inserting "September 30, 2018".

SEC. 202. EXTENSION OF AUTHORITY RELATING TO VENDEE LOANS.

Section 3733(a)(7) is amended—

(1) in the matter preceding subparagraph (A), by striking "September 30, 2017" and inserting "September 30, 2018"; and

(2) in subparagraph (C), by striking "September 30, 2017," and inserting "September 30, 2018,".

SEC. 203. EXTENSION OF AUTHORITY TO PROVIDE REHABILITATION AND VOCATIONAL BENEFITS TO MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

Section 1631(b)(2) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 458; 10 U.S.C. 1071 note) is amended by striking "December 31, 2017" and inserting "September 30, 2018".

TITLE III—EXTENSIONS OF AUTHORITY RELATING TO HOMELESS VETERANS

SEC. 301. EXTENSION OF AUTHORITY FOR HOMELESS VETERANS REINTEGRATION PROGRAMS.

Section 2021(e)(1)(F) is amended by striking "2017" and inserting "2018". 38 USC 2021.

SEC. 302. EXTENSION OF AUTHORITY FOR HOMELESS WOMEN VETERANS AND HOMELESS VETERANS WITH CHILDREN REINTEGRATION PROGRAM.

Section 2021A(f)(1) is amended by striking "2017" and inserting "2018".

SEC. 303. EXTENSION OF AUTHORITY FOR REFERRAL AND COUNSELING SERVICES FOR VETERANS AT RISK OF HOMELESSNESS TRANSITIONING FROM CERTAIN INSTITUTIONS.

Section 2023(d) is amended by striking "September 30, 2017" and inserting "September 30, 2018".

SEC. 304. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.

Section 2044(e)(1) is amended by adding at the end the following new subparagraph:

"(F) $320,000,000 for each of fiscal years 2018 through 2019.".

SEC. 305. EXTENSION OF AUTHORITY FOR GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.

Section 2061(d)(1) is amended by striking "2017" and inserting "2019".

SEC. 306. EXTENSION OF AUTHORITY FOR THE ADVISORY COMMITTEE ON HOMELESS VETERANS.

Section 2066(d) is amended by striking "December 31, 2017" and inserting "September 30, 2018".

SEC. 307. EXTENSION OF AUTHORITY FOR TREATMENT AND REHABILITATION SERVICES FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.

(a) GENERAL TREATMENT.—Section 2031(b) is amended by striking "September 30, 2017" and inserting "September 30, 2019".

(b) ADDITIONAL SERVICES AT CERTAIN LOCATIONS.—Section 2033(d) is amended by striking "September 30, 2017" and inserting "September 30, 2019".

TITLE IV—OTHER EXTENSIONS AND MODIFICATIONS OF AUTHORITY AND OTHER MATTERS

SEC. 401. EXTENSION OF AUTHORITY FOR TRANSPORTATION OF INDIVIDUALS TO AND FROM DEPARTMENT FACILITIES.

38 USC 111A.

Section 111A(a)(2) is amended by striking "December 31, 2017" and inserting "September 30, 2019".

SEC. 402. EXTENSION OF AUTHORITY FOR OPERATION OF THE DEPARTMENT OF VETERANS AFFAIRS REGIONAL OFFICE IN MANILA, THE REPUBLIC OF THE PHILIPPINES.

Section 315(b) is amended by striking "September 30, 2017" and inserting "September 30, 2018".

SEC. 403. EXTENSION OF AUTHORITY FOR MONTHLY ASSISTANCE ALLOWANCES UNDER THE OFFICE OF NATIONAL VETERANS SPORTS PROGRAMS AND SPECIAL EVENTS.

Section 322(d)(4) is amended by striking "2017" and inserting "2019".

SEC. 404. EXTENSION OF REQUIREMENT TO PROVIDE REPORTS TO CONGRESS REGARDING EQUITABLE RELIEF IN THE CASE OF ADMINISTRATIVE ERROR.

Section 503(c) is amended by striking "December 31, 2017" and inserting "December 31, 2018".

SEC. 405. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR ADAPTIVE SPORTS PROGRAMS FOR DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES.

Section 521A is amended—

(1) in subsection (g)(1), by striking "2017" and inserting "2019"; and

(2) in subsection (l), by striking "2017" and inserting "2019".

SEC. 406. EXTENSION OF AUTHORITY FOR ADVISORY COMMITTEE ON MINORITY VETERANS.

Section 544(e) is amended by striking "December 31, 2017" and inserting "September 30, 2018".

SEC. 407. EXTENSION OF AUTHORITY FOR TEMPORARY EXPANSION OF ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING ASSISTANCE FOR CERTAIN VETERANS WITH DISABILITIES CAUSING DIFFICULTY AMBULATING.

Section 2101(a)(4) is amended—

(1) in subparagraph (A), by striking "September 30, 2017" and inserting "September 30, 2018"; and

(2) in subparagraph (B), by striking "2017" and inserting "2018".

SEC. 408. EXTENSION OF AUTHORITY FOR SPECIALLY ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM.

Section 2108(g) is amended by striking "September 30, 2017" and inserting "September 30, 2018".

SEC. 409. EXTENSION OF AUTHORITY TO GUARANTEE PAYMENT OF PRINCIPAL AND INTEREST ON CERTIFICATES OR OTHER SECURITIES.

Section 3720(h)(2) is amended by striking "December 31, 2017" and inserting "September 30, 2018". 38 USC 3720.

SEC. 410. EXTENSION OF AUTHORITY TO ENTER INTO AGREEMENT WITH THE NATIONAL ACADEMY OF SCIENCES REGARDING ASSOCIATIONS BETWEEN DISEASES AND EXPOSURE TO DIOXIN AND OTHER CHEMICAL COMPOUNDS IN HERBICIDES.

Section 3(i) of the Agent Orange Act of 1991 (Public Law 102–4; 38 U.S.C. 1116 note) is amended by striking "December 31, 2017" and inserting "September 30, 2018".

SEC. 411. MODIFICATIONS OF REDUCTIONS OF REPORTING FEE MULTIPLIERS.

(a) THROUGH JULY 31, 2018.—

(1) IN GENERAL.—Section 412 of the Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016 (Public Law 114–315; 38 U.S.C. 3684 note) is amended—

(A) in subsection (a), by striking "September 25, 2017" and inserting "July 31, 2018"; and

(B) by striking subsection (b).

(2) CLERICAL AMENDMENT.—The heading for subsection (a) of such section is amended by striking "SEPTEMBER 25, 2017" and inserting "JULY 31, 2018".

(b) AUGUST 1, 2018, THROUGH JULY 31, 2020.—During the period beginning on August 1, 2018, and ending on July 31, 2020, section 3684(c)(2) of title 38, United States Code, as amended by section 304 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48) shall be applied by substituting "$15" for "$16". Time period. Applicability.

TITLE V—TECHNICAL CORRECTIONS

SEC. 501. TECHNICAL CORRECTIONS TO HARRY W. COLMERY VETERANS EDUCATIONAL ASSISTANCE ACT OF 2017.

(a) USE OF STATE APPROVING AGENCIES FOR OVERSIGHT ACTIVITIES.—Section 3673(d) is amended by inserting "compliance and" before "risk-based surveys".

(b) CALCULATION OF MONTHLY HOUSING STIPEND UNDER POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM BASED ON LOCATION OF CAMPUS WHERE CLASSES ARE ATTENDED.—

(1) IN GENERAL.—Section 3313(g)(3)(A)(ii)(I)(aa) is amended by striking "the institution at which the individual is enrolled" and inserting "the campus of the institution of where the individual physically participates in a majority of classes".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to enrollment for a quarter, semester, or term, as applicable, commencing on or after August 1, 2018. 38 USC 3313 note.

(3) ADDITIONAL TECHNICAL CORRECTION.—Subsection (b) of section 107 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48) is amended to read as follows: 38 USC 3313 note.

"(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to enrollment for a quarter, semester, or term, as applicable, commencing on or after August 1, 2018.".

(c) DETERMINATION OF MONTHLY HOUSING STIPENDS DURING ACTIVE DUTY SERVICE.—

38 USC 3313.

(1) IN GENERAL.—Subsection (j) of section 3313 is amended to read as follows:

"(j) DETERMINATION OF MONTHLY HOUSING STIPENDS DURING ACTIVE DUTY SERVICE.—For any month during which an individual who is entitled to a monthly housing stipend under this section is performing active duty service, the Secretary shall determine the amount of such stipend payable to such individual for such month on a pro rata basis for the period of such month during which the individual is not performing active duty service.".

Effective date.
38 USC 3313 note.

(2) APPLICABILITY.—Such subsection, as amended by paragraph (1), shall apply with respect to a quarter, semester, or term, as applicable, commencing on or after August 1, 2018.

(d) SPECIAL APPLICATION OF SCHOOL CLOSURE RULE TO RECENTLY ENROLLED INDIVIDUALS.—Subparagraph (B) of section 109(c)(1) of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48) is amended to read as follows:

38 USC 3699 note.

"(B) SPECIAL APPLICATION.—

Time period.

"(i) IN GENERAL.—With respect to courses and programs of education discontinued as described in section 3699 of title 38, United States Code, as added by subsection (a)(1), during the period beginning January 1, 2015, and ending on the date of the enactment of this Act, an individual described in clause (ii) who does not transfer credits from such program of education shall be deemed to be an individual who did not receive such credits, as described in subsection (b)(2) of such section, except that the period for which such individual's entitlement is not charged shall be the entire period of the individual's enrollment in the program of education. In carrying out this subparagraph, the Secretary of Veterans Affairs, in consultation with the Secretary of Education, shall establish procedures to determine whether the individual transferred credits to a comparable course or program of education.

Consultation.
Procedures.

"(ii) INDIVIDUAL DESCRIBED.—An individual described in this clause is an individual who is enrolled in a course or program of education discontinued as described in clause (i) during the period beginning on the date that is 120 days before the date of such discontinuance and ending on the date of such discontinuance.". Time period.

Approved September 29, 2017.

LEGISLATIVE HISTORY—H.R. 3819:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Sept. 25, considered and passed House.
Sept. 27, considered and passed Senate.

Public Law 115–63
115th Congress

An Act

Sept. 29, 2017
[H.R. 3823]

To amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to provide disaster tax relief, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Disaster Tax Relief and Airport and Airway Extension Act of 2017.
26 USC 1 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Disaster Tax Relief and Airport and Airway Extension Act of 2017".

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

Time periods.

TITLE I—FEDERAL AVIATION PROGRAMS

SEC. 101. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103(a) of title 49, United States Code, is amended by striking the period at the end and inserting "and $1,670,410,959 for the period beginning on October 1, 2017, and ending on March 31, 2018.".

(2) OBLIGATION OF AMOUNTS.—Subject to limitations specified in advance in appropriations Acts, sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2018, and shall remain available until expended.

(3) PROGRAM IMPLEMENTATION.—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the period beginning on October 1, 2017, and ending on March 31, 2018, the Administrator of the Federal Aviation Administration shall—

(A) first calculate such funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2018 were $3,350,000,000; and

(B) then reduce by 50 percent—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of title 49, United States Code, is amended in the matter preceding paragraph (1) by striking "September 30, 2017," and inserting "March 31, 2018,".

SEC. 102. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 47107(r)(3) of title 49, United States Code, is amended by striking "October 1, 2017" and inserting "April 1, 2018".

(b) Section 47114(c)(1)(F) of title 49, United States Code, is amended—

(1) in the subparagraph heading by striking "FOR FISCAL YEAR 2017"; and

(2) in the matter preceding clause (i) by striking "for fiscal year 2017 an amount" and inserting "for each of fiscal years 2017 and 2018 an amount".

(c) Section 47115(j) of title 49, United States Code, is amended by inserting "and for the period beginning on October 1, 2017, and ending on March 31, 2018" after "fiscal years 2012 through 2017".

(d) Section 47124(b)(3)(E) of title 49, United States Code, is amended by inserting "and not more than $5,160,822 for the period beginning on October 1, 2017, and ending on March 31, 2018," after "fiscal years 2012 through 2017".

(e) Section 47141(f) of title 49, United States Code, is amended by striking "September 30, 2017" and inserting "March 31, 2018".

(f) Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by inserting "and for the period beginning on October 1, 2017, and ending on March 31, 2018," after "fiscal years 2012 through 2017".

(g) Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking "September 30, 2017" and inserting "March 31, 2018".

(h) Section 140(c)(1) of the FAA Modernization and Reform Act of 2012 (126 Stat. 28) is amended by striking "2017" and inserting "2018".

(i) Section 411(h) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 42301 prec. note) is amended by striking "September 30, 2017" and inserting "March 31, 2018".

(j) Section 822(k) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 47141 note) is amended by striking "September 30, 2017" and inserting "March 31, 2018".

(k) Section 2306(b) of the FAA Extension, Safety, and Security Act of 2016 (130 Stat. 641) is amended by striking "October 1, 2017" and inserting "April 1, 2018".

SEC. 103. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (D) by striking "and" at the end;

(B) in subparagraph (E) by striking the period at the end and inserting "; and"; and

(C) by inserting after subparagraph (E) the following:

"(F) $4,999,191,956 for the period beginning on October 1, 2017, and ending on March 31, 2018."; and

(2) in paragraph (3) by inserting "and for the period beginning on October 1, 2017, and ending on March 31, 2018" after "fiscal years 2012 through 2017".

SEC. 104. SMALL COMMUNITY AIR SERVICE.

(a) ESSENTIAL AIR SERVICE AUTHORIZATION.—Section 41742(a)(2) of title 49, United States Code, is amended by striking "and $175,000,000 for each of fiscal years 2016 and 2017" and inserting "$175,000,000 for each of fiscal years 2016 and 2017, and $74,794,521 for the period beginning on October 1, 2017, and ending on March 31, 2018,".

(b) AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—Section 41743(e)(2) of title 49, United States Code, is amended by inserting "and $4,986,301 for the period beginning on October 1, 2017, and ending on March 31, 2018," after "fiscal years 2012 through 2017".

SEC. 105. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) of title 49, United States Code, is amended by adding at the end the following:

"(6) $1,423,589,041 for the period beginning on October 1, 2017, and ending on March 31, 2018.".

SEC. 106. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) of title 49, United States Code, is amended—

(1) in paragraph (8) by striking "and" at the end;

(2) in paragraph (9) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(10) $88,008,219 for the period beginning on October 1, 2017 and ending on March 31, 2018.".

SEC. 107. FUNDING FOR AVIATION PROGRAMS.

(a) IN GENERAL.—Section 48114 of title 49, United States Code, is amended—

(1) in subsection (a)(2) by striking "2017" and inserting "2018"; and

(2) in subsection (c)(2) by striking "2017" and inserting "2018".

(b) COMPLIANCE WITH FUNDING REQUIREMENTS.—The budget authority authorized in this title, including the amendments made by this title, shall be deemed to satisfy the requirements of subsections (a)(1)(B) and (a)(2) of section 48114 of title 49, United States Code, for the period beginning on October 1, 2017, and ending on March 31, 2018.

TITLE II—AVIATION REVENUE PROVISIONS

SEC. 201. EXPENDITURE AUTHORITY FROM AIRPORT AND AIRWAY TRUST FUND.

(a) IN GENERAL.—Section 9502(d)(1) of the Internal Revenue Code of 1986 is amended— 26 USC 9502.

(1) in the matter preceding subparagraph (A) by striking "October 1, 2017" and inserting "April 1, 2018"; and

(2) in subparagraph (A) by striking the semicolon at the end and inserting "or the Disaster Tax Relief and Airport and Airway Extension Act of 2017;".

(b) CONFORMING AMENDMENT.—Section 9502(e)(2) of such Code is amended by striking "October 1, 2017" and inserting "April 1, 2018".

SEC. 202. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Section 4081(d)(2)(B) of the Internal Revenue Code of 1986 is amended by striking "September 30, 2017" and inserting "March 31, 2018".

(b) TICKET TAXES.—

(1) PERSONS.—Section 4261(k)(1)(A)(ii) of such Code is amended by striking "September 30, 2017" and inserting "March 31, 2018".

(2) PROPERTY.—Section 4271(d)(1)(A)(ii) of such Code is amended by striking "September 30, 2017" and inserting "March 31, 2018".

(c) FRACTIONAL OWNERSHIP PROGRAMS.—

(1) TREATMENT AS NONCOMMERCIAL AVIATION.—Section 4083(b) of such Code is amended by striking "October 1, 2017" and inserting "April 1, 2018".

(2) EXEMPTION FROM TICKET TAXES.—Section 4261(j) of such Code is amended by striking "September 30, 2017" and inserting "March 31, 2018".

TITLE III—EXPIRING HEALTH PROVISIONS

SEC. 301. EXTENSION OF CERTAIN PUBLIC HEALTH PROGRAMS.

(a) EXTENSION OF PROGRAM OF PAYMENTS TO TEACHING HEALTH CENTERS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.—Section 340H(g) of the Public Health Service Act (42 U.S.C. 256h(g)) is amended—

(1) by striking "and $60,000,000" and inserting ", $60,000,000"; and

(2) by inserting ", and $15,000,000 for the first quarter of fiscal year 2018" before the period at the end.

(b) EXTENSION OF SPECIAL DIABETES PROGRAM FOR INDIANS.—Section 330C(c)(2) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

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

"(D) $37,500,000 for the first quarter of fiscal year 2018.".

(c) TECHNICAL CORRECTIONS.—Part D of the Public Health Service Act is amended by redesignating—

(1) the second subpart XI (42 U.S.C. 256i; relating to a community-based collaborative care network program) as subpart XII; and

(2) the second section 340H (42 U.S.C. 256i) as section 340I.

Time periods.

SEC. 302. EXTENSION OF MEDICARE PATIENT IVIG ACCESS DEMONSTRATION PROJECT.

Section 101(b) of the Medicare IVIG Access and Strengthening Medicare and Repaying Taxpayers Act of 2012 (42 U.S.C. 1395l note) is amended—

(1) in paragraph (1), by inserting after "for a period of 3 years" the following: "and, subject to the availability of funds under subsection (g)—

"(A) if the date of enactment of the Disaster Tax Relief and Airport and Airway Extension Act of 2017 is on or before September 30, 2017, for the period beginning on October 1, 2017, and ending on December 31, 2020; and

"(B) if the date of enactment of such Act is after September 30, 2017, for the period beginning on the date of enactment of such Act and ending on December 31, 2020"; and

(2) in paragraph (2), by adding at the end the following new sentences: "Subject to the preceding sentence, a Medicare beneficiary enrolled in the demonstration project on September 30, 2017, shall be automatically enrolled during the period beginning on the date of the enactment of the Disaster Tax Relief and Airport and Airway Extension Act of 2017 and ending on December 31, 2020, without submission of another application.".

SEC. 303. FUNDS FROM THE MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking "during and after fiscal year 2021, $270,000,000" and inserting "during and after fiscal year 2021, $220,000,000".

TITLE V—TAX RELIEF FOR HURRICANES HARVEY, IRMA, AND MARIA

SEC. 501. DEFINITIONS.

Determinations. President.

(a) HURRICANE HARVEY DISASTER ZONE AND DISASTER AREA.—For purposes of this title—

(1) HURRICANE HARVEY DISASTER ZONE.—The term "Hurricane Harvey disaster zone" means that portion of the Hurricane Harvey disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Harvey.

(2) HURRICANE HARVEY DISASTER AREA.—The term "Hurricane Harvey disaster area" means an area with respect to which a major disaster has been declared by the President before September 21, 2017, under section 401 of such Act by reason of Hurricane Harvey.

(b) HURRICANE IRMA DISASTER ZONE AND DISASTER AREA.—For purposes of this title—

(1) HURRICANE IRMA DISASTER ZONE.—The term "Hurricane Irma disaster zone" means that portion of the Hurricane Irma disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act by reason of Hurricane Irma.

(2) HURRICANE IRMA DISASTER AREA.—The term "Hurricane Irma disaster area" means an area with respect to which a major disaster has been declared by the President before September 21, 2017, under section 401 of such Act by reason of Hurricane Irma.

(c) HURRICANE MARIA DISASTER ZONE AND DISASTER AREA.—For purposes of this title—

(1) HURRICANE MARIA DISASTER ZONE.—The term "Hurricane Maria disaster zone" means that portion of the Hurricane Maria disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act by reason of Hurricane Maria.

(2) HURRICANE MARIA DISASTER AREA.—The term "Hurricane Maria disaster area" means an area with respect to which a major disaster has been declared by the President before September 21, 2017, under section 401 of such Act by reason of Hurricane Maria.

SEC. 502. SPECIAL DISASTER-RELATED RULES FOR USE OF RETIREMENT FUNDS.

(a) TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS.—

(1) IN GENERAL.—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any qualified hurricane distribution.

(2) AGGREGATE DOLLAR LIMITATION.—

(A) IN GENERAL.—For purposes of this subsection, the aggregate amount of distributions received by an individual which may be treated as qualified hurricane distributions for any taxable year shall not exceed the excess (if any) of—

(i) $100,000, over

(ii) the aggregate amounts treated as qualified hurricane distributions received by such individual for all prior taxable years.

(B) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to subparagraph (A)) be a qualified hurricane distribution, a plan shall not be treated as violating any requirement of the Internal Revenue Code of 1986 merely because the plan treats such distribution as a qualified hurricane distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $100,000.

Definitions.

(C) CONTROLLED GROUP.—For purposes of subparagraph (B), the term "controlled group" means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986.

Deadlines.
Time period.

(3) AMOUNT DISTRIBUTED MAY BE REPAID.—

(A) IN GENERAL.—Any individual who receives a qualified hurricane distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), of the Internal Revenue Code of 1986, as the case may be.

(B) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to subparagraph (A) with respect to a qualified hurricane distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified hurricane distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(C) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to subparagraph (A) with respect to a qualified hurricane distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), then, to the extent of the amount of the contribution, the qualified hurricane distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(4) DEFINITIONS.—For purposes of this subsection—

Time periods.

(A) QUALIFIED HURRICANE DISTRIBUTION.—Except as provided in paragraph (2), the term "qualified hurricane distribution" means—

(i) any distribution from an eligible retirement plan made on or after August 23, 2017, and before January 1, 2019, to an individual whose principal place of abode on August 23, 2017, is located in the Hurricane Harvey disaster area and who has sustained an economic loss by reason of Hurricane Harvey,

(ii) any distribution (which is not described in clause (i)) from an eligible retirement plan made on or after September 4, 2017, and before January 1, 2019, to an individual whose principal place of abode on September 4, 2017, is located in the Hurricane Irma disaster area and who has sustained an economic loss by reason of Hurricane Irma, and

(iii) any distribution (which is not described in clause (i) or (ii)) from an eligible retirement plan made on or after September 16, 2017, and before January 1, 2019, to an individual whose principal place of abode on September 16, 2017, is located in the Hurricane Maria disaster area and who has sustained an economic loss by reason of Hurricane Maria.

(B) ELIGIBLE RETIREMENT PLAN.—The term "eligible retirement plan" shall have the meaning given such term by section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(5) INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD.—

(A) IN GENERAL.—In the case of any qualified hurricane distribution, unless the taxpayer elects not to have this paragraph apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable-year period beginning with such taxable year.

(B) SPECIAL RULE.—For purposes of subparagraph (A), rules similar to the rules of subparagraph (E) of section 408A(d)(3) of the Internal Revenue Code of 1986 shall apply. Applicability.

(6) SPECIAL RULES.—

(A) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405 of the Internal Revenue Code of 1986, qualified hurricane distributions shall not be treated as eligible rollover distributions.

(B) QUALIFIED HURRICANE DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes the Internal Revenue Code of 1986, a qualified hurricane distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A) of such Code.

(b) RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES.—

(1) RECONTRIBUTIONS.—

(A) IN GENERAL.—Any individual who received a qualified distribution may, during the period beginning on August 23, 2017, and ending on February 28, 2018, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B) Time period.

of the Internal Revenue Code of 1986) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), of such Code, as the case may be.

Applicability.

(B) TREATMENT OF REPAYMENTS.—Rules similar to the rules of subparagraphs (B) and (C) of subsection (a)(3) shall apply for purposes of this subsection.

Definition.

(2) QUALIFIED DISTRIBUTION.—For purposes of this subsection, the term "qualified distribution" means any distribution—

(A) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F), of the Internal Revenue Code of 1986,

Time period.

(B) received after February 28, 2017, and before September 21, 2017, and

(C) which was to be used to purchase or construct a principal residence in the Hurricane Harvey disaster area, the Hurricane Irma disaster area, or the Hurricane Maria disaster area, but which was not so purchased or constructed on account of Hurricane Harvey, Hurricane Irma, or Hurricane Maria.

Time periods.

(c) LOANS FROM QUALIFIED PLANS.—

Applicability.

(1) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4) of the Internal Revenue Code of 1986) to a qualified individual made during the period beginning on the date of the enactment of this Act and ending on December 31, 2018—

(A) clause (i) of section 72(p)(2)(A) of such Code shall be applied by substituting "$100,000" for "$50,000", and

(B) clause (ii) of such section shall be applied by substituting "the present value of the nonforfeitable accrued benefit of the employee under the plan" for "one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan".

(2) DELAY OF REPAYMENT.—In the case of a qualified individual with an outstanding loan on or after the qualified beginning date from a qualified employer plan (as defined in section 72(p)(4) of the Internal Revenue Code of 1986)—

(A) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) of such Code for any repayment with respect to such loan occurs during the period beginning on the qualified beginning date and ending on December 31, 2018, such due date shall be delayed for 1 year,

(B) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

Determination.

(C) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2) of such Code, the period described in subparagraph (A) shall be disregarded.

Definitions.

(3) QUALIFIED INDIVIDUAL.—For purposes of this subsection—

(A) IN GENERAL.—The term "qualified individual" means any qualified Hurricane Harvey individual, any qualified Hurricane Irma individual, and any qualified Hurricane Maria individual.

(B) QUALIFIED HURRICANE HARVEY INDIVIDUAL.—The term "qualified Hurricane Harvey individual" means an individual whose principal place of abode on August 23, 2017, is located in the Hurricane Harvey disaster area and who has sustained an economic loss by reason of Hurricane Harvey.

(C) QUALIFIED HURRICANE IRMA INDIVIDUAL.—The term "qualified Hurricane Irma individual" means an individual (other than a qualified Hurricane Harvey individual) whose principal place of abode on September 4, 2017, is located in the Hurricane Irma disaster area and who has sustained an economic loss by reason of Hurricane Irma.

(D) QUALIFIED HURRICANE MARIA INDIVIDUAL.—The term "qualified Hurricane Maria individual" means an individual (other than a qualified Hurricane Harvey individual or a qualified Hurricane Irma individual) whose principal place of abode on September 16, 2017, is located in the Hurricane Maria disaster area and who has sustained an economic loss by reason of Hurricane Maria.

(4) QUALIFIED BEGINNING DATE.—For purposes of this subsection, the qualified beginning date is—

(A) in the case of any qualified Hurricane Harvey individual, August 23, 2017,

(B) in the case of any qualified Hurricane Irma individual, September 4, 2017, and

(C) in the case of any qualified Hurricane Maria individual, September 16, 2017.

(d) PROVISIONS RELATING TO PLAN AMENDMENTS.— Contracts.

(1) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i). Applicability.

(2) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any provision of this section, or pursuant to any regulation issued by the Secretary or the Secretary of Labor under any provision of this section, and Regulations.

(ii) on or before the last day of the first plan year beginning on or after January 1, 2019, or such later date as the Secretary may prescribe. Time period.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

(B) CONDITIONS.—This subsection shall not apply to any amendment unless—

(i) during the period— Time period.

(I) beginning on the date that this section or the regulation described in subparagraph (A)(i) takes effect (or in the case of a plan or contract

amendment not required by this section or such regulation, the effective date specified by the plan), and

(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect, and

Applicability.

(ii) such plan or contract amendment applies retroactively for such period.

SEC. 503. DISASTER-RELATED EMPLOYMENT RELIEF.

(a) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE HARVEY.—

(1) IN GENERAL.—For purposes of section 38 of the Internal Revenue Code of 1986, in the case of an eligible employer, the Hurricane Harvey employee retention credit shall be treated as a credit listed in subsection (b) of such section. For purposes of this subsection, the Hurricane Harvey employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

Time periods.

(2) DEFINITIONS.—For purposes of this subsection—

(A) ELIGIBLE EMPLOYER.—The term "eligible employer" means any employer—

(i) which conducted an active trade or business on August 23, 2017, in the Hurricane Harvey disaster zone, and

(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after August 23, 2017, and before January 1, 2018, as a result of damage sustained by reason of Hurricane Harvey.

(B) ELIGIBLE EMPLOYEE.—The term "eligible employee" means with respect to an eligible employer an employee whose principal place of employment on August 23, 2017, with such eligible employer was in the Hurricane Harvey disaster zone.

(C) QUALIFIED WAGES.—The term "qualified wages" means wages (as defined in section 51(c)(1) of the Internal Revenue Code of 1986, but without regard to section 3306(b)(2)(B) of such Code) paid or incurred by an eligible employer with respect to an eligible employee on any day after August 23, 2017, and before January 1, 2018, which occurs during the period—

(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Harvey, and

(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52, of the Internal Revenue Code of 1986, shall apply.

(4) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under section 51 of the Internal Revenue Code of 1986 with respect to such employee for such period.

(b) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE IRMA.—

(1) IN GENERAL.—For purposes of section 38 of the Internal Revenue Code of 1986, in the case of an eligible employer, the Hurricane Irma employee retention credit shall be treated as a credit listed in subsection (b) of such section. For purposes of this subsection, the Hurricane Irma employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

(2) DEFINITIONS.—For purposes of this subsection— Time periods.

(A) ELIGIBLE EMPLOYER.—The term "eligible employer" means any employer—

(i) which conducted an active trade or business on September 4, 2017, in the Hurricane Irma disaster zone, and

(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after September 4, 2017, and before January 1, 2018, as a result of damage sustained by reason of Hurricane Irma.

(B) ELIGIBLE EMPLOYEE.—The term "eligible employee" means with respect to an eligible employer an employee whose principal place of employment on September 4, 2017, with such eligible employer was in the Hurricane Irma disaster zone.

(C) QUALIFIED WAGES.—The term "qualified wages" means wages (as defined in section 51(c)(1) of the Internal Revenue Code of 1986, but without regard to section 3306(b)(2)(B) of such Code) paid or incurred by an eligible employer with respect to an eligible employee on any day after September 4, 2017, and before January 1, 2018, which occurs during the period—

(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Irma, and

(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52, of the Internal Revenue Code of 1986, shall apply.

(4) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under subsection (a), or section 51 of the Internal Revenue Code of 1986, with respect to such employee for such period.

(c) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE MARIA.—

(1) IN GENERAL.—For purposes of section 38 of the Internal Revenue Code of 1986, in the case of an eligible employer, the Hurricane Maria employee retention credit shall be treated as a credit listed in subsection (b) of such section. For purposes of this subsection, the Hurricane Maria employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

Time periods.

(2) DEFINITIONS.—For purposes of this subsection—

(A) ELIGIBLE EMPLOYER.—The term "eligible employer" means any employer—

(i) which conducted an active trade or business on September 16, 2017, in the Hurricane Maria disaster zone, and

(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after September 16, 2017, and before January 1, 2018, as a result of damage sustained by reason of Hurricane Maria.

(B) ELIGIBLE EMPLOYEE.—The term "eligible employee" means with respect to an eligible employer an employee whose principal place of employment on September 16, 2017, with such eligible employer was in the Hurricane Maria disaster zone.

(C) QUALIFIED WAGES.—The term "qualified wages" means wages (as defined in section 51(c)(1) of the Internal Revenue Code of 1986, but without regard to section 3306(b)(2)(B) of such Code) paid or incurred by an eligible employer with respect to an eligible employee on any day after September 16, 2017, and before January 1, 2018, which occurs during the period—

(i) beginning on the date on which the trade or business described in subparagraph (A) first became

inoperable at the principal place of employment of the employee immediately before Hurricane Maria, and

(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52, of the Internal Revenue Code of 1986, shall apply.

(4) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under subsection (a) or (b), or section 51 of the Internal Revenue Code of 1986, with respect to such employee for such period.

SEC. 504. ADDITIONAL DISASTER-RELATED TAX RELIEF PROVISIONS.

(a) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—

(1) IN GENERAL.—Except as otherwise provided in paragraph (2), subsection (b) of section 170 of the Internal Revenue Code of 1986 shall not apply to qualified contributions and such contributions shall not be taken into account for purposes of applying subsections (b) and (d) of such section to other contributions.

(2) TREATMENT OF EXCESS CONTRIBUTIONS.—For purposes of section 170 of the Internal Revenue Code of 1986—

(A) INDIVIDUALS.—In the case of an individual—

(i) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's contribution base (as defined in subparagraph (G) of section 170(b)(1) of such Code) over the amount of all other charitable contributions allowed under section 170(b)(1) of such Code.

(ii) CARRYOVER.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(1) of such Code) exceeds the limitation of clause (i), such excess shall be added to the excess described in the portion of subparagraph (A) of such section which precedes clause (i) thereof for purposes of applying such section. Applicability.

(B) CORPORATIONS.—In the case of a corporation—

(i) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's taxable income (as determined under paragraph (2) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.

Applicability.

(ii) CARRYOVER.—Rules similar to the rules of subparagraph (A)(ii) shall apply for purposes of this subparagraph.

(3) EXCEPTION TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—So much of any deduction allowed under section 170 of the Internal Revenue Code of 1986 as does not exceed the qualified contributions paid during the taxable year shall not be treated as an itemized deduction for purposes of section 68 of such Code.

(4) QUALIFIED CONTRIBUTIONS.—

Definition.

(A) IN GENERAL.—For purposes of this subsection, the term "qualified contribution" means any charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) if—

(i) such contribution—

Time period.

(I) is paid during the period beginning on August 23, 2017, and ending on December 31, 2017, in cash to an organization described in section 170(b)(1)(A) of such Code, and

(II) is made for relief efforts in the Hurricane Harvey disaster area, the Hurricane Irma disaster area, or the Hurricane Maria disaster area,

(ii) the taxpayer obtains from such organization contemporaneous written acknowledgment (within the meaning of section 170(f)(8) of such Code) that such contribution was used (or is to be used) for relief efforts described in clause (i)(II), and

(iii) the taxpayer has elected the application of this subsection with respect to such contribution.

(B) EXCEPTION.—Such term shall not include a contribution by a donor if the contribution is—

(i) to an organization described in section 509(a)(3) of the Internal Revenue Code of 1986, or

(ii) for the establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 4966(d)(2) of such Code).

(C) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under subparagraph (A)(iii) shall be made separately by each partner or shareholder.

Definitions.

(b) SPECIAL RULES FOR QUALIFIED DISASTER-RELATED PERSONAL CASUALTY LOSSES.—

(1) IN GENERAL.—If an individual has a net disaster loss for any taxable year—

Determination.

(A) the amount determined under section 165(h)(2)(A)(ii) of the Internal Revenue Code of 1986 shall be equal to the sum of—

(i) such net disaster loss, and

(ii) so much of the excess referred to in the matter preceding clause (i) of section 165(h)(2)(A) of such Code (reduced by the amount in clause (i) of this subparagraph) as exceeds 10 percent of the adjusted gross income of the individual,

Applicability.
Effective date.

(B) section 165(h)(1) of such Code shall be applied by substituting "$500" for "$500 ($100 for taxable years beginning after December 31, 2009)",

(C) the standard deduction determined under section 63(c) of such Code shall be increased by the net disaster loss, and

(D) section 56(b)(1)(E) of such Code shall not apply to so much of the standard deduction as is attributable to the increase under subparagraph (C) of this paragraph.

(2) NET DISASTER LOSS.—For purposes of this subsection, the term "net disaster loss" means the excess of qualified disaster-related personal casualty losses over personal casualty gains (as defined in section 165(h)(3)(A) of the Internal Revenue Code of 1986).

Time periods.

(3) QUALIFIED DISASTER-RELATED PERSONAL CASUALTY LOSSES.—For purposes of this subsection, the term "qualified disaster-related personal casualty losses" means losses described in section 165(c)(3) of the Internal Revenue Code of 1986—

(A) which arise in the Hurricane Harvey disaster area on or after August 23, 2017, and which are attributable to Hurricane Harvey,

(B) which arise in the Hurricane Irma disaster area on or after September 4, 2017, and which are attributable to Hurricane Irma, or

(C) which arise in the Hurricane Maria disaster area on or after September 16, 2017, and which are attributable to Hurricane Maria.

(c) SPECIAL RULE FOR DETERMINING EARNED INCOME.—

(1) IN GENERAL.—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year which includes the applicable date is less than the earned income of the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 of the Internal Revenue Code of 1986 may, at the election of the taxpayer, be determined by substituting—

(A) such earned income for the preceding taxable year, for

(B) such earned income for the taxable year which includes the applicable date.

Puerto Rico.

In the case of a resident of Puerto Rico determining the credit allowed under section 24(d)(1)(B)(ii) of such Code, the preceding sentence shall be applied by substituting "social security taxes (as defined in section 24(d)(2)(A) of the Internal Revenue Code of 1986)" for "earned income" each place it appears.

Definitions.

(2) QUALIFIED INDIVIDUAL.—For purposes of this subsection—

(A) IN GENERAL.—The term "qualified individual" means any qualified Hurricane Harvey individual, any qualified Hurricane Irma individual, and any qualified Hurricane Maria individual.

(B) QUALIFIED HURRICANE HARVEY INDIVIDUAL.—The term "qualified Hurricane Harvey individual" means any individual whose principal place of abode on August 23, 2017, was located—

(i) in the Hurricane Harvey disaster zone, or

(ii) in the Hurricane Harvey disaster area (but outside the Hurricane Harvey disaster zone) and such individual was displaced from such principal place of abode by reason of Hurricane Harvey.

(C) QUALIFIED HURRICANE IRMA INDIVIDUAL.—The term "qualified Hurricane Irma individual" means any individual (other than a qualified Hurricane Harvey individual) whose principal place of abode on September 4, 2017, was located—

(i) in the Hurricane Irma disaster zone, or

(ii) in the Hurricane Irma disaster area (but outside the Hurricane Irma disaster zone) and such individual was displaced from such principal place of abode by reason of Hurricane Irma.

(D) QUALIFIED HURRICANE MARIA INDIVIDUAL.—The term "qualified Hurricane Maria individual" means any individual (other than a qualified Hurricane Harvey individual or a qualified Hurricane Irma individual) whose principal place of abode on September 16, 2017, was located—

(i) in the Hurricane Maria disaster zone, or

(ii) in the Hurricane Maria disaster area (but outside the Hurricane Maria disaster zone) and such individual was displaced from such principal place of abode by reason of Hurricane Maria.

(3) APPLICABLE DATE.—For purposes of this subsection, the term "applicable date" means—

(A) in the case of a qualified Hurricane Harvey individual, August 23, 2017,

(B) in the case of a qualified Hurricane Irma individual, September 4, 2017, and

(C) in the case of a qualified Hurricane Maria individual, September 16, 2017.

(4) EARNED INCOME.—For purposes of this subsection, the term "earned income" has the meaning given such term under section 32(c) of the Internal Revenue Code of 1986.

(5) SPECIAL RULES.—

(A) APPLICATION TO JOINT RETURNS.—For purposes of paragraph (1), in the case of a joint return for a taxable year which includes the applicable date—

(i) such paragraph shall apply if either spouse is a qualified individual, and

(ii) the earned income of the taxpayer for the preceding taxable year shall be the sum of the earned income of each spouse for such preceding taxable year.

(B) UNIFORM APPLICATION OF ELECTION.—Any election made under paragraph (1) shall apply with respect to both sections 24(d) and 32, of the Internal Revenue Code of 1986.

(C) ERRORS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of the Internal Revenue Code of 1986, an incorrect use on a return of earned income pursuant to paragraph (1) shall be treated as a mathematical or clerical error.

Applicability.

(D) NO EFFECT ON DETERMINATION OF GROSS INCOME, ETC.—Except as otherwise provided in this subsection, the Internal Revenue Code of 1986 shall be applied without regard to any substitution under paragraph (1).

(d) APPLICATION OF DISASTER-RELATED TAX RELIEF TO POSSESSIONS OF THE UNITED STATES.—

(1) PAYMENTS TO UNITED STATES VIRGIN ISLANDS AND PUERTO RICO.—

(A) UNITED STATES VIRGIN ISLANDS.—The Secretary of the Treasury shall pay to the United States Virgin Islands amounts equal to the loss in revenues to the United States Virgin Islands by reason of the provisions of this title. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the United States Virgin Islands. Determination.

(B) PUERTO RICO.—The Secretary of the Treasury shall pay to Puerto Rico amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits that would have been provided to residents of Puerto Rico by reason of the provisions of this title if a mirror code tax system had been in effect in Puerto Rico. The preceding sentence shall not apply with respect to Puerto Rico unless Puerto Rico has a plan, which has been approved by the Secretary of the Treasury, under which Puerto Rico will promptly distribute such payments to its residents. Estimate. Plan.

(2) DEFINITION AND SPECIAL RULES.—

(A) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term "mirror code tax system" means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(B) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

(C) COORDINATION WITH UNITED STATES INCOME TAXES.—In the case of any person with respect to whom a tax benefit is taken into account with respect to the taxes imposed by any possession of the United States by reason of this title, the Internal Revenue Code of 1986 shall be applied with respect to such person without regard to the provisions of this title which provide such benefit. Applicability.

SEC. 505. BUDGETARY EFFECTS.

(a) EMERGENCY DESIGNATION.—This title is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this title is designated as an emergency requirement pursuant to section 403(a)

of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

Approved September 29, 2017.

LEGISLATIVE HISTORY—H.R. 3823:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Sept. 25, considered and failed House.
Sept. 27, considered in House.
Sept. 28, considered and passed House; considered and passed Senate, amended; House concurred in Senate amendment.

Public Law 115–64
115th Congress

An Act

To provide the Secretary of Education with waiver authority for the reallocation rules and authority to extend the deadline by which funds have to be reallocated in the campus–based aid programs under the Higher Education Act of 1965 due to Hurricane Harvey, Hurricane Irma, and Hurricane Maria, to provide equitable services to children and teachers in private schools, and for other purposes.

Sept. 29, 2017
[S. 1866]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Hurricanes Harvey, Irma, and Maria Education Relief Act of 2017.
20 USC 6301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hurricanes Harvey, Irma, and Maria Education Relief Act of 2017".

SEC. 2. ALLOCATION AND USE OF CAMPUS-BASED HIGHER EDUCATION ASSISTANCE.

(a) DEFINITIONS.—In this section:

(1) AFFECTED AREA.—The term "affected area" means an area for which the President declared a major disaster or an emergency under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191) as a result of Hurricane Harvey, Hurricane Irma, Hurricane Maria, Tropical Storm Harvey, Tropical Storm Irma, or Tropical Storm Maria.

(2) AFFECTED STUDENT.—The term "affected student" means an individual who has applied for or received student financial assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), and who—

(A) was enrolled or accepted for enrollment on August 25, 2017, at an institution of higher education that is located in an affected area;

(B) is a dependent student who was enrolled or accepted for enrollment on August 25, 2017, at an institution of higher education that is not located in an affected area, but whose parent or parents resided or was employed on August 25, 2017, in an affected area; or

(C) suffered direct economic hardship as a direct result of Hurricane Harvey, Hurricane Irma, Hurricane Maria, Tropical Storm Harvey, Tropical Storm Irma, or Tropical Storm Maria, as determined by the Secretary.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

Time periods.

(b) WAIVERS.—

(1) WAIVER OF NON-FEDERAL SHARE REQUIREMENT.—Notwithstanding sections 413C(a)(2) and 443(b)(5) of the Higher Education Act of 1965 (20 U.S.C. 1070b–2(a)(2) and 1087–53(b)(5)), with respect to funds made available for award years 2016–2017 and 2017–2018—

(A) in the case of an institution of higher education that is located in an affected area, the Secretary shall waive the requirement that a participating institution of higher education provide a non-Federal share to match Federal funds provided to the institution for the programs authorized pursuant to subpart 3 of part A and part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq. and 1087–51 et seq.); and

(B) in the case of an institution of higher education that is not located in an affected area but has enrolled or accepted for enrollment any affected students, the Secretary may waive the non-Federal share requirement described in subparagraph (A) after considering the institution's student population and existing resources.

(2) WAIVER OF REALLOCATION RULES.—

(A) AUTHORITY TO REALLOCATE.—Notwithstanding sections 413D(d) and 442(d) of the Higher Education Act of 1965 (20 U.S.C. 1070b–3(d) and 1087–52(d)), the Secretary shall—

(i) reallocate any funds returned under such section 413D or 442 of the Higher Education Act of 1965 that were allocated to institutions of higher education for award year 2016–2017 to an institution of higher education that is eligible under subparagraph (B); and

(ii) waive the allocation reduction for award year 2018–2019 for an institution of higher education that is eligible under subparagraph (B) returning more than 10 percent of its allocation under such section 413D or 442 of the Higher Education Act of 1965 for award year 2017–2018.

(B) INSTITUTIONS ELIGIBLE FOR REALLOCATION.—An institution of higher education is eligible under this subparagraph if the institution—

(i) participates in the program for which excess allocations are being reallocated; and

(ii)(I) is located in an affected area; or

(II) has enrolled or accepted for enrollment any affected students in award year 2017–2018.

(C) BASIS OF REALLOCATION.—The Secretary shall—

Determination.

(i) determine the manner in which excess allocations will be reallocated pursuant to this paragraph; and

(ii) give preference in making reallocations to the needs of institutions of higher education located in an affected area.

(D) ADDITIONAL WAIVER AUTHORITY.—Notwithstanding any other provision of law, in order to carry out this paragraph, the Secretary may waive or modify any statutory or regulatory provision relating to the reallocation of excess

allocations under subpart 3 of part A or part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq. and 1087–51 et seq.) in order to ensure that assistance is received by institutions of higher education that are eligible under subparagraph (B).

(3) AVAILABILITY OF FUNDS DATE EXTENSION.—Notwithstanding any other provision of law—

(A) any funds available to the Secretary under sections 413A and 441 of the Higher Education Act of 1965 (20 U.S.C. 1070b and 1087–51) for which the period of availability would otherwise expire on September 30, 2017, shall be available for obligation by the Secretary until September 30, 2018, for the purposes of the programs authorized pursuant to subpart 3 of part A and part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq. and 1087–51 et seq.); and

(B) the Secretary may recall any funds allocated to an institution of higher education for award year 2016–2017 under section 413D or 442 of the Higher Education Act of 1965 (20 U.S.C. 1070b–3 and 1087–52), that, if not returned to the Secretary as excess allocations pursuant to either of those sections, would otherwise lapse on September 30, 2017, and reallocate those funds in accordance with paragraph (2)(A).

(c) EMERGENCY REQUIREMENT.—This section is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (title I of Public Law 111–139; 2 U.S.C. 933(g)).

(d) REPORT.—Not later than October 1, 2018, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives information on—

(1) the total volume of assistance received by each eligible institution of higher education under subsection (b)(2); and

(2) the total volume of the non-Federal share waived for each institution of higher education under subsection (b)(1).

(e) SUNSET.—The provisions of subsection (b) shall cease to be effective on September 30, 2018.

SEC. 3. PROJECT SERV AND EQUITABLE SERVICES FOR CHILDREN AND TEACHERS IN PRIVATE SCHOOLS.

Section 8501(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7881(b)(1)) is amended—

(1) in subparagraph (D), by striking "and";

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(F) section 4631, with regard to Project SERV.".

Approved September 29, 2017.

LEGISLATIVE HISTORY—S. 1866:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Sept. 26, considered and passed Senate.
Sept. 28, considered and passed House.

Public Law 115–65
115th Congress

An Act

To require the Secretary of the Treasury to mint commemorative coins in recognition of the 100th anniversary of The American Legion.

Oct. 6, 2017
[H.R. 2519]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

The American Legion 100th Anniversary Commemorative Coin Act.
31 USC 5112 note.

SECTION 1. SHORT TITLE.

This Act may be cited as "The American Legion 100th Anniversary Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) on March 15, 1919, The American Legion was founded in Paris, France, by members of the American Expeditionary Force occupying Europe after World War I and concerned about the welfare of their comrades and communities upon their return to the United States;

(2) on September 16, 1919, Congress chartered The American Legion, which quickly grew to become the largest veterans service organization in the United States;

(3) The American Legion conferences in Washington, DC, in 1923 and 1924 crafted the first United States Flag Code, which was adopted in schools, States, cities and counties prior to being enacted in 1942, establishing the proper use, display, and respect for the colors of the United States;

(4) during World War II, The American Legion developed and presented to Congress its case for vastly improved support for medically discharged, disabled veterans, which ultimately became the Servicemen's Readjustment Act of 1944 (58 Stat. 284; chapter 268), better known as the G.I. Bill of Rights, and was drafted by former American Legion National Commander Harry W. Colmery in Washington's Mayflower Hotel;

(5) through the leadership and advocacy of The American Legion, the G.I. Bill was enacted in June 1944, which led to monumental changes in United States society, including the democratization of higher education, home ownership for average people in the United States, better VA hospitals, business and farm loans for veterans, and the ability to appeal conditions of military discharge;

(6) defying those who argued the G.I. Bill would break the Treasury, according to various researchers, the G.I. Bill provided a tremendous return on investment of $7 to the United States economy for every $1 spent on the program, triggering a half-century of prosperity in the United States;

(7) after Hurricane Hugo in 1989, The American Legion established the National Emergency Fund to provide immediate cash relief for veterans who have been affected by natural disasters;

(8) American Legion National Emergency Fund grants after Hurricanes Katrina and Rita in 2005, for instance, exceeded $1,700,000;

(9) The American Legion fought to see the Veterans Administration elevated to Cabinet-level status as the Department of Veterans Affairs, ensuring support for veterans would be set at the highest level of the Federal Government, as a priority issue for the President;

(10) after a decades-long struggle to improve the adjudication process for veterans disputing claims decisions, The American Legion helped shape and introduce the Veterans Reassurance Act to create a venue for judicial review of veterans' appeals;

(11) building on these efforts, legislation was passed in 1988 to create the United States Court of Veterans Appeals, today known as the United States Court of Appeals for Veterans Claims;

(12) The American Legion created the American Legacy Scholarship Fund for children of military members killed on active duty on or after September 11, 2001;

(13) in 2016, The American Legion's National Executive Committee amended the original scholarship criteria to include children of veterans with 50 percent or greater VA disability ratings;

(14) President George W. Bush signed into law the Post-9/11 Veterans Educational Assistance Act (title V of the Supplemental Appropriations Act, 2008; 122 Stat. 2357), a next-generation G.I. Bill strongly supported by The American Legion and the most comprehensive educational benefits package since the original G.I. Bill of Rights was enacted in 1944;

(15) in August 2018, The American Legion will begin its centennial recognition at the 100th National Convention in Minneapolis, Minnesota, the site of the first American Legion National Convention; and

(16) in March 2019, the organization will celebrate its 100th birthday in Paris, France, and September 16, 2019, will mark the 100th anniversary of The American Legion's Federal charter.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In recognition and celebration of the 100th anniversary of The American Legion, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 50,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain not less than 90 percent gold.

(2) $1 SILVER COINS.—Not more than 400,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain not less than 90 percent silver.

(3) HALF-DOLLAR CLAD COINS.—Not more than 750,000 half-dollar coins which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half-dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) IN GENERAL.—The design for the coins minted under this Act shall be emblematic of The American Legion.

(b) DESIGNATIONS AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(1) a designation of the denomination of the coin;

(2) an inscription of the year "2019"; and

(3) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with— Consultation.

(A) the Commission of Fine Arts; and

(B) the Adjutant of The American Legion, as defined in the constitution and bylaws of The American Legion; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee. Review.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2019.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price based upon the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of $35 per coin for the $5 coin.

(2) A surcharge of $10 per coin for the $1 coin described under section 3(a)(2).

(3) A surcharge of $5 per coin for the half-dollar coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to The American Legion for costs related to—

(1) promoting the importance of and caring for those who have served in uniform, ensuring they receive proper health care and disability benefits earned through military service;

(2) promoting the importance of, and caring for, those who are still serving in the Armed Forces;

(3) promoting the importance of maintaining the patriotic values, morals, culture, and citizenship of the United States; and

(4) promoting the importance of maintaining strong families, assistance for at-risk children, and activities that promote their healthy and wholesome development.

(c) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

(d) AUDIT.—The recipient described under subsection (b) shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

SEC. 8. FINANCIAL ASSURANCES.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the United States Government; and

(2) no funds, including applicable surcharges, are disbursed to the recipient designated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping) is recovered by the United

States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

Approved October 6, 2017.

LEGISLATIVE HISTORY—H.R. 2519 (S. 1182):

CONGRESSIONAL RECORD, Vol. 163 (2017):
Sept. 25, considered and passed House.
Sept. 28, considered and passed Senate.

Public Law 115–66
115th Congress

An Act

Oct. 6, 2017
[S. 327]

To direct the Securities and Exchange Commission to provide a safe harbor related to certain investment fund research reports, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Fair Access to Investment Research Act of 2017.
15 USC 77e note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Access to Investment Research Act of 2017".

SEC. 2. SAFE HARBOR FOR INVESTMENT FUND RESEARCH.

Deadlines.
Time periods.
Effective date.
Regulations.

(a) EXPANSION OF THE SAFE HARBOR.—Not later than the end of the 180-day period beginning on the date of enactment of this Act, the Securities and Exchange Commission shall propose, and not later than the end of the 270-day period beginning on such date, the Commission shall adopt, upon such terms, conditions, or requirements as the Commission may determine necessary or appropriate in the public interest, for the protection of investors, and for the promotion of capital formation, revisions to section 230.139 of title 17, Code of Federal Regulations, to provide that a covered investment fund research report that is published or distributed by a broker or dealer, other than a broker or dealer that is an investment adviser to the fund or an affiliated person of the investment adviser to the fund—

(1) shall be deemed, for purposes of sections 2(a)(10) and 5(c) of the Securities Act of 1933 (15 U.S.C. 77b(a)(10), 77e(c)), not to constitute an offer for sale or an offer to sell a security that is the subject of an offering pursuant to a registration statement that is effective, even if the broker or dealer is participating or will participate in the registered offering of the covered investment fund's securities; and

(2) shall be deemed to satisfy the conditions of paragraph (1) or (2) of section 230.139(a) of title 17, Code of Federal Regulations, or any successor provisions, for purposes of the Commission's rules and regulations under the Federal securities laws and the rules of any self-regulatory organization.

(b) IMPLEMENTATION OF SAFE HARBOR.—In implementing the safe harbor pursuant to subsection (a), the Commission shall—

(1) not, in the case of a covered investment fund with a class of securities in substantially continuous distribution, condition the safe harbor on whether the broker's or dealer's publication or distribution of a covered investment fund research report constitutes such broker's or dealer's initiation or reinitiation of research coverage on such covered investment fund or its securities;

(2) not—

(A) require the covered investment fund to have been registered as an investment company under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) or subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78o(d)) for any period exceeding the period of time referenced under section 230.139(a)(1)(i)(A)(1) of title 17, Code of Federal Regulations; or

(B) impose a minimum float provision exceeding that referenced in section 230.139(a)(1)(i)(A)(1)(i) of title 17, Code of Federal Regulations;

(3) provide that a self-regulatory organization may not maintain or enforce any rule that would—

(A) prohibit the ability of a member to publish or distribute a covered investment fund research report solely because the member is also participating in a registered offering or other distribution of any securities of such covered investment fund; or

(B) prohibit the ability of a member to participate in a registered offering or other distribution of securities of a covered investment fund solely because the member has published or distributed a covered investment fund research report about such covered investment fund or its securities; and

(4) provide that a covered investment fund research report shall not be subject to section 24(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–24(b)) or the rules and regulations thereunder, except that such report may still be subject to such section and the rules and regulations thereunder to the extent that it is otherwise not subject to the content standards in the rules of any self-regulatory organization related to research reports, including those contained in the rules governing communications with the public regarding investment companies or substantially similar standards.

(c) RULES OF CONSTRUCTION.—Nothing in this Act shall be construed as in any way limiting—

(1) the applicability of the antifraud or antimanipulation provisions of the Federal securities laws and rules adopted thereunder to a covered investment fund research report, including section 17 of the Securities Act of 1933 (15 U.S.C. 77q), section 34(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–33(b)), and sections 9 and 10 of the Securities Exchange Act of 1934 (15 U.S.C. 78i, 78j); or

(2) the authority of any self-regulatory organization to examine or supervise a member's practices in connection with such member's publication or distribution of a covered investment fund research report for compliance with applicable provisions of the Federal securities laws or self-regulatory organization rules related to research reports, including those contained in rules governing communications with the public, or to require the filing of communications with the public the purpose of which is not to provide research and analysis of covered investment funds.

(d) INTERIM EFFECTIVENESS OF SAFE HARBOR.—

(1) IN GENERAL.—From and after the 270-day period beginning on the date of enactment of this Act, if the Commission

Time period.
Effective date.

has not adopted revisions to section 230.139 of title 17, Code of Federal Regulations, as required by subsection (a), and until such time as the Commission has done so, a broker or dealer distributing or publishing a covered investment fund research report after such date shall be able to rely on the provisions of section 230.139 of title 17, Code of Federal Regulations, and the broker or dealer's publication of such report shall be deemed to satisfy the conditions of paragraph (1) or (2) of section 230.139(a) of title 17, Code of Federal Regulations, if the covered investment fund that is the subject of such report satisfies the reporting history requirements (without regard to Form S–3 or Form F–3 eligibility) and minimum float provisions of such subsections for purposes of the Commission's rules and regulations under the Federal securities laws and the rules of any self-regulatory organization, as if revised and implemented in accordance with subsections (a) and (b).

(2) STATUS OF COVERED INVESTMENT FUND.—After such period and until the Commission has adopted revisions to section 230.139 of title 17, Code of Federal Regulations, and FINRA has revised rule 2210, for purposes of subsection (c)(7)(O) of such rule, a covered investment fund shall be deemed to be a security that is listed on a national securities exchange and that is not subject to section 24(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–24(b)).

(3) COVERED INVESTMENT FUNDS COMMUNICATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), communications that concern only covered investment funds that fall within the scope of section 24(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–24(b)) shall not be required to be filed with FINRA.

(B) EXCEPTION.—FINRA may require the filing of communications with the public if the purpose of those communications is not to provide research and analysis of covered investment funds.

(e) EXCEPTION.—The safe harbor under subsection (a) shall not apply to the publication or distribution by a broker or a dealer of a covered investment fund research report, the subject of which is a business development company or a registered closed-end investment company, during the time period described in section 230.139(a)(1)(i)(A)(1) of title 17, Code of Federal Regulations, except where expressly permitted by the rules and regulations of the Securities and Exchange Commission under the Federal securities laws.

(f) DEFINITIONS.—For purposes of this Act:

(1) The term "affiliated person" has the meaning given the term in section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)).

(2) The term "covered investment fund" means—

(A) an investment company registered under, or that has filed an election to be treated as a business development company under, the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) and that has filed a registration statement under the Securities Act of 1933 (15 U.S.C. 77a et seq.) for the public offering of a class of its securities, which registration statement has been declared effective by the Commission; and

(B) a trust or other person—

(i) issuing securities in an offering registered under the Securities Act of 1933 (15 U.S.C. 77a et seq.) and which class of securities is listed for trading on a national securities exchange;

(ii) the assets of which consist primarily of commodities, currencies, or derivative instruments that reference commodities or currencies, or interests in the foregoing; and

(iii) that provides in its registration statement under the Securities Act of 1933 (15 U.S.C. 77a et seq.) that a class of its securities are purchased or redeemed, subject to conditions or limitations, for a ratable share of its assets.

(3) The term "covered investment fund research report" means a research report published or distributed by a broker or dealer about a covered investment fund or any securities issued by the covered investment fund, but does not include a research report to the extent that the research report is published or distributed by the covered investment fund or any affiliate of the covered investment fund, or any research report published or distributed by any broker or dealer that is an investment adviser (or an affiliated person of an investment adviser) for the covered investment fund.

(4) The term "FINRA" means the Financial Industry Regulatory Authority.

(5) The term "investment adviser" has the meaning given the term in section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)).

(6) The term "research report" has the meaning given that term under section 2(a)(3) of the Securities Act of 1933 (15 U.S.C. 77b(a)(3)), except that such term shall not include an oral communication.

(7) The term "self-regulatory organization" has the meaning given that term under section 3(a)(26) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(26)).

Approved October 6, 2017.

LEGISLATIVE HISTORY—S. 327:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Sept. 11, considered and passed Senate.
Sept. 27, considered and passed House.

Public Law 115–67
115th Congress

An Act

Oct. 6, 2017
[S. 810]

To facilitate construction of a bridge on certain property in Christian County, Missouri, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RIVERSIDE BRIDGE PROJECT.

(a) IN GENERAL.—The Riverside Bridge Project is authorized to be carried out notwithstanding—

(1) any agreement entered unto under, or restriction pursuant to, section 404(b)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)); or

(2) any easement or other Federal restriction pursuant to that Act (42 U.S.C. 5121 et seq.) that requires the covered property to be maintained for open space, recreation, or wetland management.

(b) CONDITIONS.—As a condition of the authorization under subsection (a)—

(1) Christian County, Missouri, or an assignee shall—

(A) carry out the Riverside Bridge Project in a manner that ensures that no flood damage attributable to the Project occurs; and

(B) be liable for any such flood damage that does occur; and

(2) the Federal Government shall not be liable for future flood damage that is caused by the Project.

(c) DISASTER ASSISTANCE PROHIBITED.—No future disaster assistance from any Federal source may be provided with respect to the covered property or any improvements thereon.

(d) DEFINITIONS.—In this Act, the following definitions apply:

(1) COVERED PROPERTY.—The term "covered property" means the property—

(A) in Christian County, Missouri;

(B) conveyed to such County by the Riverside Inn, Inc.; and

(C) that is approximately 1.5 acres and 482 lineal feet adjacent to the westerly line of Riverside Road to the center of Finley Creek.

(2) RIVERSIDE BRIDGE PROJECT.—The term "Riverside Bridge Project" means the project to construct, maintain, and operate a bridge on and over the covered property.

Approved October 6, 2017.

LEGISLATIVE HISTORY—S. 810:

SENATE REPORTS: No. 115–142 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 163 (2017):
Aug. 3, considered and passed Senate.
Sept. 25, considered and passed House.

Public Law 115–68
115th Congress

An Act

Oct. 6, 2017
[S. 1141]

To ensure that the United States promotes the meaningful participation of women in mediation and negotiation processes seeking to prevent, mitigate, or resolve violent conflict.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Women, Peace, and Security Act of 2017.
22 USC 2151 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women, Peace, and Security Act of 2017".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Around the world, women remain under-represented in conflict prevention, conflict resolution, and post-conflict peace building efforts.

(2) Women in conflict-affected regions have achieved significant success in—

(A) moderating violent extremism;

(B) countering terrorism;

(C) resolving disputes through nonviolent mediation and negotiation; and

(D) stabilizing societies by enhancing the effectiveness of security services, peacekeeping efforts, institutions, and decisionmaking processes.

(3) Research suggests that peace negotiations are more likely to succeed and to result in durable peace agreements when women participate in the peace process.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the meaningful participation of women in conflict prevention and conflict resolution processes helps to promote more inclusive and democratic societies and is critical to the long-term stability of countries and regions;

(2) the political participation, and leadership of women in fragile environments, particularly during democratic transitions, is critical to sustaining lasting democratic institutions; and

(3) the United States should be a global leader in promoting the meaningful participation of women in conflict prevention, management, and resolution, and post-conflict relief and recovery efforts.

SEC. 4. STATEMENT OF POLICY. 22 USC 2152j.

It shall be the policy of the United States to promote the meaningful participation of women in all aspects of overseas conflict prevention, management, and resolution, and post-conflict relief and recovery efforts, reinforced through diplomatic efforts and programs that—

(1) integrate the perspectives and interests of affected women into conflict-prevention activities and strategies;

(2) encourage partner governments to adopt plans to improve the meaningful participation of women in peace and security processes and decision-making institutions;

(3) promote the physical safety, economic security, and dignity of women and girls;

(4) support the equal access of women to aid distribution mechanisms and services;

(5) collect and analyze gender data for the purpose of developing and enhancing early warning systems of conflict and violence;

(6) adjust policies and programs to improve outcomes in gender equality and the empowerment of women; and

(7) monitor, analyze, and evaluate the efforts related to each strategy submitted under section 5 and the impact of such efforts.

SEC. 5. UNITED STATES STRATEGY TO PROMOTE THE PARTICIPATION OF WOMEN IN CONFLICT PREVENTION AND PEACE BUILDING. 22 USC 2152j-1.

(a) REQUIREMENT.—Not later than one year after the date of the enactment of this Act, and again four years thereafter, the President, in consultation with the heads of the relevant Federal departments and agencies, shall submit to the appropriate congressional committees and make publicly available a single government-wide strategy, to be known as the Women, Peace, and Security Strategy, that provides a detailed description of how the United States intends to fulfill the policy objectives in section 4. The strategy shall— Deadlines. President. Consultation. Public information.

(1) support and be aligned with plans developed by other countries to improve the meaningful participation of women in peace and security processes, conflict prevention, peace building, transitional processes, and decisionmaking institutions; and

(2) include specific and measurable goals, benchmarks, performance metrics, timetables, and monitoring and evaluation plans to ensure the accountability and effectiveness of all policies and initiatives carried out under the strategy.

(b) SPECIFIC PLANS FOR DEPARTMENTS AND AGENCIES.—Each strategy under subsection (a) shall include a specific implementation plan from each of the relevant Federal departments and agencies that describes—

(1) the anticipated contributions of the department or agency, including technical, financial, and in-kind contributions, to implement the strategy; and

(2) the efforts of the department or agency to ensure that the policies and initiatives carried out pursuant to the strategy are designed to achieve maximum impact and long-term sustainability.

(c) COORDINATION.—The President should promote the meaningful participation of women in conflict prevention, in coordination and consultation with international partners, including, as appropriate, multilateral organizations, stakeholders, and other relevant international organizations, particularly in situations in which the direct engagement of the United States Government is not appropriate or advisable.

(d) SENSE OF CONGRESS.—It is the sense of Congress that the President, in implementing each strategy submitted under subsection (a), should—

(1) provide technical assistance, training, and logistical support to female negotiators, mediators, peace builders, and stakeholders;

(2) address security-related barriers to the meaningful participation of women;

(3) encourage increased participation of women in existing programs funded by the United States Government that provide training to foreign nationals regarding law enforcement, the rule of law, or professional military education;

(4) support appropriate local organizations, especially women's peace building organizations;

(5) support the training, education, and mobilization of men and boys as partners in support of the meaningful participation of women;

(6) encourage the development of transitional justice and accountability mechanisms that are inclusive of the experiences and perspectives of women and girls;

(7) expand and apply gender analysis, as appropriate, to improve program design and targeting; and

(8) conduct assessments that include the perspectives of women regarding new initiatives in support of peace negotiations, transitional justice and accountability, efforts to counter violent extremism, or security sector reform.

22 USC 2152j-2.

SEC. 6. TRAINING REQUIREMENTS REGARDING THE PARTICIPATION OF WOMEN IN CONFLICT PREVENTION AND PEACE BUILDING.

(a) FOREIGN SERVICE.—The Secretary of State, in conjunction with the Administrator of the United States Agency for International Development, shall ensure that all appropriate personnel (including special envoys, members of mediation or negotiation teams, relevant members of the civil service or Foreign Service, and contractors) responsible for or deploying to countries or regions considered to be at risk of, undergoing, or emerging from violent conflict obtain training, as appropriate, in the following areas, each of which shall include a focus on women and ensuring meaningful participation by women:

(1) Conflict prevention, mitigation, and resolution.

(2) Protecting civilians from violence, exploitation, and trafficking in persons.

(3) International human rights law and international humanitarian law.

(b) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall ensure that relevant personnel receive training, as appropriate, in the following areas:

(1) Training in conflict prevention, peace processes, mitigation, resolution, and security initiatives that specifically

addresses the importance of meaningful participation by women.

(2) Gender considerations and meaningful participation by women, including training regarding—

(A) international human rights law and international humanitarian law, as relevant; and

(B) protecting civilians from violence, exploitation, and trafficking in persons.

(3) Effective strategies and best practices for ensuring meaningful participation by women.

SEC. 7. CONSULTATION AND COLLABORATION. 22 USC 2152j-3.

(a) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development may establish guidelines or take other steps to ensure overseas United States personnel of the Department of State or the United States Agency for International Development, as the case may be, consult with appropriate stakeholders, including local women, youth, ethnic, and religious minorities, and other politically under-represented or marginalized populations, regarding United States efforts to—

(1) prevent, mitigate, or resolve violent conflict; and

(2) enhance the success of mediation and negotiation processes by ensuring the meaningful participation of women.

(b) COLLABORATION AND COORDINATION.—The Secretary of State should work with international, regional, national, and local organizations to increase the meaningful participation of women in international peacekeeping operations, and should promote training that provides international peacekeeping personnel with the substantive knowledge and skills needed to ensure effective physical security and meaningful participation of women in conflict prevention and peace building.

SEC. 8. REPORTS TO CONGRESS.

(a) BRIEFING.—Not later than 1 year after the date of the first submission of a strategy required under section 5, the Secretary of State, in conjunction with the Administrator of the United States Agency for International Development and the Secretary of Defense, shall brief the appropriate congressional committees on existing, enhanced, or newly established training carried out pursuant to section 6.

(b) REPORT ON WOMEN, PEACE, AND SECURITY STRATEGY.— President.
Not later than 2 years after the date of the submission of each strategy required under section 5, the President shall submit to the appropriate congressional committees a report that—

(1) summarizes and evaluates the implementation of such strategy and the impact of United States diplomatic efforts and foreign assistance programs, projects, and activities to promote the meaningful participation of women;

(2) describes the nature and extent of the coordination among the relevant Federal departments and agencies on the implementation of such strategy;

(3) outlines the monitoring and evaluation tools, mechanisms, and common indicators to assess progress made on the policy objectives set forth in section 4; and

(4) describes the existing, enhanced, or newly established training carried out pursuant to section 6.

22 USC 2152j-4.

SEC. 9. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the of the House of Representatives.

(2) RELEVANT FEDERAL DEPARTMENTS AND AGENCIES.—The term "relevant Federal departments and agencies" means—

(A) the United States Agency for International Development;

(B) the Department of State;

(C) the Department of Defense;

(D) the Department of Homeland Security; and

(E) any other department or agency specified by the President for purposes of this Act.

(3) STAKEHOLDERS.—The term "stakeholders" means non-governmental and private sector entities engaged in or affected by conflict prevention and stabilization, peace building, protection, security, transition initiatives, humanitarian response, or related efforts.

Approved October 6, 2017.

LEGISLATIVE HISTORY—S. 1141 (H.R. 2484):

SENATE REPORTS: No. 115–93 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 163 (2017):
Aug. 3, considered and passed Senate.
Sept. 25, considered and passed House.

Public Law 115–69
115th Congress

An Act

To require the Administrator of the Federal Emergency Management Agency to submit a report regarding certain plans regarding assistance to applicants and grantees during the response to an emergency or disaster.

Oct. 18, 2017
[H.R. 1117]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACTION PLAN TO IMPROVE FIELD TRANSITION.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency (FEMA) shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate regarding the plans the agency will undertake to provide the following:

(1) Consistent guidance to applicants on FEMA disaster funding procedures during the response to an emergency or disaster.

(2) Appropriate record maintenance and transfer of documents to new teams during staff transitions.

(3) Accurate assistance to applicants and grantees to ease the administrative burden throughout the process of obtaining and monitoring assistance.

(b) MAINTAINING RECORDS.—The report shall also include a plan for implementing operating procedures and document retention requirements to ensure the maintenance of appropriate records throughout the lifecycle of the emergency or disaster.

(c) NEW TECHNOLOGIES.—Finally, the report shall identify new technologies that further aid the disaster workforce in partnering with State, local, and tribal governments and private nonprofits in the wake of a disaster or emergency to educate, assist, and inform applicants on the status of their emergency or disaster assistance applications and projects.

Approved October 18, 2017.

LEGISLATIVE HISTORY—H.R. 1117:

HOUSE REPORTS: No. 115–31 (Comm. on Transportation and Infrastructure).
SENATE REPORTS: No. 115–158 (Comm. on Homeland Security and Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 163 (2017):
Mar. 27, considered and passed House.
Oct. 4, considered and passed Senate.

Public Law 115–70
115th Congress

An Act

Oct. 18, 2017
[S. 178]

To prevent elder abuse and exploitation and improve the justice system's response to victims in elder abuse and exploitation cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Elder Abuse Prevention and Prosecution Act.
34 USC 10101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Elder Abuse Prevention and Prosecution Act".

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

34 USC 21701.

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms "abuse", "adult protective services", "elder", "elder justice", "exploitation", "law enforcement", and "neglect" have the meanings given those terms in section 2011 of the Social Security Act (42 U.S.C. 1397j);

(2) the term "elder abuse" includes abuse, neglect, and exploitation of an elder; and

(3) the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

TITLE I—SUPPORTING FEDERAL CASES INVOLVING ELDER JUSTICE

SEC. 101. SUPPORTING FEDERAL CASES INVOLVING ELDER JUSTICE.

Designations. Deadlines. 34 USC 21711.

(a) SUPPORT AND ASSISTANCE.—

(1) ELDER JUSTICE COORDINATORS.—The Attorney General shall designate in each Federal judicial district not less than one Assistant United States Attorney to serve as the Elder Justice Coordinator for the district, who, in addition to any other responsibilities, shall be responsible for—

(A) serving as the legal counsel for the Federal judicial district on matters relating to elder abuse;

(B) prosecuting, or assisting in the prosecution of, elder abuse cases;

(C) conducting public outreach and awareness activities relating to elder abuse; and

(D) ensuring the collection of data required to be collected under section 202.

Consultation.

(2) INVESTIGATIVE SUPPORT.—The Attorney General, in consultation with the Director of the Federal Bureau of Investigation, shall, with respect to crimes relating to elder abuse, ensure the implementation of a regular and comprehensive training program to train agents of the Federal Bureau of Investigation in the investigation and prosecution of such crimes and the enforcement of laws related to elder abuse, which shall include—

(A) specialized strategies for communicating with and assisting elder abuse victims; and

(B) relevant forensic training relating to elder abuse.

(3) RESOURCE GROUP.—The Attorney General, through the Executive Office for United States Attorneys, shall ensure the operation of a resource group to facilitate the sharing of knowledge, experience, sample pleadings and other case documents, training materials, and any other resources to assist prosecutors throughout the United States in pursuing cases relating to elder abuse.

Consultation.

(4) DESIGNATED ELDER JUSTICE WORKING GROUP OR SUBCOMMITTEE TO THE ATTORNEY GENERAL'S ADVISORY COMMITTEE OF UNITED STATES ATTORNEYS.—Not later than 60 days after the date of enactment of this Act, the Attorney General, in consultation with the Director of the Executive Office for United States Attorneys, shall establish a subcommittee or working group to the Attorney General's Advisory Committee of United States Attorneys, as established under section 0.10 of title 28, Code of Federal Regulations, or any successor thereto, for the purposes of advising the Attorney General on policies of the Department of Justice relating to elder abuse.

(b) DEPARTMENT OF JUSTICE ELDER JUSTICE COORDINATOR.—Not later than 60 days after the date of enactment of this Act, the Attorney General shall designate an Elder Justice Coordinator

within the Department of Justice who, in addition to any other responsibilities, shall be responsible for—

(1) coordinating and supporting the law enforcement efforts and policy activities for the Department of Justice on elder justice issues;

Evaluation. Public information.

(2) evaluating training models to determine best practices and creating or compiling and making publicly available replication guides and training materials for law enforcement officers, prosecutors, judges, emergency responders, individuals working in victim services, adult protective services, social services, and public safety, medical personnel, mental health personnel, financial services personnel, and any other individuals whose work may bring them in contact with elder abuse regarding how to—

Investigations.

(A) conduct investigations in elder abuse cases;

(B) address evidentiary issues and other legal issues; and

Assessment.

(C) appropriately assess, respond to, and interact with victims and witnesses in elder abuse cases, including in administrative, civil, and criminal judicial proceedings; and

(3) carrying out such other duties as the Attorney General determines necessary in connection with enhancing the understanding, prevention, and detection of, and response to, elder abuse.

(c) FEDERAL TRADE COMMISSION.—

(1) FEDERAL TRADE COMMISSION ELDER JUSTICE COORDINATOR.—Not later than 60 days after the date of enactment of this Act, the Chairman of the Federal Trade Commission shall designate within the Bureau of Consumer Protection of the Federal Trade Commission an Elder Justice Coordinator who, in addition to any other responsibilities, shall be responsible for—

(A) coordinating and supporting the enforcement and consumer education efforts and policy activities of the Federal Trade Commission on elder justice issues; and

(B) serving as, or ensuring the availability of, a central point of contact for individuals, units of local government, States, and other Federal agencies on matters relating to the enforcement and consumer education efforts and policy activities of the Federal Trade Commission on elder justice issues.

(2) REPORTS TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and once every year thereafter, the Chairman of the Federal Trade Commission and the Attorney General shall each submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report detailing the enforcement actions taken by the Federal Trade Commission and the Department of Justice, respectively, over the preceding year in each case in which not less than one victim was an elder or that involved a financial scheme or scam that was either targeted directly toward or largely affected elders, including—

(A) the name of the district where the case originated;

(B) the style of the case, including the case name and number;

(C) a description of the scheme or scam; and

(D) the outcome of the case.

(d) USE OF APPROPRIATED FUNDS.—No additional funds are authorized to be appropriated to carry out this section.

TITLE II—IMPROVED DATA COLLECTION AND FEDERAL COORDINATION

SEC. 201. ESTABLISHMENT OF BEST PRACTICES FOR LOCAL, STATE, AND FEDERAL DATA COLLECTION. 34 USC 21721.

(a) IN GENERAL.—The Attorney General, in consultation with Federal, State, and local law enforcement agencies, shall— Consultation.

(1) establish best practices for data collection to focus on elder abuse; and

(2) provide technical assistance to State, local, and tribal governments in adopting the best practices established under paragraph (1).

(b) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall publish the best practices established under subsection (a)(1) on the website of the Department of Justice in a publicly accessible manner. Web posting. Public information.

(c) LIMITATION.—Nothing in this section shall be construed to require or obligate compliance with the best practices established under subsection (a)(1).

SEC. 202. EFFECTIVE INTERAGENCY COORDINATION AND FEDERAL DATA COLLECTION. 34 USC 21722.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services shall, on an annual basis— Consultation. Deadline.

(1) collect from Federal law enforcement agencies, other agencies as appropriate, and Federal prosecutors' offices statistical data related to elder abuse cases, including cases or investigations where one or more victims were elders, or the case or investigation involved a financial scheme or scam that was either targeted directly toward or largely affected elders; and

(2) publish on the website of the Department of Justice in a publicly accessible manner— Web posting. Public information. Summary.

(A) a summary of the data collected under paragraph (1); and

(B) recommendations for collecting additional data relating to elder abuse, including recommendations for ways to improve data reporting across Federal, State, and local agencies. Recommendations.

(b) REQUIREMENT.—The data collected under subsection (a)(1) shall include—

(1) the total number of investigations initiated by Federal law enforcement agencies, other agencies as appropriate, and Federal prosecutors' offices related to elder abuse;

(2) the total number and types of elder abuse cases filed in Federal courts; and

(3) for each case described in paragraph (2)—

(A) the name of the district where the case originated;

(B) the style of the case, including the case name and number;

(C) a description of the act or acts giving rise to the elder abuse;

(D) in the case of a scheme or scam, a description of such scheme or scam giving rise to the elder abuse;

(E) information about each alleged perpetrator of the elder abuse; and

(F) the outcome of the case.

Deadline.

(c) HHS REQUIREMENT.—The Secretary of Health and Human Services shall, on an annual basis, provide to the Attorney General statistical data collected by the Secretary relating to elder abuse cases investigated by adult protective services, which shall be included in the summary published under subsection (a)(2).

(d) PROHIBITION ON INDIVIDUAL DATA.—None of the information reported under this section shall include specific individually identifiable data.

TITLE III—ENHANCED VICTIM ASSISTANCE TO ELDER ABUSE SURVIVORS

SEC. 301. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds the following:

(1) The vast majority of cases of abuse, neglect, and exploitation of older adults in the United States go unidentified and unreported.

(2) Not less than $2,900,000,000 is taken from older adults each year due to financial abuse and exploitation.

(3) Elder abuse, neglect, and exploitation have no boundaries and cross all racial, social, class, gender, and geographic lines.

(4) Older adults who are abused are 3 times more likely to die earlier than older adults of the same age who are not abused.

(5) Up to half of all older adults with dementia will experience abuse.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) elder abuse involves the exploitation of potentially vulnerable individuals with devastating physical, mental, emotional, and financial consequences to the victims and their loved ones;

(2) to combat this affront to America's older adults, we must do everything possible to both support victims of elder abuse and prevent the abuse from occurring in the first place; and

(3) the Senate supports a multipronged approach to prevent elder abuse and exploitation, protect the victims of elder abuse and exploitation from further harm, and bring the perpetrators of such crimes to justice.

34 USC 21731.

SEC. 302. REPORT.

(a) IN GENERAL.—Not later than 1 year after the date on which the collection of statistical data under section 202(a)(1) begins and once each year thereafter, the Director of the Office for Victims of Crime shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that addresses, to the extent data are available, the nature, extent, and amount of funding under the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) for victims of crime who are elders.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) an analysis of victims' assistance, victims' compensation, and discretionary grants under which elder abuse victims (including elder victims of financial abuse, financial exploitation, and fraud) received assistance; and Analysis.

(2) recommendations for improving services for victims of elder abuse. Recommendations.

TITLE IV—ROBERT MATAVA ELDER ABUSE PROSECUTION ACT OF 2017

Robert Matava Elder Abuse Prosecution Act of 2017.

SEC. 401. SHORT TITLE. 34 USC 10101 note.

This title may be cited as the "Robert Matava Elder Abuse Prosecution Act of 2017".

SEC. 402. ENHANCED PENALTY FOR TELEMARKETING AND EMAIL MARKETING FRAUD DIRECTED AT ELDERS.

(a) IN GENERAL.—Chapter 113A of title 18, United States Code, is amended— 18 USC prec. 2325.

(1) in the chapter heading, by inserting "**AND EMAIL MARKETING**" after "**TELEMARKETING**";

(2) by striking section 2325 and inserting the following:

"§ 2325. Definition 18 USC 2325.

"In this chapter, the term 'telemarketing or email marketing'—

"(1) means a plan, program, promotion, or campaign that is conducted to induce—

"(A) purchases of goods or services;

"(B) participation in a contest or sweepstakes;

"(C) a charitable contribution, donation, or gift of money or any other thing of value;

"(D) investment for financial profit;

"(E) participation in a business opportunity;

"(F) commitment to a loan; or

"(G) participation in a fraudulent medical study, research study, or pilot study,

by use of one or more interstate telephone calls, emails, text messages, or electronic instant messages initiated either by a person who is conducting the plan, program, promotion, or campaign or by a prospective purchaser or contest or sweepstakes participant or charitable contributor, donor, or investor; and

"(2) does not include the solicitation through the posting, publication, or mailing of a catalog or brochure that—

"(A) contains a written description or illustration of the goods, services, or other opportunities being offered;

"(B) includes the business address of the solicitor;

"(C) includes multiple pages of written material or illustration; and

"(D) has been issued not less frequently than once a year,

if the person making the solicitation does not solicit customers by telephone, email, text message, or electronic instant message, but only receives interstate telephone calls, emails, text messages, or electronic instant messages initiated by customers

in response to the written materials, whether in hard copy or digital format, and in response to those interstate telephone calls, emails, text messages, or electronic instant messages does not conduct further solicitation.";

18 USC 2326.

(3) in section 2326, in the matter preceding paragraph (1)—

(A) by striking "or 1344" and inserting "1344, or 1347 or section 1128B of the Social Security Act (42 U.S.C. 1320a–7b)"; and

(B) by inserting "or email marketing" after "telemarketing"; and

(4) by adding at the end the following:

18 USC 2328.

"§ 2328. Mandatory forfeiture

Courts.

"(a) IN GENERAL.—The court, in imposing sentence on a person who is convicted of any offense for which an enhanced penalty is provided under section 2326, shall order that the defendant forfeit to the United States—

"(1) any property, real or personal, constituting or traceable to gross proceeds obtained from such offense; and

"(2) any equipment, software, or other technology used or intended to be used to commit or to facilitate the commission of such offense.

Applicability.

"(b) PROCEDURES.—The procedures set forth in section 413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d) of that section, and in Rule 32.2 of the Federal Rules of Criminal Procedure, shall apply to all stages of a criminal forfeiture proceeding under this section.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

18 USC prec. 1.

(1) The table of chapters at the beginning of part I of title 18, United States Code, is amended by striking the item relating to chapter 113A and inserting the following:

"113A. Telemarketing and email marketing fraud ..... 2325".

18 USC prec. 2325.

(2) The table of sections for chapter 113A of title 18, United States Code, is amended by inserting after the item relating to section 2327 the following:

"2328. Mandatory forfeiture.".

34 USC 21741.

SEC. 403. TRAINING AND TECHNICAL ASSISTANCE FOR STATES.

Consultation. Coordination. Evaluation.

The Attorney General, in consultation with the Secretary of Health and Human Services and in coordination with the Elder Justice Coordinating Council (established under section 2021 of the Social Security Act (42 U.S.C. 1397k)), shall create, compile, evaluate, and disseminate materials and information, and provide the necessary training and technical assistance, to assist States and units of local government in—

(1) investigating, prosecuting, pursuing, preventing, understanding, and mitigating the impact of—

(A) physical, sexual, and psychological abuse of elders;

(B) exploitation of elders, including financial abuse and scams targeting elders; and

(C) neglect of elders; and

Assessment.

(2) assessing, addressing, and mitigating the physical and psychological trauma to victims of elder abuse.

SEC. 404. INTERSTATE INITIATIVES. 34 USC 21742.

(a) INTERSTATE AGREEMENTS AND COMPACTS.—The consent of Congress is given to any two or more States (acting through State agencies with jurisdiction over adult protective services) to enter into agreements or compacts for cooperative effort and mutual assistance—

(1) in promoting the safety and well-being of elders; and

(2) in enforcing their respective laws and policies to promote such safety and well-being.

(b) RECOMMENDATIONS ON INTERSTATE COMMUNICATION.—The Executive Director of the State Justice Institute, in consultation with State or local adult protective services, aging, social, and human services and law enforcement agencies, nationally recognized nonprofit associations with expertise in data sharing among criminal justice agencies and familiarity with the issues raised in elder abuse cases, and the Secretary of Health and Human Services, shall submit to Congress legislative proposals relating to the facilitation of interstate agreements and compacts. Consultation. Proposals.

TITLE V—MISCELLANEOUS

SEC. 501. COURT-APPOINTED GUARDIANSHIP OVERSIGHT ACTIVITIES UNDER THE ELDER JUSTICE ACT OF 2009.

Section 2042(c) of the Social Security Act (42 U.S.C. 1397m–1(c)) is amended—

(1) in paragraph (1), by inserting "(and, in the case of demonstration programs described in paragraph (2)(E), to the highest courts of States)" after "States";

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting "(and the highest courts of States, in the case of demonstration programs described in subparagraph (E))" after "local units of government";

(B) in subparagraph (D), by striking "or" after the semicolon;

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

(D) by inserting after subparagraph (D), the following new subparagraph:

"(E) subject to paragraph (3), programs to assess the fairness, effectiveness, timeliness, safety, integrity, and accessibility of adult guardianship and conservatorship proceedings, including the appointment and the monitoring of the performance of court-appointed guardians and conservators, and to implement changes deemed necessary as a result of the assessments such as mandating background checks for all potential guardians and conservators, and implementing systems to enable the annual accountings and other required conservatorship and guardianship filings to be completed, filed, and reviewed electronically in order to simplify the filing process for conservators and guardians and better enable courts to identify discrepancies and detect fraud and the exploitation of protected persons; or";

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

(4) by inserting after paragraph (2), the following new paragraph:

"(3) REQUIREMENTS FOR COURT-APPOINTED GUARDIANSHIP OVERSIGHT DEMONSTRATION PROGRAMS.—

"(A) AWARD OF GRANTS.—In awarding grants to the highest courts of States for demonstration programs described in paragraph (2)(E), the Secretary shall consider the recommendations of the Attorney General and the State Justice Institute, as established by section 203 of the State Justice Institute Act of 1984 (42 U.S.C. 10702).

"(B) COLLABORATION.—The highest court of a State awarded a grant to conduct a demonstration program described in paragraph (2)(E) shall collaborate with the State Unit on Aging for the State and the Adult Protective Services agency for the State in conducting the demonstration program.";

(5) in paragraph (4) (as redesignated by paragraph (3) of this section), by inserting "(and, in the case of demonstration programs described in paragraph (2)(E), the highest court of a State)" after "a State"; and

(6) in paragraph (5) (as so redesignated), by inserting "(or, in the case of demonstration programs described in paragraph (2)(E), the highest court of a State)" after "State" each place it appears.

SEC. 502. GAO REPORTS.

Review.

(a) ELDER JUSTICE RECOMMENDATIONS.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall review existing Federal programs and initiatives in the Federal criminal justice system relevant to elder justice and shall submit to Congress—

(1) a report on such programs and initiatives; and

(2) any recommendations the Comptroller General determines are appropriate to improve elder justice in the United States.

(b) REPORT ON ELDER ABUSE AND INTERNATIONAL CRIMINAL ENTERPRISES.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on—

(1) Federal Government efforts to monitor—

(A) the exploitation of older adults of the United States in global drug trafficking schemes and other international criminal enterprises;

(B) the extent to which exploitation of older adults of the United States by international criminal enterprises has resulted in the incarceration of these citizens of the United States in foreign countries; and

(C) the total annual number of elder abuse cases pending in the United States; and

(2) the results of intervention by the United States with foreign officials on behalf of citizens of the United States who are elder abuse victims in international criminal enterprises.

Reports.

SEC. 503. OUTREACH TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

The Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on efforts by the Department

of Justice to conduct outreach to State and local law enforcement agencies on the process for collaborating with the Federal Government for the purpose of investigating and prosecuting interstate and international elder financial exploitation cases.

SEC. 504. MODEL POWER OF ATTORNEY LEGISLATION.

Publication.
34 USC 21751.

The Attorney General shall publish model power of attorney legislation for the purpose of preventing elder abuse.

SEC. 505. BEST PRACTICES AND MODEL LEGISLATION FOR GUARDIANSHIP PROCEEDINGS.

Publication.
34 USC 21752.

The Attorney General shall publish best practices for improving guardianship proceedings and model legislation relating to guardianship proceedings for the purpose of preventing elder abuse.

Approved October 18, 2017.

LEGISLATIVE HISTORY—S. 178:

SENATE REPORTS: No. 115–9 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 163 (2017):
Aug. 1, considered and passed Senate.
Oct. 3, considered and passed House.

Public Law 115–71
115th Congress

An Act

Oct. 18, 2017
[S. 652]

To amend the Public Health Service Act to reauthorize a program for early detection, diagnosis, and treatment regarding deaf and hard-of-hearing newborns, infants, and young children.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Early Hearing Detection and Intervention Act of 2017.
42 USC 201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Early Hearing Detection and Intervention Act of 2017".

SEC. 2. REAUTHORIZATION OF PROGRAM FOR EARLY DETECTION, DIAGNOSIS, AND TREATMENT REGARDING DEAF AND HARD-OF-HEARING NEWBORNS, INFANTS, AND YOUNG CHILDREN.

(a) SECTION HEADING.—The section heading of section 399M of the Public Health Service Act (42 U.S.C. 280g–1) is amended to read as follows:

"SEC. 399M. EARLY DETECTION, DIAGNOSIS, AND TREATMENT REGARDING DEAF AND HARD-OF-HEARING NEWBORNS, INFANTS, AND YOUNG CHILDREN.".

(b) STATEWIDE SYSTEMS.—Section 399M(a) of the Public Health Service Act (42 U.S.C. 280g–1(a)) is amended—

(1) in the subsection heading, by striking "NEWBORN AND INFANT" and inserting "NEWBORN, INFANT, AND YOUNG CHILD";

(2) in the matter preceding paragraph (1)—

(A) by striking "newborn and infant" and inserting "newborn, infant, and young child"; and

(B) by striking "providers," and inserting "providers (including, as appropriate, education and training of family members),";

(3) in paragraph (1)—

(A) in the first sentence—

(i) by striking "newborns and infants" and inserting "newborns, infants, and young children (referred to in this section as 'children')"; and

(ii) by striking "and medical" and all that follows through the period and inserting "medical, and communication (or language acquisition) interventions (including family support), for children identified as deaf or hard-of-hearing, consistent with the following:";

(B) in the second sentence—

(i) by striking "Early" and inserting the following: "(A) Early";

(ii) by striking "and delivery of" and inserting ", and delivery of,";

(iii) by striking "by schools" and all that follows through "programs mandated" and inserting "by organizations such as schools and agencies (including community, consumer, and family-based agencies), in health care settings (including medical homes for children), and in programs mandated"; and

(iv) by striking "hard of hearing" and all that follows through the period and inserting "hard-of-hearing children."; and

(C) by striking the last sentence and inserting the following:

"(B) Information provided to families should be accurate, comprehensive, up-to-date, and evidence-based, as appropriate, to allow families to make important decisions for their children in a timely manner, including decisions with respect to the full range of assistive hearing technologies and communications modalities, as appropriate.

"(C) Programs and systems under this paragraph shall offer mechanisms that foster family-to-family and deaf and hard-of-hearing consumer-to-family supports.";

(4) in paragraph (2), by striking "To collect" and all that follows through the period and inserting "To continue to provide technical support to States, through one or more technical resource centers, to assist in further developing and enhancing State early hearing detection and intervention programs."; and

(5) by striking paragraph (3) and inserting the following:

"(3) To identify or develop efficient models (educational and medical) to ensure that children who are identified as deaf or hard-of-hearing through screening receive follow-up by qualified early intervention providers or qualified health care providers (including those at medical homes for children), and referrals, as appropriate, including to early intervention services under part C of the Individuals with Disabilities Education Act. State agencies shall be encouraged to effectively increase the rate of such follow-up and referral.".

(c) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND APPLIED RESEARCH.—Section 399M(b)(1) of the Public Health Service Act (42 U.S.C. 280g–1(b)(1)) is amended—

(1) in the first sentence—

(A) by striking "The Secretary" and inserting the following:

"(A) IN GENERAL.—The Secretary";

(B) by striking "to complement an intramural program and" and inserting the following: "or designated entities of States—

"(i) to develop, maintain, and improve data collection systems related to newborn, infant, and young child hearing screening, evaluation (including audiologic, medical, and language acquisition evaluations), diagnosis, and intervention services;";

(C) by striking "to conduct" and inserting the following:

"(ii) to conduct"; and

(D) by striking "newborn" and all that follows through the period and inserting the following: "newborn, infant,

and young child hearing screening, evaluation, and intervention programs and outcomes;

"(iii) to ensure quality monitoring of hearing screening, evaluation, and intervention programs and systems for newborns, infants, and young children; and

"(iv) to support newborn, infant, and young child hearing screening, evaluation, and intervention programs, and information systems.";

(2) in the second sentence—

(A) by striking the matter that precedes subparagraph (A) and all that follows through subparagraph (C) and inserting the following:

"(B) USE OF AWARDS.—The awards made under subparagraph (A) may be used—

"(i) to provide technical assistance on data collection and management, including to coordinate and develop standardized procedures for data management;

"(ii) to assess and report on the cost and program effectiveness of newborn, infant, and young child hearing screening, evaluation, and intervention programs and systems;

"(iii) to collect data and report on newborn, infant, and young child hearing screening, evaluation, diagnosis, and intervention programs and systems for applied research, program evaluation, and policy improvement;";

(B) by redesignating subparagraphs (D), (E), and (F) as clauses (iv), (v), and (vi), respectively, and aligning the margins of those clauses with the margins of clause (i) of subparagraph (B) (as inserted by subparagraph (A) of this paragraph);

(C) in clause (v) (as redesignated by subparagraph (B) of this paragraph)—

(i) by striking "newborn and infant" and inserting "newborn, infant, and young child"; and

(ii) by striking "language status" and inserting "hearing status"; and

(D) in clause (vi) (as redesignated by subparagraph (B) of this paragraph)—

(i) by striking "sharing" and inserting "integration and interoperability"; and

(ii) by striking "with State-based" and all that follows through the period and inserting "across multiple sources to increase the flow of information between clinical care and public health settings, including the ability of States and territories to exchange and share data.".

(d) COORDINATION AND COLLABORATION.—Section 399M(c) of the Public Health Service Act (42 U.S.C. 280g–1(c)) is amended—

(1) in paragraph (1)—

(A) by striking "consult with" and inserting "consult with—";

(B) by striking "other Federal" and inserting the following:

"(A) other Federal";

(C) by striking "State and local agencies, including those" and inserting the following:

"(B) State and local agencies, including agencies";

(D) by striking "consumer groups of and that serve" and inserting the following:

"(C) consumer groups of, and that serve,";

(E) by striking "appropriate national" and inserting the following:

"(D) appropriate national";

(F) by striking "persons who are deaf and" and inserting the following:

"(E) individuals who are deaf or";

(G) by striking "other qualified" and inserting the following:

"(F) other qualified";

(H) by striking "newborns, infants, toddlers, children," and inserting "children,";

(I) by striking "third-party" and inserting the following:

"(G) third-party"; and

(J) by striking "related commercial" and inserting the following:

"(H) related commercial"; and

(2) in paragraph (3)—

(A) by striking "States to establish newborn and infant" and inserting the following: "States—

"(A) to establish newborn, infant, and young child";

(B) by inserting a semicolon after "subsection (a)"; and

(C) by striking "to develop" and inserting the following:

"(B) to develop".

(e) RULE OF CONSTRUCTION; RELIGIOUS ACCOMMODATION.—Section 399M(d) of the Public Health Service Act (42 U.S.C. 280g–1(d)) is amended—

(1) by striking "which" and inserting "that";

(2) by striking "newborn infants or young"; and

(3) by striking "parents' " and inserting "parent's".

(f) DEFINITIONS.—Section 399M(e) of the Public Health Service Act (42 U.S.C. 280g–1(e)) is amended—

(1) in paragraph (1)—

(A) by striking "(1)" and all that follows through "to procedures" and inserting the following:

"(1) The term 'audiologic', when used in connection with evaluation, means procedures—";

(B) by striking "to assess" and inserting the following:

"(A) to assess";

(C) by striking "to establish" and inserting the following:

"(B) to establish";

(D) by striking "auditory disorder;" and inserting "auditory disorder,";

(E) by striking "to identify" and inserting the following:

"(C) to identify";

(F) by striking "options." and all that follows through "linkage" and inserting the following: "options, including—

"(i) linkage";

(G) by striking "appropriate agencies," and all that follows through "national" and inserting the following: "appropriate agencies;

"(ii) medical evaluation;

"(iii) assessment for the full range of assistive hearing technologies appropriate for newborns, infants, and young children;

"(iv) audiologic rehabilitation treatment; and

"(v) referral to national"; and

(H) by striking "parent, and education" and inserting "parent, family, and education";

(2) by striking paragraph (2);

(3) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5);

(4) in paragraph (2) (as redesignated by paragraph (3) of this subsection)—

(A) by striking "refers to providing" and inserting the following: "means—

"(A) providing";

(B) by striking "with hearing loss, including nonmedical services," and inserting "who is deaf or hard-of-hearing, including nonmedical services;";

(C) by striking "ensuring that families of the child are provided" and inserting the following:

"(B) ensuring that the family of the child is—

"(i) provided";

(D) by striking "language and communication options and are given" and inserting the following: "language acquisition in oral and visual modalities; and

"(ii) given"; and

(E) by striking "their child" and inserting "the child";

(5) in paragraph (3) (as redesignated by paragraph (3) of this subsection), by striking "(3)" and all that follows through "decision making" and inserting "The term 'medical evaluation' means key components performed by a physician including history, examination, and medical decisionmaking";

(6) in paragraph (4) (as redesignated by paragraph (3) of this subsection)—

(A) by striking "refers to" and inserting "means";

(B) by striking "and/or surgical" and inserting "or surgical"; and

(C) by striking "of hearing" and all that follows through "disorder" and inserting "for hearing loss or other medical disorders"; and

(7) in paragraph (5) (as redesignated by paragraph (3) of this subsection)—

(A) by striking "(5)" and all that follows through "refers to" and inserting "(5) The term 'newborn, infant, and young child hearing screening' means"; and

(B) by striking "and infants" and inserting ", infants, and young children under 3 years of age".

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 399M(f) of the Public Health Service Act (42 U.S.C. 280g–1(f)) is amended—

(1) in paragraph (1), by striking "such sums" and all that follows through the period and inserting "$17,818,000 for fiscal year 2018, $18,173,800 for fiscal year 2019, $18,628,145 for fiscal year 2020, $19,056,592 for fiscal year 2021, and $19,522,758 for fiscal year 2022."; and

(2) in paragraph (2), by striking "such sums" and all that follows through the period and inserting "$10,800,000 for fiscal

year 2018, $11,026,800 for fiscal year 2019, $11,302,470 for fiscal year 2020, $11,562,427 for fiscal year 2021, and $11,851,488 for fiscal year 2022.".

Approved October 18, 2017.

LEGISLATIVE HISTORY—S. 652:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Sept. 6, considered and passed Senate.
Oct. 3, considered and passed House.

Public Law 115–72
115th Congress

An Act

Oct. 26, 2017
[H.R. 2266]

Making additional supplemental appropriations for disaster relief requirements for the fiscal year ending September 30, 2018, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2017.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2017".

Additional Supplemental Appropriations for Disaster Relief Requirements Act of 2017.

DIVISION A—ADDITIONAL SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF REQUIREMENTS ACT OF 2017

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2018, and for other purposes, namely:

TITLE I

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF FUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Disaster Relief Fund" for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $18,670,000,000, to remain available until expended, of which $10,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters: *Provided*, That the Administrator of the Federal Emergency Management Agency shall publish on the Agency's website not later than 5 days after an award of a public assistance grant under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) that is in excess of $1,000,000, the specifics of each such grant award: *Provided further*, That for any mission assignment or mission assignment task order to another Federal department or agency regarding a major disaster in excess of $1,000,000, not later than 5 days

Web posting. Deadline. Grants.

Deadline. Web posting. Cost estimate.

after the issuance of such mission assignment or mission assignment task order, the Administrator shall publish on the Agency's website the following: the name of the impacted State, the disaster declaration for such State, the assigned agency, the assistance requested, a description of the disaster, the total cost estimate, and the amount obligated: *Provided further*, That not later than 10 days after the last day of each month until a mission assignment or mission assignment task order described in the preceding proviso is completed and closed out, the Administrator shall update any changes to the total cost estimate and the amount obligated: *Provided further*, That for a disaster declaration related to Hurricane Harvey, Hurricane Irma, or Hurricane Maria, the Administrator shall submit to the Committees on Appropriations of the House of Representatives and the Senate, not later than 5 days after the first day of each month beginning after the date of enactment of this Act, and shall publish on the Agency's website, not later than 10 days after the first day of each such month, an estimate or actual amount, if available, for the current fiscal year of the cost of the following categories of spending: public assistance, individual assistance, operations, mitigation, administrative, and any other relevant category (including emergency measures and disaster resources): *Provided further*, That not later than 10 days after the first day of each month, the Administrator shall publish on the Agency's website the report (referred to as the Disaster Relief Monthly Report) as required by Public Law 114–4.

Deadline.
Update.

Hurricane Harvey.
Hurricane Irma.
Hurricane Maria.
Deadlines.
Web posting.
Cost estimate.

Deadline.
Web posting.
Reports.

Of the amounts provided in this division for the Disaster Relief Fund, up to $4,900,000,000 may be transferred to the Disaster Assistance Direct Loan Program Account for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) to be used to assist local governments in providing essential services as a result of Hurricanes Harvey, Irma, or Maria: *Provided further*, That such amounts may subsidize gross obligations for the principal amount of direct loans not to exceed $4,900,000,000 under section 417 of the Stafford Act: *Provided further*, That notwithstanding section 417 of the Stafford Act, a territory or possession, and instrumentalities and local governments thereof, of the United States shall be deemed to be a local government for purposes of this paragraph: *Provided further*, That notwithstanding section 417(b) of the Stafford Act, the amount of any such loan issued to a territory or possession, and instrumentalities and local governments thereof, may be based on the projected loss of tax and other revenues and on projected cash outlays not previously budgeted for a period not to exceed 180 days from the date of the major disaster, and may exceed $5,000,000: *Provided further*, That notwithstanding any other provision of law or the constitution of a territory or possession that limits the issuance of debt, a territory or possession, and instrumentalities and local governments thereof, may each receive more than one loan with repayment provisions and other terms specific to the type of lost tax and other revenues and on projected unbudgeted cash outlays for which the loan is provided: *Provided further*, That notwithstanding section 417(c)(1) of the Stafford Act, loans to a territory or possession, and instrumentalities and local governments thereof, may be cancelled in whole or in part only at the discretion of the Secretary of Homeland Security in consultation with the Secretary of the Treasury: *Provided further*, That notwithstanding any other provision of law,

Loans.
Consultation.

Consultation.
Determination.
Loans.

the Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall determine the terms, conditions, eligible uses, and timing and amount of Federal disbursements of loans issued to a territory or possession, and instrumentalities and local governments thereof: *Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): *Provided further*, That FEMA may transfer up to 1.5 percent of the amount under this paragraph to the Disaster Assistance Direct Loan Program Account for administrative expenses to carry out under this paragraph the direct loan program, as authorized by section 417 of the Stafford Act: *Provided further*, That of the amount provided under this paragraph for transfer, up to $150,000,000 may be transferred to the Disaster Assistance Direct Loan Program Account for the cost to lend a territory or possession of the United States that portion of assistance for which the territory or possession is responsible under the cost-sharing provisions of the major disaster declaration for Hurricanes Irma or Maria, as authorized under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162): *Provided further*, That of the amount provided under this paragraph for transfer, up to $1,000,000 may be transferred to the Disaster Assistance Direct Loan Program Account for administrative expenses to carry out the Advance of Non-Federal Share program, as authorized by section 319 of the Stafford Act.

The amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE II

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $184,500,000, to remain available through September 30, 2021, for urgent wildland fire suppression operations: *Provided*, That such funds shall be solely available to be transferred to and merged with other appropriations accounts from which funds were previously transferred for wildland fire suppression in fiscal year 2017 to fully repay those amounts: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FLAME WILDFIRE SUPPRESSION RESERVE FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "FLAME Wildfire Suppression Reserve Fund", $342,000,000, to remain available through September 30, 2021, for necessary expenses for large wildland fire

suppression operations of the Department of Agriculture and as a reserve fund for suppression and Federal emergency response activities: *Provided*, That notwithstanding the FLAME Act of 2009 (43 U.S.C. 1748a(e)), such funds shall be solely available to be transferred to and merged with other appropriations accounts from which funds were previously transferred for wildland fire suppression in fiscal year 2017 to fully repay those amounts: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF THE INTERIOR

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $50,000,000, to remain available until expended, for urgent wildland fire suppression activities and funds necessary to repay any transfers needed for these costs: *Provided*, That such funds may be available to be transferred to and merged with other appropriations accounts to fully repay amounts previously transferred for wildland fire suppression: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE III

GENERAL PROVISIONS

SEC. 301. Each amount appropriated or made available by this division is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 302. No part of any appropriation contained in this division shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. The terms and conditions applicable to the funds provided in this division, including those provided by this title, shall also apply to the funds made available in division B of Public Law 115–56. Applicability.

SEC. 304. Each amount designated in this division by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress. President.

SEC. 305. (a)(1) Not later than December 31, 2017, in accordance with criteria to be established by the Director of the Office of Management and Budget (referred to in this section as "OMB"), each Federal agency shall submit to OMB, the Government Accountability Office, the respective Inspector General of each agency, and the Committees on Appropriations of the House of Representatives and the Senate internal control plans for funds provided by this division and division B of Public Law 115–56. Deadlines. Criteria. Plans.

Review.

(2) Not later than March 31, 2018, the Government Accountability Office shall review for the Committees on Appropriations of the House of Representatives and the Senate the design of the internal control plans required by paragraph (1).

(b) All programs and activities receiving funds under this division shall be deemed to be "susceptible to significant improper payments" for purposes of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), notwithstanding section 2(a) of such Act.

Grants.
Deadline.
Time period.
Waiver authority.

(c) Funds for grants provided by this division or division B of Public Law 115–56 shall be expended by the grantees within the 24-month period following the agency's obligation of funds for the grant, unless, in accordance with guidance to be issued by the Director of OMB, the Director waives this requirement for a particular grant program and submits a written justification for such waiver to the Committees on Appropriations of the House of Representatives and the Senate. In the case of such grants, the agency shall include a term in the grant that requires the grantee to return to the agency any funds not expended within the 24-month period.

SEC. 306. (a) The first proviso under the heading "Department of Housing and Urban Development—Community Planning and Development—Community Development Fund" in division B of Public Law 115–56 is amended by striking "State or unit of general local government" and inserting "State, unit of general local government, or Indian tribe (as such term is defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302))".

Ante, p. 1137.

(b) Amounts repurposed pursuant to subsection (a) that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of such Act.

SEC. 307. Section 101(a)(7) of division D of Public Law 115–56 is amended to read as follows:

Ante, p. 1140.

"(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2017 (division G of Public Law 115–31), except the language under the heading 'FLAME Wildfire Suppression Reserve Fund' in the Departments of Agriculture and the Interior.".

SEC. 308. (a) Notwithstanding sections 1309, 1310, and 1310a of the National Flood Insurance Act of 1968 (42 U.S.C. 4016–4017a) and section 15(e) of the Federal Flood Insurance Act of 1956 (42 U.S.C. 2414(e)), and any borrowing agreement entered into between the Department of the Treasury and the Federal Emergency Management Agency, of the indebtedness of the Administrator under any notes or other obligations issued pursuant to section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) and section 15(e) of the Federal Insurance Act of 1956 (42 U.S.C. 2414(e)) that is outstanding as of the date of the enactment of this Act, an amount of $16,000,000,000 is hereby cancelled. To the extent of the amount cancelled, the Administrator and the National Flood Insurance Fund are relieved of all liability to the Secretary of the Treasury under any such notes or other obligations, including for any interest due under such notes and any other fees and charges payable in connection with such notes, and the total amount of notes and obligations

issued by the Administrator pursuant to such sections shall be considered to be reduced by such amount for the purposes of the limitation on such total amount under such section 1309(a).

(b) The amount of the indebtedness cancelled under subsection (a) may be treated as public debt of the United States.

(c)(1) This section is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) The amount provided in this section is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Grants. Puerto Rico.

SEC. 309. Notwithstanding section 19(a)(2)(B) of the Food and Nutrition Act of 2008 (7 U.S.C. 2028), not to exceed $1,270,000,000 of funds made available for the contingency reserve under the heading "Supplemental Nutrition Assistance Program" of division A of Public Law 114–113 shall be available for the Secretary to provide a grant to the Commonwealth of Puerto Rico for disaster nutrition assistance in response to the Presidentially declared major disasters and emergencies: *Provided*, That funds made available to Puerto Rico under this section shall remain available for obligation by the Commonwealth until September 30, 2019, and shall be in addition to funds otherwise made available: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Expiration date.

Advanced billing.

SEC. 310. Notwithstanding section 2208(l)(3) of title 10, United States Code, during fiscal year 2018, the dollar limitation on advance billing of a customer of a working-capital fund in such section shall not apply with respect to the advance billing of the Federal Emergency Management Agency. In the preceding sentence, the term "advance billing" has the meaning given the term in section 2208(l)(4) of title 10, United States Code.

This division may be cited as the "Additional Supplemental Appropriations for Disaster Relief Requirements Act of 2017".

DIVISION B—BANKRUPTCY JUDGESHIP ACT OF 2017

Bankruptcy Judgeship Act of 2017.

SEC. 1001. SHORT TITLE.

This division may be cited as the "Bankruptcy Judgeship Act of 2017".

SEC. 1002. EXTENSION OF TEMPORARY OFFICE OF BANKRUPTCY JUDGES IN CERTAIN JUDICIAL DISTRICTS.

(a) TEMPORARY OFFICE OF BANKRUPTCY JUDGES AUTHORIZED BY THE BANKRUPTCY JUDGESHIP ACT OF 2005.—

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized for the following districts by subsection (b) of the Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note) are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs:

State listing.

(A) The district of Delaware.
(B) The southern district of Florida.
(C) The district of Maryland.

(D) The eastern district of Michigan.
(E) The district of Nevada.
(F) The eastern district of North Carolina.
(G) The district of Puerto Rico.
(H) The eastern district of Virginia.

Time period.

(2) VACANCIES.—

(A) SINGLE VACANCIES.—Except as provided in subparagraphs (B), (C), and (D), the 1st vacancy in the office of a bankruptcy judge for each district specified in paragraph (1)—

(i) occurring more than 5 years after the date of the enactment of this Act; and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(B) DISTRICT OF DELAWARE.—The 1st, 2d, 3d, and 4th vacancies in the office of a bankruptcy judge for the district of Delaware—

(i) occurring 5 years or more after the date of the enactment of this Act; and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(C) DISTRICT OF MARYLAND.—

(i) The 1st vacancy in the office of a bankruptcy judge for the district of Maryland—

(I) occurring more than 5 years after the date of the enactment of this Act; and

(II) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(ii) The 2d and 3d vacancies in the office of a bankruptcy judge for the district of Maryland resulting from the death, retirement, resignation, or removal of a bankruptcy judge, shall not be filled.

(D) SOUTHERN DISTRICT OF FLORIDA.—The 1st and 2d vacancies in the office of a bankruptcy judge for the southern district of Florida—

(i) occurring more than 5 years after the date of the enactment of this Act; and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of subsection (b) of the Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note) and section 2 of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(b) TEMPORARY OFFICE OF BANKRUPTCY JUDGES EXTENDED BY THE BANKRUPTCY JUDGESHIP ACT OF 2005 AND THE TEMPORARY BANKRUPTCY JUDGESHIPS EXTENSION ACT OF 2012.—

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized by section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and extended by subsection (c) of the Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152

note) and further extended by section 2 of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note) for the district of Delaware and the district of Puerto Rico are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs.

(2) VACANCIES.— Time period.

(A) DISTRICT OF DELAWARE.—The 5th vacancy in the office of a bankruptcy judge for the district of Delaware—

(i) occurring more than 5 years after the date of the enactment of this Act; and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(B) DISTRICT OF PUERTO RICO.—The 2d vacancy in the office of a bankruptcy judge for the district of Puerto Rico—

(i) occurring more than 5 years after the date of the enactment of this Act; and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note), subsection (c) of the Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152 note), and section 2 of the Temporary Bankruptcy Judgeships Extension Act of 2012 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

SEC. 1003. TEMPORARY OFFICE OF BANKRUPTCY JUDGE AUTHORIZED.

(a) APPOINTMENTS.—The following bankruptcy judges shall be appointed in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of that title: State listing.

(1) Two additional bankruptcy judges for the district of Delaware.

(2) One additional bankruptcy judge for the middle district of Florida.

(3) One additional bankruptcy judge for the eastern district of Michigan.

(b) VACANCIES.— Time period.

(1) DISTRICT OF DELAWARE.—The 6th and 7th vacancies in the office of a bankruptcy judge for the district of Delaware—

(A) occurring 5 years or more after the appointment date of the bankruptcy judge appointed under subsection (a)(1) to such office; and

(B) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(2) MIDDLE DISTRICT OF FLORIDA.—The 1st vacancy in the office of a bankruptcy judge for the middle district of Florida—

(A) occurring 5 years or more after the appointment date of the bankruptcy judge appointed under subsection (a)(2) to such office; and

(B) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) EASTERN DISTRICT OF MICHIGAN.—The 2d vacancy in the office of a bankruptcy judge for the eastern district of Michigan—

(A) occurring 5 years or more after the appointment date of the bankruptcy judge appointed under subsection (a)(3) to such office; and

(B) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

SEC. 1004. BANKRUPTCY FEES.

(a) AMENDMENTS TO TITLE 28 OF THE UNITED STATES CODE.—Section 1930(a)(6) of title 28, United States Code, is amended—

(1) by striking "(6) In" and inserting "(6)(A) Except as provided in subparagraph (B), in"; and

(2) by adding at the end the following:

Time period. "(B) During each of fiscal years 2018 through 2022, if the balance in the United States Trustee System Fund as of September 30 of the most recent full fiscal year is less than $200,000,000, the quarterly fee payable for a quarter in which disbursements equal or exceed $1,000,000 shall be the lesser of 1 percent of such disbursements or $250,000.".

Time period. (b) DEPOSITS OF CERTAIN FEES FOR FISCAL YEARS 2018 THROUGH 2022.—Notwithstanding section 589a(b) of title 28, United States Code, for each of fiscal years 2018 through 2022—

(1) 98 percent of the fees collected under section 1930(a)(6) of such title shall be deposited as offsetting collections to the appropriation "United States Trustee System Fund", to remain available until expended; and

(2) 2 percent of the fees collected under section 1930(a)(6) of such title shall be deposited in the general fund of the Treasury.

(c) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply to quarterly fees payable under section 1930(a)(6) of title 28, United States Code, as amended by this section, for disbursements made in any calendar quarter that begins on or after the date of enactment of this Act.

SEC. 1005. CLARIFICATION OF RULE ALLOWING DISCHARGE TO GOVERNMENTAL CLAIMS ARISING FROM THE DISPOSITION OF FARM ASSETS UNDER CHAPTER 12 BANKRUPTCIES.

(a) IN GENERAL.—Subchapter II of chapter 12 of title 11, United States Code, is amended by adding at the end the following:

"§ 1232. Claim by a governmental unit based on the disposition of property used in a farming operation

"(a) Any unsecured claim of a governmental unit against the debtor or the estate that arises before the filing of the petition, or that arises after the filing of the petition and before the debtor's discharge under section 1228, as a result of the sale, transfer, exchange, or other disposition of any property used in the debtor's farming operation—

"(1) shall be treated as an unsecured claim arising before the date on which the petition is filed;

"(2) shall not be entitled to priority under section 507;

Plan. "(3) shall be provided for under a plan; and

"(4) shall be discharged in accordance with section 1228.

"(b) For purposes of applying sections 1225(a)(4), 1228(b)(2), and 1229(b)(1) to a claim described in subsection (a) of this section, the amount that would be paid on such claim if the estate of the debtor were liquidated in a case under chapter 7 of this title shall be the amount that would be paid by the estate in a chapter 7 case if the claim were an unsecured claim arising before the date on which the petition was filed and were not entitled to priority under section 507. Applicability.

"(c) For purposes of applying sections 523(a), 1228(a)(2), and 1228(c)(2) to a claim described in subsection (a) of this section, the claim shall not be treated as a claim of a kind specified in subparagraph (A) or (B) of section 523(a)(1). Applicability.

"(d)(1) A governmental unit may file a proof of claim for a claim described in subsection (a) that arises after the date on which the petition is filed.

"(2) If a debtor files a tax return after the filing of the petition for a period in which a claim described in subsection (a) arises, and the claim relates to the tax return, the debtor shall serve notice of the claim on the governmental unit charged with the responsibility for the collection of the tax at the address and in the manner designated in section 505(b)(1). Notice under this paragraph shall state that the debtor has filed a petition under this chapter, state the name and location of the court in which the case under this chapter is pending, state the amount of the claim, and include a copy of the filed tax return and documentation supporting the calculation of the claim. Notice. Records.

"(3) If notice of a claim has been served on the governmental unit in accordance with paragraph (2), the governmental unit may file a proof of claim not later than 180 days after the date on which such notice was served. If the governmental unit has not filed a timely proof of the claim, the debtor or trustee may file proof of the claim that is consistent with the notice served under paragraph (2). If a proof of claim is filed by the debtor or trustee under this paragraph, the governmental unit may not amend the proof of claim. Deadline.

"(4) A claim filed under this subsection shall be determined and shall be allowed under subsection (a), (b), or (c) of section 502, or disallowed under subsection (d) or (e) of section 502, in the same manner as if the claim had arisen immediately before the date of the filing of the petition.". Determination.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Subchapter II of chapter 12 of title 11, United States Code, is amended—

(A) in section 1222(a)—

(i) in paragraph (2), by striking "unless—" and all that follows through "the holder" and inserting "unless the holder";

(ii) in paragraph (3), by striking "and" at the end;

(iii) in paragraph (4), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(5) subject to section 1232, provide for the treatment of any claim by a governmental unit of a kind described in section 1232(a).";

(B) in section 1228—

(i) in subsection (a)—

(I) in the matter preceding paragraph (1)—

(aa) by inserting a comma after "all debts provided for by the plan"; and

(bb) by inserting a comma after "allowed under section 503 of this title"; and

(II) in paragraph (2), by striking "the kind" and all that follows and inserting "a kind specified in section 523(a) of this title, except as provided in section 1232(c).";

(ii) in subsection (c)(2), by inserting ", except as provided in section 1232(c)" before the period at the end; and

(C) in section 1229(a)—

(i) in paragraph (2), by striking "or" at the end;

(ii) in paragraph (3), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following:

"(4) provide for the payment of a claim described in section 1232(a) that arose after the date on which the petition was filed.".

(2) TABLE OF SECTIONS.—The table of sections for subchapter II of chapter 12 of title 11, United States Code, is amended by adding at the end the following:

"1232. Claim by a governmental unit based on the disposition of property used in a farming operation.".

Applicability.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) any bankruptcy case—

(A) that is pending on the date of enactment of this Act;

(B) in which the plan under chapter 12 of title 11, United States Code, has not been confirmed on the date of enactment of this Act; and

(C) relating to which an order of discharge under section 1228 of title 11, United States Code, has not been entered; and

(2) any bankruptcy case that commences on or after the date of enactment of this Act.

Approved October 26, 2017.

LEGISLATIVE HISTORY—H.R. 2266 (S. 1107):

HOUSE REPORTS: No. 115–130 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 163 (2017):
May 17, considered and passed House.
Sept. 27, considered and passed Senate, amended.
Oct. 12, House concurred in Senate amendment with an amendment, pursuant to H. Res. 569.
Oct. 24, Senate concurred in House amendment.

Public Law 115–73
115th Congress

An Act

To provide greater whistleblower protections for Federal employees, increased awareness of Federal whistleblower protections, and increased accountability and required discipline for Federal supervisors who retaliate against whistleblowers, and for other purposes.

Oct. 26, 2017
[S. 585]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017.
5 USC 101 note.

(a) SHORT TITLE.—This Act may be cited as the "Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017".

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

TITLE I—EMPLOYEES GENERALLY

SEC. 101. DEFINITIONS.

5 USC 1212 note.

In this title—

(1) the term "agency"—

(A) except as provided in subparagraph (B), means an entity that is an agency, as defined under section 2302 of title 5, United States Code, without regard to whether one or more portions of title 5 of the United States Code are inapplicable to the entity; and

(B) does not include any entity that is an element of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4));

(2) the term "employee" means an employee (as defined in section 2105 of title 5, United States Code) of an agency; and

(3) the term "personnel action" has the meaning given that term under section 2302 of title 5, United States Code.

SEC. 102. STAYS; PROBATIONARY EMPLOYEES.

(a) REQUEST BY SPECIAL COUNSEL.—Section 1214(b)(1) of title 5, United States Code, is amended by adding at the end the following:

"(E) If the Merit Systems Protection Board grants a stay under this subsection, the head of the agency employing the employee shall give priority to a request for a transfer submitted by the employee.".

(b) PROBATIONARY EMPLOYEES.—Section 1221 of title 5, United States Code, is amended by adding at the end the following:

"(k) If the Merit Systems Protection Board grants a stay to an employee in probationary status under subsection (c), the head of the agency employing the employee shall give priority to a request for a transfer submitted by the employee.".

Reports.

(c) STUDY REGARDING RETALIATION AGAINST PROBATIONARY EMPLOYEES.—The Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report discussing retaliation against employees in probationary status.

SEC. 103. PROHIBITED PERSONNEL PRACTICES.

Section 2302(b) of title 5, United States Code, is amended—

(1) in paragraph (12), by striking "or" at the end;

(2) in paragraph (13), by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (13) the following:

"(14) access the medical record of another employee or an applicant for employment as a part of, or otherwise in furtherance of, any conduct described in paragraphs (1) through (13).".

SEC. 104. DISCIPLINE OF SUPERVISORS BASED ON RETALIATION AGAINST WHISTLEBLOWERS.

(a) IN GENERAL.—Subchapter II of chapter 75 of title 5, United States Code, is amended by adding at the end the following:

5 USC 7515.

"§ 7515. Discipline of supervisors based on retaliation against whistleblowers

"(a) DEFINITIONS.—In this section—

"(1) the term 'agency'—

"(A) except as provided in subparagraph (B), means an entity that is an agency, as defined under section 2302, without regard to whether any other provision of this chapter is applicable to the entity; and

"(B) does not include any entity that is an element of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4));

"(2) the term 'prohibited personnel action' means taking or failing to take an action in violation of paragraph (8), (9), or (14) of section 2302(b) against an employee of an agency; and

"(3) the term 'supervisor' means an employee who would be a supervisor, as defined under section 7103(a), if the entity employing the employee was an agency.

"(b) PROPOSED DISCIPLINARY ACTIONS.— Determinations.

"(1) IN GENERAL.—If the head of the agency employing a supervisor, an administrative law judge, the Merit Systems Protection Board, the Special Counsel, a judge of the United States, or the Inspector General of the agency employing a supervisor determines that the supervisor has committed a prohibited personnel action, the head of the agency employing the supervisor, in accordance with the procedures required under paragraph (2)—

"(A) for the first prohibited personnel action committed by a supervisor—

"(i) shall propose suspending the supervisor for a period of not less than 3 days; and Time period.

"(ii) may, in addition to a suspension described in clause (i), propose any other action, including a reduction in grade or pay, that the head of the agency determines appropriate; and

"(B) for the second prohibited personnel action committed by a supervisor, shall propose removing the supervisor.

"(2) PROCEDURES.—

"(A) NOTICE.—A supervisor against whom an action is proposed to be taken under paragraph (1) is entitled to written notice—

"(i) stating the specific reasons for the proposed action; and

"(ii) informing the supervisor of the right of the supervisor to review the material which is relied on to support the reasons for the proposed action.

"(B) ANSWER AND EVIDENCE.— Time period.

"(i) IN GENERAL.—A supervisor who is notified under subparagraph (A) that the supervisor is the subject of a proposed action under paragraph (1) is entitled to 14 days following such notification to answer and furnish evidence in support of the answer.

"(ii) NO EVIDENCE FURNISHED; INSUFFICIENT EVIDENCE.—After the end of the 14-day period described in clause (i), if a supervisor does not furnish evidence as described in clause (i) or if the head of the agency determines that such evidence is not sufficient to reverse the proposed action, the head of the agency shall carry out the action.

"(C) SCOPE OF PROCEDURES.—An action carried out under this section—

"(i) except as provided in clause (ii), shall be subject to the same requirements and procedures (including regarding appeals) as an action under section 7503, 7513, or 7543; and

"(ii) shall not be subject to—

"(I) paragraphs (1) and (2) of section 7503(b);

"(II) paragraphs (1) and (2) of subsection (b) and subsection (c) of section 7513; or

"(III) paragraphs (1) and (2) of subsection (b) and subsection (c) of section 7543.

"(3) DELEGATION.—

"(A) IN GENERAL.—Except as provided in paragraph (B), the head of an agency may delegate any authority or responsibility under this subsection.

"(B) NONDELEGABILITY OF DETERMINATION REGARDING PROHIBITED PERSONNEL ACTION.—If the head of an agency is responsible for determining whether a supervisor has committed a prohibited personnel action for purposes of paragraph (1), the head of the agency may not delegate that responsibility.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 75 of title 5, United States Code, is amended by adding at the end the following:

5 USC prec. 7501.

"7515. Discipline of supervisors based on retaliation against whistleblowers.".

5 USC 1212 note.

SEC. 105. SUICIDE BY EMPLOYEES.

(a) REFERRAL.—The head of an agency shall refer to the Special Counsel, along with any information known to the agency regarding the circumstances described in paragraphs (2) and (3), any instance in which the head of the agency has information indicating—

(1) an employee of the agency committed suicide;

(2) prior to the death of the employee, the employee made any disclosure of information which reasonably evidences—

(A) any violation of any law, rule, or regulation; or

(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; and

(3) after a disclosure described in paragraph (2), a personnel action was taken against the employee.

(b) OFFICE OF SPECIAL COUNSEL REVIEW.—For any referral to the Special Counsel under subsection (a), the Special Counsel shall—

(1) examine whether any personnel action was taken because of any disclosure of information described in subsection (a)(2); and

(2) take any action the Special Counsel determines appropriate under subchapter II of chapter 12 of title 5, United States Code.

Consultation. 5 USC 2301 note.

SEC. 106. TRAINING FOR SUPERVISORS.

In consultation with the Special Counsel and the Inspector General of the agency (or senior ethics official of the agency for an agency without an Inspector General), the head of each agency shall provide training regarding how to respond to complaints alleging a violation of whistleblower protections (as defined in section 2307 of title 5, United States Code, as added by section 107) available to employees of the agency—

(1) to employees appointed to supervisory positions in the agency who have not previously served as a supervisor; and

(2) on an annual basis, to all employees of the agency serving in a supervisory position.

SEC. 107. INFORMATION ON WHISTLEBLOWER PROTECTIONS.

(a) EXISTING PROVISION.—

(1) IN GENERAL.—Section 2302 of title 5, United States Code, is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Section 4505a(b)(2) of title 5, United States Code, is amended by striking "section 2302(d)" and inserting "section 2302(c)".

(B) Section 5755(b)(2) of title 5, United States Code, is amended by striking "section 2302(d)" and inserting "section 2302(c)".

(C) Section 110(b)(2) of the Whistleblower Protection Enhancement Act of 2012 (5 U.S.C. 2302 note) is amended by striking "section 2302(f)(1) or (2)" and inserting "section 2302(e)(1) or (2)".

(D) Section 1217(d)(3) of the Panama Canal Act of 1979 (22 U.S.C. 3657(d)(3)) is amended by striking "section 2302(d)" and inserting "section 2302(c)".

(E) Section 1233(b) of the Panama Canal Act of 1979 (22 U.S.C. 3673(b)) is amended by striking "section 2302(d)" and inserting "section 2302(c)".

(b) PROVISION OF INFORMATION.—Chapter 23 of title 5, United States Code, is amended by adding at the end the following:

"§ 2307. Information on whistleblower protections 5 USC 2307.

"(a) DEFINITIONS.—In this section—

"(1) the term 'agency'—

"(A) except as provided in subparagraph (B), has the meaning given that term in section 2302; and

"(B) does not include any entity that is an element of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4));

"(2) the term 'new employee' means an individual—

"(A) appointed to a position as an employee of an agency on or after the date of enactment of the Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017; and

"(B) who has not previously served as an employee; and

"(3) the term 'whistleblower protections' means the protections against and remedies for a prohibited personnel practice described in paragraph (8), subparagraph (A)(i), (B), (C), or (D) of paragraph (9), or paragraph (14) of section 2302(b).

"(b) RESPONSIBILITIES OF HEAD OF AGENCY.—The head of each agency shall be responsible for the prevention of prohibited personnel practices, for the compliance with and enforcement of applicable civil service laws, rules, and regulations, and other aspects of personnel management, and for ensuring (in consultation with the Special Counsel and the Inspector General of the agency) that employees of the agency are informed of the rights and remedies available to them under this chapter and chapter 12, including— Consultation.

"(1) information regarding whistleblower protections available to new employees during the probationary period;

"(2) the role of the Office of Special Counsel and the Merit Systems Protection Board with regard to whistleblower protections; and

"(3) how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept classified in the interest of national defense or the conduct

of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures.

Deadline.

"(c) TIMING.—The head of each agency shall ensure that the information required to be provided under subsection (b) is provided to each new employee of the agency not later than 6 months after the date the new employee begins performing service as an employee.

"(d) INFORMATION ONLINE.—The head of each agency shall make available information regarding whistleblower protections applicable to employees of the agency on the public website of the agency, and on any online portal that is made available only to employees of the agency if one exists.

"(e) DELEGEES.—Any employee to whom the head of an agency delegates authority for personnel management, or for any aspect thereof, shall, within the limits of the scope of the delegation, be responsible for the activities described in subsection (b).".

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by adding at the end the following:

"2307. Information on whistleblower protections.".

TITLE II—DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES

SEC. 201. PREVENTION OF UNAUTHORIZED ACCESS TO MEDICAL RECORDS OF EMPLOYEES OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) DEVELOPMENT OF PLAN.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(A) develop a plan to prevent access to the medical records of employees of the Department of Veterans Affairs by employees of the Department who are not authorized to access such records;

(B) submit to the appropriate committees of Congress the plan developed under subparagraph (A); and

Briefing.

(C) upon request, provide a briefing to the appropriate committees of Congress with respect to the plan developed under subparagraph (A).

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

Assessment.

(A) A detailed assessment of strategic goals of the Department for the prevention of unauthorized access to the medical records of employees of the Department.

Lists.

(B) A list of circumstances in which an employee of the Department who is not a health care provider or an assistant to a health care provider would be authorized to access the medical records of another employee of the Department.

(C) Steps that the Secretary will take to acquire new or implement existing technology to prevent an employee of the Department from accessing the medical records of

another employee of the Department without a specific need to access such records.

(D) Steps the Secretary will take, including plans to issue new regulations, as necessary, to ensure that an employee of the Department may not access the medical records of another employee of the Department for the purpose of retrieving demographic information if that demographic information is available to the employee in another location or through another format. Regulations.

(E) A proposed timetable for the implementation of such plan.

(F) An estimate of the costs associated with implementing such plan. Estimate.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Homeland Security and Governmental Affairs and the Committee on Veterans' Affairs of the Senate; and

(2) the Committee on Oversight and Government Reform and the Committee on Veterans' Affairs of the House of Representatives.

SEC. 202. OUTREACH ON AVAILABILITY OF MENTAL HEALTH SERVICES AVAILABLE TO EMPLOYEES OF THE DEPARTMENT OF VETERANS AFFAIRS. 38 USC 703 note.

The Secretary of Veterans Affairs shall conduct a program of outreach to employees of the Department of Veterans Affairs to inform those employees of any mental health services, including telemedicine options, that are available to them.

SEC. 203. PROTOCOLS TO ADDRESS THREATS AGAINST EMPLOYEES OF THE DEPARTMENT OF VETERANS AFFAIRS. 38 USC 703 note.

The Secretary of Veterans Affairs shall ensure protocols are in effect to address threats from individuals receiving health care from the Department of Veterans Affairs directed towards employees of the Department who are providing such health care.

SEC. 204. COMPTROLLER GENERAL OF THE UNITED STATES STUDY ON ACCOUNTABILITY OF CHIEFS OF POLICE OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS. Assessment.

The Comptroller General of the United States shall conduct a study to assess the reporting, staffing, accountability, and chain

of command structure of the Department of Veterans Affairs police officers at medical centers of the Department.

Approved October 26, 2017.

LEGISLATIVE HISTORY—S. 585:

SENATE REPORTS: No. 115–44 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 163 (2017):
May 25, considered and passed Senate.
Oct. 12, considered and passed House.

Public Law 115–74
115th Congress

Joint Resolution

Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to "Arbitration Agreements".

Nov. 1, 2017
[H.J. Res. 111]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Bureau of Consumer Financial Protection relating to "Arbitration Agreements" (82 Fed. Reg. 33210 (July 19, 2017)), and such rule shall have no force or effect.

Approved November 1, 2017.

LEGISLATIVE HISTORY—H.J. Res. 111:

CONGRESSIONAL RECORD, Vol. 163 (2017):
July 25, considered and passed House.
Oct. 24, considered and passed Senate.

Public Law 115–75
115th Congress

An Act

Nov. 2, 2017
[H.R. 1329]

To increase, effective as of December 1, 2017, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans' Compensation Cost-of-Living Adjustment Act of 2017.
38 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 2017".

38 USC 1114 note.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—Effective on December 1, 2017, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2017, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—Each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2017, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

Federal Register, publication. 38 USC 1114 note.

The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased under that section, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2018.

Approved November 2, 2017.

LEGISLATIVE HISTORY—H.R. 1329:

HOUSE REPORTS: No. 115–134 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 163 (2017):
May 23, considered and passed House.
Oct. 25, considered and passed Senate.

Public Law 115–76
115th Congress

An Act

Nov. 2, 2017
[H.R. 1616]

To amend the Homeland Security Act of 2002 to authorize the National Computer Forensics Institute, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Strengthening State and Local Cyber Crime Fighting Act of 2017.
34 USC 10101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthening State and Local Cyber Crime Fighting Act of 2017".

SEC. 2. AUTHORIZATION OF THE NATIONAL COMPUTER FORENSICS INSTITUTE OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Subtitle C of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 381 et seq.) is amended by adding at the end the following new section:

Establishment.
Time period.
6 USC 383.

"SEC. 822. NATIONAL COMPUTER FORENSICS INSTITUTE.

"(a) IN GENERAL.—There is authorized for fiscal years 2017 through 2022 within the United States Secret Service a National Computer Forensics Institute (in this section referred to as the 'Institute'). The Institute shall disseminate information related to the investigation and prevention of cyber and electronic crime and related threats, and educate, train, and equip State, local, tribal, and territorial law enforcement officers, prosecutors, and judges.

"(b) FUNCTIONS.—The functions of the Institute shall include the following:

"(1) Educating State, local, tribal, and territorial law enforcement officers, prosecutors, and judges on current—

"(A) cyber and electronic crimes and related threats;

"(B) methods for investigating cyber and electronic crime and related threats and conducting computer and mobile device forensic examinations; and

"(C) prosecutorial and judicial challenges related to cyber and electronic crime and related threats, and computer and mobile device forensic examinations.

"(2) Training State, local, tribal, and territorial law enforcement officers to—

"(A) conduct cyber and electronic crime and related threat investigations;

"(B) conduct computer and mobile device forensic examinations; and

"(C) respond to network intrusion incidents.

"(3) Training State, local, tribal, and territorial law enforcement officers, prosecutors, and judges on methods to obtain, process, store, and admit digital evidence in court.

"(c) PRINCIPLES.—In carrying out the functions specified in subsection (b), the Institute shall ensure, to the extent practicable, that timely, actionable, and relevant expertise and information related to cyber and electronic crime and related threats is shared with State, local, tribal, and territorial law enforcement officers and prosecutors. Information sharing.

"(d) EQUIPMENT.—The Institute may provide State, local, tribal, and territorial law enforcement officers with computer equipment, hardware, software, manuals, and tools necessary to conduct cyber and electronic crime and related threat investigations and computer and mobile device forensic examinations.

"(e) ELECTRONIC CRIME TASK FORCES.—The Institute shall facilitate the expansion of the network of Electronic Crime Task Forces of the United States Secret Service through the addition of State, local, tribal, and territorial law enforcement officers educated and trained at the Institute.

"(f) SAVINGS PROVISION.—All authorized activities and functions carried out by the Institute at any location as of the day before the date of the enactment of this section are authorized to continue to be carried out at any such location on and after such date.". Extension.

(b) FUNDING.—For each of fiscal years 2018 through 2022, amounts appropriated for United States Secret Service, Operations and Support, may be used to carry out this Act and the amendments made by this Act.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 821 the following new item:

"Sec. 822. National Computer Forensics Institute.".

SEC. 3. PREVENTION, INVESTIGATION, AND PROSECUTION OF ECONOMIC, HIGH TECHNOLOGY, INTERNET, AND OTHER WHITE COLLAR CRIME.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10101 et seq.) is amended by adding at the end the following:

"PART MM—PREVENTION, INVESTIGATION, AND PROSECUTION OF WHITE COLLAR CRIME

"SEC. 3030. SHORT TITLE. 34 USC 10101 note.

"This part may be cited as the 'National White Collar Crime Control Act of 2017'.

"SEC. 3031. ESTABLISHMENT OF GRANT PROGRAM. 34 USC 10721.

"(a) AUTHORIZATION.—The Director of the Bureau of Justice Assistance is authorized to enter into a cooperative agreement with or make a grant to an eligible entity for the purpose of improving the identification, investigation, and prosecution of white collar crime (including each category of such crimes set forth in paragraphs (1) through (3) of subsection (b)) by providing comprehensive, direct, and practical training and technical assistance to law enforcement officers, investigators, auditors and prosecutors in States and units of local government. Contracts.

"(b) WHITE COLLAR CRIME DEFINED.—For purposes of this part, the term 'white collar crime' includes—

"(1) high-tech crime, including cyber and electronic crime and related threats;

"(2) economic crime, including financial fraud and mortgage fraud; and

"(3) Internet-based crime against children and child pornography.

34 USC 10722.

"SEC. 3032. PURPOSES.

"The purposes of this part include the following:

"(1) To ensure that training is available for State, local, tribal and territorial law enforcement agencies and officers nationwide to support local efforts to identify, prevent, investigate, and prosecute cyber and financial crimes, including those crimes facilitated via computer networks and other electronic means, and crimes involving financial and economic impacts such as intellectual property crimes.

"(2) To deliver training to State, local, tribal, and territorial law enforcement officers, and other criminal justice professionals concerning the use of proven methodologies to prevent, detect, and respond to such crimes, recognize emerging issues, manage electronic and financial crime evidence and to improve local criminal justice agency responses to such threats.

"(3) To provide operational and technical assistance and training concerning tools, products, resources, guidelines, and procedures to aid and enhance criminal intelligence analysis, conduct cyber crime and financial crime investigations, and related justice information sharing at the local and State levels.

"(4) To provide appropriate training on protections for privacy, civil rights, and civil liberties in the conduct of criminal intelligence analysis and cyber and electronic crime and financial crime investigations, including in the development of policies, guidelines, and procedures by State, local, tribal, and territorial law enforcement agencies to protect and enhance privacy, civil rights, and civil liberties protections and identify weaknesses and gaps in the protection of privacy, civil rights, and civil liberties.

34 USC 10723.

"SEC. 3033. AUTHORIZED PROGRAMS.

"A grant or cooperative agreement awarded under this part may be made only for the following programs, with respect to the prevention, investigation, and prosecution of certain criminal activities:

"(1) Programs to provide a nationwide support system for State and local criminal justice agencies.

"(2) Programs to assist State and local criminal justice agencies to develop, establish, and maintain intelligence-focused policing strategies and related information sharing.

"(3) Programs to provide training and investigative support services to State and local criminal justice agencies to provide such agencies with skills and resources needed to investigate and prosecute such criminal activities and related criminal activities.

"(4) Programs to provide research support, to establish partnerships, and to provide other resources to aid State and local criminal justice agencies to prevent, investigate, and prosecute such criminal activities and related problems.

"(5) Programs to provide information and research to the general public to facilitate the prevention of such criminal activities.

"(6) Programs to establish or support national training and research centers regionally to provide training and research services for State and local criminal justice agencies.

"(7) Programs to provide training and oversight to State and local criminal justice agencies to develop and comply with applicable privacy, civil rights, and civil liberties related policies, procedures, rules, laws, and guidelines.

"(8) Any other programs specified by the Attorney General as furthering the purposes of this part.

"SEC. 3034. APPLICATION. 34 USC 10724.

"To be eligible for an award of a grant or cooperative agreement under this part, an entity shall submit to the Director of the Bureau of Justice Assistance an application in such form and manner, and containing such information, as required by the Director of the Bureau of Justice Assistance.

"SEC. 3035. ELIGIBILITY. 34 USC 10725.

"States, units of local government, not-for-profit entities, and institutions of higher-education with demonstrated capacity and experience in delivering training, technical assistance and other resources including direct, practical laboratory training to law enforcement officers, investigators, auditors and prosecutors in States and units of local government and over the Internet shall be eligible to receive an award under this part.

"SEC. 3036. RULES AND REGULATIONS. 34 USC 10726.

"The Director of the Bureau of Justice Assistance shall promulgate such rules and regulations as are necessary to carry out this part, including rules and regulations for submitting and reviewing applications under section 3035.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $13,000,000 for each of fiscal years 2018 through 2022 to carry out— Time period.

(1) part MM of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by subsection (a); and

(2) section 401(b) of the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (34 U.S.C. 30103(b)).

Approved November 2, 2017.

LEGISLATIVE HISTORY—H.R. 1616:

CONGRESSIONAL RECORD, Vol. 163 (2017):
May 16, considered and passed House.
Oct. 2, considered and passed Senate, amended.
Oct. 12, House concurred in Senate amendment.

Public Law 115–77
115th Congress

An Act

To establish the Frederick Douglass Bicentennial Commission

Nov. 2, 2017
[H.R. 2989]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Frederick Douglass Bicentennial Commission Act. 36 USC note prec. 101.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Frederick Douglass Bicentennial Commission Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Born into slavery on the Eastern Shore of Maryland in 1818 and given the name Frederick Augustus Washington Bailey after his mother Harriet Bailey, Frederick Douglass has been called the father of the civil rights movement.

(2) Douglass rose through determination, brilliance, and eloquence to shape the American Nation. He was an abolitionist, human rights and women's rights activist, orator, author, journalist, publisher, and social reformer.

(3) Taught basic reading skills by his mistress until she was forced to stop, Douglass continued to teach himself to read and write and taught other slaves to read despite risks including death.

(4) During the course of his remarkable life Frederick Douglass escaped from slavery, became internationally renowned for his eloquence in the cause of liberty, and went on to serve the national government in several official capacities.

(5) Forced to leave the country to avoid arrest as an escaped slave, he returned to become a staunch advocate of the Union cause and helped recruit African-American troops for the Union Army, including two of his sons, Charles and Lewis Douglass. His personal relationship with Abraham Lincoln helped persuade the President to make emancipation a cause of the Civil War.

(6) With the abolition of slavery at the close of the Civil War, Douglass then turned his attention to the full integration of African-Americans into the political and economic life of the United States. Committed to freedom, Douglass dedicated his life to achieving justice for all Americans, in particular African-Americans, women, and minority groups. He envisioned America as an inclusive Nation strengthened by diversity and free of discrimination.

(7) Douglass served as an advisor to Presidents. Abraham Lincoln referred to him as the most meritorious man of the nineteenth century. Douglass was appointed to several offices.

He served as the United States Marshal of the District of Columbia under Rutherford B. Hayes' administration; President James Garfield appointed Douglass the District of Columbia Recorder of Deeds. In 1889, President Benjamin Harrison appointed Frederick Douglass to be the United States minister to Haiti. He was also appointed by President Grant to serve as Assistant Secretary of the Commission of Inquiry to Santo Domingo.

(8) Douglass lived in the District of Columbia for 23 of his 57 years as a free man, and in recognition of his leadership and continuous fight for justice and freedom, his home, Cedar Hill, was established as a National Historic Site in Anacostia, in Southeast Washington, DC.

(9) The statue of Frederick Douglass in the United States Capitol is a gift from the almost 700,000 residents of the District of Columbia.

(10) All Americans could benefit from studying the life of Frederick Douglass, for Douglass dedicated his own life to ensuring freedom and equality for future generations of Americans. This Nation should ensure that his tireless struggle, transformative words, and inclusive vision of humanity continue to inspire and sustain us.

(11) The year 2018 marks the bicentennial anniversary of the birth of Frederick Douglass, and a commission should be established to plan, develop, and carry out, and to recommend to Congress, programs and activities that are fitting and proper to celebrate that anniversary in a manner that appropriately honors Frederick Douglass.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the Frederick Douglass Bicentennial Commission (referred to in this Act as the "Commission").

SEC. 4. DUTIES.

The Commission shall have the following duties:

(1) To plan, develop, and carry out programs and activities that are fitting and proper to honor Frederick Douglass on the occasion of the bicentennial anniversary of Douglass' birth.

(2) To recommend to Congress programs and activities that the Commission considers fitting and proper to honor Frederick Douglass on such occasion, and the entity or entities in the Federal Government that the Commission considers most appropriate to carry out such programs and activities.

SEC. 5. MEMBERSHIP.

President.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 16 members appointed as follows:

(1) Two members, each of whom shall be a qualified citizen described in subsection (b), appointed by the President.

(2) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Maryland.

(3) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Massachusetts.

(4) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of New York.

(5) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Mayor of the District of Columbia.

(6) Three members, at least one of whom shall be a Member of the House of Representatives, appointed by the Speaker of the House of Representatives.

(7) Three members, at least one of whom shall be a Senator, appointed by the majority leader of the Senate.

(8) Two members, at least one of whom shall be a Member of the House of Representatives, appointed by the minority leader of the House of Representatives.

(9) Two members, at least one of whom shall be a Senator, appointed by the minority leader of the Senate.

(b) QUALIFIED CITIZEN.—A qualified citizen described in this subsection is a private citizen of the United States with—

(1) a demonstrated dedication to educating others about the importance of historical figures and events; and

(2) substantial knowledge and appreciation of Frederick Douglass.

(c) TIME OF APPOINTMENT.—Each initial appointment of a member of the Commission shall be made before the expiration of the 60-day period beginning on the date of the enactment of this Act.

(d) CONTINUATION OF MEMBERSHIP.—If a member of the Commission was appointed to the Commission as a Member of Congress, and ceases to be a Member of Congress, that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date that member ceases to be a Member of Congress. Time period.

(e) TERMS.—Each member shall be appointed for the life of the Commission.

(f) VACANCIES.—A vacancy in the Commission shall not affect the powers of the Commission but shall be filled in the manner in which the original appointment was made.

(g) BASIC PAY.—Members shall serve on the Commission without pay.

(h) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(i) QUORUM.—Six members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(j) CHAIR.—The Commission shall select a Chair from among the members of the Commission.

(k) MEETINGS.—The Commission shall meet at the call of the Chair. Periodically, the Commission shall hold a meeting in Rochester, New York. New York.

SEC. 6. DIRECTOR AND STAFF.

(a) DIRECTOR.—The Commission may appoint and fix the pay of a Director and such additional personnel as the Commission considers to be appropriate.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—

(1) DIRECTOR.—The Director of the Commission may be appointed without regard to the provisions of title 5, United

States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(2) STAFF.—The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

SEC. 7. POWERS.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers to be appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this Act.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out this Act. Upon request of the Chair of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

Reimbursement.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(f) GIFTS.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money or other property for the purpose of carrying out its duties.

(g) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

SEC. 8. REPORTS.

(a) INITIAL REPORT.—Not later than August 1, 2018, the Commission shall submit to Congress an initial report containing its recommendations under section 4(2).

(b) FINAL REPORT.—Not later than June 1, 2019, the Commission shall submit a final report to Congress, and shall include in the final report—

(1) a summary of its activities and programs;

(2) a final accounting of the funds the Commission received and expended; and

(3) any other information that the Commission considers to be appropriate.

SEC. 9. TERMINATION.

The Commission shall terminate 30 days after submitting the final report pursuant to section 8(b).

SEC. 10. NO ADDITIONAL FUNDS AUTHORIZED.

No Federal funds are authorized or may be obligated to carry out this Act.

Approved November 2, 2017.

LEGISLATIVE HISTORY—H.R. 2989:

HOUSE REPORTS: No. 115–340 (Comm. on Oversight and Government Reform).
CONGRESSIONAL RECORD, Vol. 163 (2017):
Oct. 11, considered and passed House.
Oct. 18, considered and passed Senate.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2017):
Nov. 2, Presidential statement.

Public Law 115–78
115th Congress

An Act

Nov. 2, 2017
[S. 190]

To provide for consideration of the extension under the Energy Policy and Conservation Act of nonapplication of No-Load Mode energy efficiency standards to certain security or life safety alarms or surveillance systems, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Power And Security Systems (PASS) Act. 42 USC 6201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Power And Security Systems (PASS) Act".

SEC. 2. EXTENSION OF NONAPPLICATION OF NO-LOAD MODE ENERGY EFFICIENCY STANDARD TO CERTAIN SECURITY OR LIFE SAFETY ALARM OR SURVEILLANCE SYSTEMS.

(a) Section 325(u)(3)(D)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)(3)(D)(ii)) is amended—

(1) by striking "2015" each place it appears and inserting "2021"; and

(2) by striking "2017" and inserting "2023".

(b) Section 325(u)(3)(E) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)(3)(E)) is amended—

(1) in clause (ii), by striking "July 1, 2017," and inserting "the effective date of the amendment under subparagraph (D)(ii)"; and

(2) by adding at the end the following:

"(iv) TREATMENT IN RULE.—In the rule under subparagraph (D)(ii) and subsequent amendments the Secretary may treat some or all external power supplies designed to be connected to a security or life safety alarm or surveillance system as a separate

product class or may extend the nonapplication under clause (ii).".

Approved November 2, 2017.

LEGISLATIVE HISTORY—S. 190 (H.R. 511):

SENATE REPORTS: No. 115–76 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 163 (2017):
Aug. 1, considered and passed Senate.
Oct. 11, considered and passed House.

Public Law 115–79
115th Congress

An Act

Nov. 2, 2017
[S. 504]

To permanently authorize the Asia-Pacific Economic Cooperation Business Travel Card Program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Asia-Pacific Economic Cooperation Business Travel Cards Act of 2017.
6 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Asia-Pacific Economic Cooperation Business Travel Cards Act of 2017".

SEC. 2. ASIA-PACIFIC ECONOMIC COOPERATION BUSINESS TRAVEL CARDS.

(a) IN GENERAL.—Subtitle B of title IV of the Homeland Security Act of 2002 (6 U.S.C. 211 et seq.) is amended by inserting after section 417 the following:

6 USC 218.

"SEC. 418. ASIA-PACIFIC ECONOMIC COOPERATION BUSINESS TRAVEL CARDS.

"(a) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection is authorized to issue an Asia-Pacific Economic Cooperation Business Travel Card (referred to in this section as an 'ABT Card') to any individual described in subsection (b).

"(b) CARD ISSUANCE.—An individual described in this subsection is an individual who—

"(1) is a citizen of the United States;

"(2) has been approved and is in good standing in an existing international trusted traveler program of the Department; and

"(3) is—

"(A) engaged in business in the Asia-Pacific region, as determined by the Commissioner of U.S. Customs and Border Protection; or

"(B) a United States Government official actively engaged in Asia-Pacific Economic Cooperation business, as determined by the Commissioner of U.S. Customs and Border Protection.

Procedures.

"(c) INTEGRATION WITH EXISTING TRAVEL PROGRAMS.—The Commissioner of U.S. Customs and Border Protection shall integrate application procedures for, and issuance, renewal, and revocation of, ABT Cards with existing international trusted traveler programs of the Department.

"(d) COOPERATION WITH PRIVATE ENTITIES AND NONGOVERNMENTAL ORGANIZATIONS.—In carrying out this section, the Commissioner of U.S. Customs and Border Protection may consult with

appropriate private sector entities and nongovernmental organizations, including academic institutions.

"(e) FEE.—

"(1) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection shall—

"(A) prescribe and collect a fee for the issuance and renewal of ABT Cards; and

"(B) adjust such fee to the extent the Commissioner determines necessary to comply with paragraph (2).

"(2) LIMITATION.—The Commissioner of U.S. Customs and Border Protection shall ensure that the total amount of the fees collected under paragraph (1) during any fiscal year is sufficient to offset the direct and indirect costs associated with carrying out this section during such fiscal year, including the costs associated with operating and maintaining the ABT Card issuance and renewal processes.

"(3) ACCOUNT FOR COLLECTIONS.—There is established in the Treasury of the United States an 'Asia-Pacific Economic Cooperation Business Travel Card Account' into which the fees collected under paragraph (1) shall be deposited as offsetting receipts.

"(4) USE OF FUNDS.—Amounts deposited into the Asia Pacific Economic Cooperation Business Travel Card Account established under paragraph (3) shall—

"(A) be credited to the appropriate account of the U.S. Customs and Border Protection for expenses incurred in carrying out this section; and

"(B) remain available until expended.

"(f) NOTIFICATION.—The Commissioner of U.S. Customs and Border Protection shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate not later than 60 days after the expenditures of funds to operate and provide ABT Card services beyond the amounts collected under subsection (e)(1). Deadline.

"(g) TRUSTED TRAVELER PROGRAM DEFINED.—In this section, the term 'trusted traveler program' means a voluntary program of the Department that allows U.S. Customs and Border Protection to expedite clearance of pre-approved, low-risk travelers arriving in the United States.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 417 the following new item:

"Sec. 418. Asia-Pacific Economic Cooperation Business Travel Cards.".

SEC. 3. ACCOUNT. 6 USC 218 note.

(a) IN GENERAL.—Notwithstanding the repeal of the Asia-Pacific Economic Cooperation Business Travel Cards Act of 2011 (Public Law 112–54; 8 U.S.C. 1185 note) pursuant to section 4(b)(1), amounts deposited into the APEC Business Travel Card Account established pursuant to such Act as of the date of the enactment of this Act are hereby transferred to the Asia-Pacific Economic Cooperation Business Travel Card Account established pursuant to section 418(e) of the Homeland Security Act of 2002 (as added by section 2(a) of this Act), and shall be available without regard to whether such amounts are expended in connection with expenses

incurred with respect to an ABT Card issued at any time before or after such date of enactment.

(b) AVAILABILITY.—Amounts deposited in the Asia-Pacific Economic Cooperation Business Travel Card Account established pursuant to section 418(e) of the Homeland Security Act of 2002, in addition to the purposes for which such amounts are available pursuant to such subsection, shall also be available for expenditure in connection with expenses incurred with respect to ABT Cards issued at any time before the date of the enactment of such section.

(c) TERMINATION.—After the completion of the transfer described in subsection (a), the Asia-Pacific Economic Cooperation Business Travel Card Account established pursuant to the Asia-Pacific Economic Cooperation Business Travel Cards Act of 2011 shall be closed.

SEC. 4. CONFORMING AMENDMENTS AND REPEAL.

(a) CONFORMING AMENDMENTS.—Section 411(c) of section 411 of the Homeland Security Act of 2002 (6 U.S.C. 211(c)) is amended—

(1) in paragraph (17), by striking "and" at the end;

(2) by redesignating paragraph (18) as paragraph (19); and

(3) by inserting after paragraph (17) the following:

"(18) carry out section 418, relating to the issuance of Asia-Pacific Economic Cooperation Business Travel Cards; and".

(b) REPEAL.—

(1) IN GENERAL.—The Asia-Pacific Economic Cooperation Business Travel Cards Act of 2011 (Public Law 112–54; 8 U.S.C. 1185 note) is repealed.

8 USC 1185 note.

(2) SAVING CLAUSE.—Notwithstanding the repeal under paragraph (1), an ABT Card issued pursuant to the Asia-Pacific Economic Cooperation Business Travel Cards Act of 2011 before the date of the enactment of this Act that, as of such date, is still valid, shall remain valid on and after such date until such time as such Card would otherwise expire.

Approved November 2, 2017.

LEGISLATIVE HISTORY—S. 504 (H.R. 2805):

HOUSE REPORTS: No. 115–274 (Comm. on Homeland Security) accompanying H.R. 2805.

SENATE REPORTS: No. 115–140 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 163 (2017):
Sept. 26, considered and passed Senate.
Oct. 23, considered and passed House.

Public Law 115–80
115th Congress

An Act

To establish a National Clinical Care Commission.

Nov. 2, 2017
[S. 920]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Clinical Care Commission Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Clinical Care Commission Act".

Evaluation. Recommendations.

SEC. 2. NATIONAL CLINICAL CARE COMMISSION.

(a) ESTABLISHMENT.—There is hereby established, within the Department of Health and Human Services, a National Clinical Care Commission (in this section referred to as the "Commission") to evaluate and make recommendations regarding improvements to the coordination and leveraging of programs within the Department and other Federal agencies related to awareness and clinical care for at least one, but not more than two, complex metabolic or autoimmune diseases resulting from issues related to insulin that represent a significant disease burden in the United States, which may include complications due to such diseases.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of the following voting members:

(A) The heads of the following Federal agencies and departments, or their designees:

(i) The Centers for Medicare & Medicaid Services.

(ii) The Agency for Healthcare Research and Quality.

(iii) The Centers for Disease Control and Prevention.

(iv) The Indian Health Service.

(v) The Department of Veterans Affairs.

(vi) The National Institutes of Health.

(vii) The Food and Drug Administration.

(viii) The Health Resources and Services Administration.

(ix) The Department of Defense.

(x) The Department of Agriculture.

(xi) The Office of Minority Health.

(B) Twelve additional voting members appointed under paragraph (2).

(2) ADDITIONAL MEMBERS.—The Commission shall include additional voting members, as may be appointed by the Secretary, with expertise in the prevention, care, and epidemiology of any of the diseases and complications described in subsection

(a), including one or more such members from each of the following categories:

(A) Physician specialties, including clinical endocrinologists, that play a role in the prevention or treatment of diseases and complications described in subsection (a).

(B) Primary care physicians.

(C) Non-physician health care professionals.

(D) Patient advocates.

(E) National experts, including public health experts, in the duties listed under subsection (c).

(F) Health care providers furnishing services to a patient population that consists of a high percentage (as specified by the Secretary) of individuals who are enrolled in a State plan under title XIX of the Social Security Act or who are not covered under a health plan or health insurance coverage.

(3) CHAIRPERSON.—The members of the Commission shall select a chairperson from the members appointed under paragraph (2).

(4) MEETINGS.—The Commission shall meet at least twice, and not more than four times, a year.

(5) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as the original appointments.

(c) DUTIES.—The Commission shall evaluate and make recommendations, as appropriate, to the Secretary of Health and Human Services and Congress regarding—

(1) Federal programs of the Department of Health and Human Services that focus on preventing and reducing the incidence of the diseases and complications described in subsection (a);

(2) current activities and gaps in Federal efforts to support clinicians in providing integrated, high-quality care to individuals with the diseases and complications described in subsection (a);

(3) the improvement in, and improved coordination of, Federal education and awareness activities related to the prevention and treatment of the diseases and complications described in subsection (a), which may include the utilization of new and existing technologies;

(4) methods for outreach and dissemination of education and awareness materials that—

(A) address the diseases and complications described in subsection (a);

(B) are funded by the Federal Government; and

(C) are intended for health care professionals and the public; and

(5) whether there are opportunities for consolidation of inappropriately overlapping or duplicative Federal programs related to the diseases and complications described in subsection (a).

Deadline.

(d) OPERATING PLAN.—Not later than 90 days after its first meeting, the Commission shall submit to the Secretary of Health and Human Services and the Congress an operating plan for carrying out the activities of the Commission as described in subsection (c). Such operating plan may include—

Lists.

(1) a list of specific activities that the Commission plans to conduct for purposes of carrying out the duties described in each of the paragraphs in subsection (c);

(2) a plan for completing the activities;

(3) a list of members of the Commission and other individuals who are not members of the Commission who will need to be involved to conduct such activities;

(4) an explanation of Federal agency involvement and coordination needed to conduct such activities;

(5) a budget for conducting such activities; and Budget.

(6) other information that the Commission deems appropriate.

(e) FINAL REPORT.—By not later than 3 years after the date of the Commission's first meeting, the Commission shall submit to the Secretary of Health and Human Services and the Congress a final report containing all of the findings and recommendations required by this section.

(f) SUNSET.—The Commission shall terminate 60 days after submitting its final report, but not later than the end of fiscal year 2021.

Approved November 2, 2017.

LEGISLATIVE HISTORY—S. 920:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Sept. 6, considered and passed Senate.
Oct. 11, considered and passed House.

Public Law 115–81
115th Congress

An Act

Nov. 2, 2017
[S. 1617]

To designate the checkpoint of the United States Border Patrol located on United States Highway 77 North in Sarita, Texas, as the "Javier Vega, Jr. Border Patrol Checkpoint".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Javier Vega, Jr. Memorial Act of 2017.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Javier Vega, Jr. Memorial Act of 2017".

SEC. 2. FINDINGS.

Congress finds the following:

(1) A native of La Feria, Texas, Border Patrol Agent Javier Vega, Jr., served his country first a member of the United States Marines Corps and then proudly as a border patrol agent in the canine division with his dog, Goldie.

(2) Agent Vega was assigned to the Kingsville, Texas, Border Patrol Station as a canine handler and worked primarily at the Sarita Border Patrol Checkpoint.

(3) On August 3, 2014, Agent Vega was on a fishing trip with his family near Raymondville, Texas, when 2 criminal aliens attempted to rob and attack them.

(4) Agent Vega was shot and killed while attempting to subdue the assailants and protecting his family.

(5) Agent Vega is survived by his wife, parents, 3 sons, brother, sister-in-law, niece, and dog, Goldie.

SEC. 3. DESIGNATION.

The checkpoint of the United States Border Patrol located on United States Highway 77 North in Sarita, Texas, shall be known and designated as the "Javier Vega, Jr. Border Patrol Checkpoint".

SEC. 4. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the checkpoint described

in section 3 shall be deemed to be a reference to the "Javier Vega, Jr. Border Patrol Checkpoint".

Approved November 2, 2017.

LEGISLATIVE HISTORY—S. 1617:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Aug. 3, considered and passed House.
Oct. 10, considered and passed Senate.

Public Law 115–82
115th Congress

An Act

Nov. 2, 2017
[S. 782]

To reauthorize the National Internet Crimes Against Children Task Force Program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Providing Resources, Officers, and Technology to Eradicate Cyber Threats to Our Children Act of 2017.
34 USC 10101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Providing Resources, Officers, and Technology To Eradicate Cyber Threats to Our Children Act of 2017" or the "PROTECT Our Children Act of 2017".

SEC. 2. REAUTHORIZATION OF THE NATIONAL INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM.

Title I of the PROTECT Our Children Act of 2008 (34 U.S.C. 21101 et seq.) is amended in section 107(a)(10) (34 U.S.C. 21117(a)(10)), by striking "fiscal year 2018" and inserting "each of fiscal years 2018 through 2022".

Approved November 2, 2017.

LEGISLATIVE HISTORY—S. 782:

CONGRESSIONAL RECORD, Vol. 163 (2017):
June 15, considered and passed Senate.
Oct. 3, considered and passed House, amended.
Oct. 26, Senate concurred in House amendment.

Public Law 115–83
115th Congress

An Act

To amend the Controlled Substances Act with regard to the provision of emergency medical services.

Nov. 17, 2017
[H.R. 304]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Protecting Patient Access to Emergency Medications Act of 2017.
21 USC 801 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Patient Access to Emergency Medications Act of 2017".

SEC. 2. EMERGENCY MEDICAL SERVICES.

Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended—

(1) by redesignating subsection (j) as subsection (k); and

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

"(j) EMERGENCY MEDICAL SERVICES THAT ADMINISTER CONTROLLED SUBSTANCES.—

"(1) REGISTRATION.—For the purpose of enabling emergency medical services professionals to administer controlled substances in schedule II, III, IV, or V to ultimate users receiving emergency medical services in accordance with the requirements of this subsection, the Attorney General—

"(A) shall register an emergency medical services agency if the agency submits an application demonstrating it is authorized to conduct such activity under the laws of each State in which the agency practices; and

"(B) may deny an application for such registration if the Attorney General determines that the issuance of such registration would be inconsistent with the requirements of this subsection or the public interest based on the factors listed in subsection (f).

"(2) OPTION FOR SINGLE REGISTRATION.—In registering an emergency medical services agency pursuant to paragraph (1), the Attorney General shall allow such agency the option of a single registration in each State where the agency administers controlled substances in lieu of requiring a separate registration for each location of the emergency medical services agency.

"(3) HOSPITAL-BASED AGENCY.—If a hospital-based emergency medical services agency is registered under subsection (f), the agency may use the registration of the hospital to administer controlled substances in accordance with this subsection without being registered under this subsection.

"(4) ADMINISTRATION OUTSIDE PHYSICAL PRESENCE OF MEDICAL DIRECTOR OR AUTHORIZING MEDICAL PROFESSIONAL.—Emergency medical services professionals of a registered emergency

medical services agency may administer controlled substances in schedule II, III, IV, or V outside the physical presence of a medical director or authorizing medical professional in the course of providing emergency medical services if the administration is—

"(A) authorized by the law of the State in which it occurs; and

"(B) pursuant to—

"(i) a standing order that is issued and adopted by one or more medical directors of the agency, including any such order that may be developed by a specific State authority; or

"(ii) a verbal order that is—

"(I) issued in accordance with a policy of the agency; and

"(II) provided by a medical director or authorizing medical professional in response to a request by the emergency medical services professional with respect to a specific patient—

"(aa) in the case of a mass casualty incident; or

"(bb) to ensure the proper care and treatment of a specific patient.

"(5) DELIVERY.—A registered emergency medical services agency may deliver controlled substances from a registered location of the agency to an unregistered location of the agency only if the agency—

"(A) designates the unregistered location for such delivery; and

Notification. Time period.

"(B) notifies the Attorney General at least 30 days prior to first delivering controlled substances to the unregistered location.

"(6) STORAGE.—A registered emergency medical services agency may store controlled substances—

"(A) at a registered location of the agency;

"(B) at any designated location of the agency or in an emergency services vehicle situated at a registered or designated location of the agency; or

"(C) in an emergency medical services vehicle used by the agency that is—

"(i) traveling from, or returning to, a registered or designated location of the agency in the course of responding to an emergency; or

"(ii) otherwise actively in use by the agency under circumstances that provide for security of the controlled substances consistent with the requirements established by regulations of the Attorney General.

"(7) NO TREATMENT AS DISTRIBUTION.—The delivery of controlled substances by a registered emergency medical services agency pursuant to this subsection shall not be treated as distribution for purposes of section 308.

Records.

"(8) RESTOCKING OF EMERGENCY MEDICAL SERVICES VEHICLES AT A HOSPITAL.—Notwithstanding paragraph (13)(J), a registered emergency medical services agency may receive controlled substances from a hospital for purposes of restocking an emergency medical services vehicle following an emergency

response, and without being subject to the requirements of section 308, provided all of the following conditions are satisfied:

"(A) The registered or designated location of the agency where the vehicle is primarily situated maintains a record of such receipt in accordance with paragraph (9).

"(B) The hospital maintains a record of such delivery to the agency in accordance with section 307.

"(C) If the vehicle is primarily situated at a designated location, such location notifies the registered location of the agency within 72 hours of the vehicle receiving the controlled substances.

Notification. Deadline.

"(9) MAINTENANCE OF RECORDS.—

"(A) IN GENERAL.—A registered emergency medical services agency shall maintain records in accordance with subsections (a) and (b) of section 307 of all controlled substances that are received, administered, or otherwise disposed of pursuant to the agency's registration, without regard to subsection 307(c)(1)(B).

"(B) REQUIREMENTS.—Such records—

"(i) shall include records of deliveries of controlled substances between all locations of the agency; and

"(ii) shall be maintained, whether electronically or otherwise, at each registered and designated location of the agency where the controlled substances involved are received, administered, or otherwise disposed of.

"(10) OTHER REQUIREMENTS.—A registered emergency medical services agency, under the supervision of a medical director, shall be responsible for ensuring that—

"(A) all emergency medical services professionals who administer controlled substances using the agency's registration act in accordance with the requirements of this subsection;

"(B) the recordkeeping requirements of paragraph (9) are met with respect to a registered location and each designated location of the agency;

"(C) the applicable physical security requirements established by regulation of the Attorney General are complied with wherever controlled substances are stored by the agency in accordance with paragraph (6); and

"(D) the agency maintains, at a registered location of the agency, a record of the standing orders issued or adopted in accordance with paragraph (9).

"(11) REGULATIONS.—The Attorney General may issue regulations—

"(A) specifying, with regard to delivery of controlled substances under paragraph (5)—

"(i) the types of locations that may be designated under such paragraph; and

"(ii) the manner in which a notification under paragraph (5)(B) must be made;

"(B) specifying, with regard to the storage of controlled substances under paragraph (6), the manner in which such substances must be stored at registered and designated locations, including in emergency medical service vehicles; and

"(C) addressing the ability of hospitals, emergency medical services agencies, registered locations, and designated

locations to deliver controlled substances to each other in the event of—

"(i) shortages of such substances;

"(ii) a public health emergency; or

"(iii) a mass casualty event.

"(12) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed—

"(A) to limit the authority vested in the Attorney General by other provisions of this title to take measures to prevent diversion of controlled substances; or

"(B) to override the authority of any State to regulate the provision of emergency medical services consistent with this subsection.

"(13) DEFINITIONS.—In this section:

"(A) The term 'authorizing medical professional' means an emergency or other physician, or another medical professional (including an advanced practice registered nurse or physician assistant)—

"(i) who is registered under this Act;

"(ii) who is acting within the scope of the registration; and

"(iii) whose scope of practice under a State license or certification includes the ability to provide verbal orders.

"(B) The term 'designated location' means a location designated by an emergency medical services agency under paragraph (5).

"(C) The term 'emergency medical services' means emergency medical response and emergency mobile medical services provided outside of a fixed medical facility.

"(D) The term 'emergency medical services agency' means an organization providing emergency medical services, including such an organization that—

"(i) is governmental (including fire-based and hospital-based agencies), nongovernmental (including hospital-based agencies), private, or volunteer-based;

"(ii) provides emergency medical services by ground, air, or otherwise; and

"(iii) is authorized by the State in which the organization is providing such services to provide emergency medical care, including the administering of controlled substances, to members of the general public on an emergency basis.

"(E) The term 'emergency medical services professional' means a health care professional (including a nurse, paramedic, or emergency medical technician) licensed or certified by the State in which the professional practices and credentialed by a medical director of the respective emergency medical services agency to provide emergency medical services within the scope of the professional's State license or certification.

"(F) The term 'emergency medical services vehicle' means an ambulance, fire apparatus, supervisor truck, or other vehicle used by an emergency medical services agency for the purpose of providing or facilitating emergency medical care and transport or transporting controlled substances to and from the registered and designated locations.

"(G) The term 'hospital-based' means, with respect to an agency, owned or operated by a hospital.

"(H) The term 'medical director' means a physician who is registered under subsection (f) and provides medical oversight for an emergency medical services agency.

"(I) The term 'medical oversight' means supervision of the provision of medical care by an emergency medical services agency.

"(J) The term 'registered emergency medical services agency' means—

"(i) an emergency medical services agency that is registered pursuant to this subsection; or

"(ii) a hospital-based emergency medical services agency that is covered by the registration of the hospital under subsection (f).

"(K) The term 'registered location' means a location that appears on the certificate of registration issued to an emergency medical services agency under this subsection or subsection (f), which shall be where the agency receives controlled substances from distributors.

"(L) The term 'specific State authority' means a governmental agency or other such authority, including a regional oversight and coordinating body, that, pursuant to State law or regulation, develops clinical protocols regarding the delivery of emergency medical services in the geographic jurisdiction of such agency or authority within the State that may be adopted by medical directors.

"(M) The term 'standing order' means a written medical protocol in which a medical director determines in advance the medical criteria that must be met before administering controlled substances to individuals in need of emergency medical services.

"(N) The term 'verbal order' means an oral directive that is given through any method of communication including by radio or telephone, directly to an emergency medical services professional, to contemporaneously administer a controlled substance to individuals in need of emergency medical services outside the physical presence of the medical director or authorizing medical professional.".

Approved November 17, 2017.

LEGISLATIVE HISTORY—H.R. 304:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Jan. 9, considered and passed House.
Oct. 24, considered and passed Senate, amended.
Nov. 2, House concurred in Senate amendment.

Public Law 115–84
115th Congress

An Act

Nov. 17, 2017
[H.R. 3031]

To amend title 5, United States Code, to provide for flexibility in making withdrawals from a Thrift Savings Plan account, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TSP Modernization Act of 2017.
5 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "TSP Modernization Act of 2017".

SEC. 2. THRIFT SAVINGS PLAN ACCOUNT WITHDRAWAL FLEXIBILITY.

(a) POST-SEPARATION PARTIAL WITHDRAWALS.—Section 8433(c) of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "and who has not made a withdrawal under subsection (h)(1)(A) may make one withdrawal" and inserting "may make one or more withdrawals"; and

(B) by striking "as a single payment" and inserting "in the same manner as a single payment is made"; and

(2) by adding at the end the following:

"(5) Withdrawals under this subsection shall be subject to such other limitations or conditions as the Executive Director may prescribe by regulation.".

(b) LIMITATION ON RETURN OF PAYMENT RELATING TO A CHANGE IN ELECTION.—Section 8433(d) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ", except that in the case of an election to receive an annuity, a former employee or Member may not change an election under this section on or after the date on which an annuity contract is purchased to provide for the annuity elected by the former employee or Member" after "this subchapter"; and

(2) in paragraph (2)—

(A) by striking "change an" and inserting "return a payment that was made pursuant to an"; and

(B) by striking "on or after" and all that follows through "the former employee or Member".

(c) ELIMINATION OF AUTOMATIC ANNUITY IN ABSENCE OF ELECTION.—Section 8433(f) of title 5, United States Code, is amended—

(1) by striking "(1) Notwithstanding" and inserting "Notwithstanding";

(2) by striking "this paragraph" and inserting "this subsection"; and

(3) by striking paragraph (2).

(d) ALLOWANCE OF MULTIPLE AGE-BASED IN-SERVICE WITHDRAWALS.—Section 8433(h) of title 5, United States Code, is amended—

(1) by striking paragraph (2);

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

(3) in paragraph (3), as so redesignated, by inserting "limitations or" before "conditions".

(e) TECHNICAL AMENDMENT.—Section 8432b(h)(2)(A) of title 5, United States Code, is amended by striking "section 8433(d), or paragraph (1) or (2) of section 8433(h)" and inserting "subsection (d) or (f) of section 8433".

(f) REGULATIONS.—As soon as is practicable, as determined by the Executive Director of the Federal Retirement Thrift Investment Board, but not later than 2 years after the date of enactment of this Act, the Executive Director shall prescribe such regulations as are necessary to carry out the amendments made by this section.

Time period.
5 USC 8433 note.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date on which the regulations prescribed under subsection (f) take effect.

5 USC 8432b note.

Approved November 17, 2017.

LEGISLATIVE HISTORY—H.R. 3031 (S. 873):

HOUSE REPORTS: No. 115–343 (Comm. on Oversight and Government Reform).
SENATE REPORTS: No. 115–183 (Comm. on Homeland Security and Governmental Affairs) accompanying S. 873.
CONGRESSIONAL RECORD, Vol. 163 (2017):
Oct. 11, considered and passed House.
Nov. 6, considered and passed Senate.

Public Law 115–85
115th Congress

An Act

Nov. 21, 2017
[H.R. 194]

To ensure the effective processing of mail by Federal agencies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Agency Mail Management Act of 2017.
44 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Agency Mail Management Act of 2017".

SEC. 2. RECORD MANAGEMENT.

(a) AMENDMENTS.—Section 9 of the Presidential and Federal Records Act Amendments of 2014 (44 U.S.C. 101 note) is amended—

44 USC 2902 note.

(1) in subsection (a), by amending paragraph (3) to read as follows:

"(3) in paragraph (7), by striking 'the Administrator or the Archivist' and inserting 'the Archivist or the Administrator'.";

44 USC 2904 note.

(2) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

"(1) by amending subsection (a) to read as follows:

"'(a) The Archivist shall provide guidance and assistance to Federal agencies with respect to ensuring—

"'(1) economical and effective records management;

"'(2) adequate and proper documentation of the policies and transactions of the Federal Government; and

"'(3) proper records disposition.';";

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

(C) by inserting after paragraph (1), the following new paragraph:

"(2) in subsection (b), by striking 'effective records management by such agencies' and inserting 'effective processing of mail by Federal agencies';";

(D) in paragraph (3), as so redesignated—

(i) in subparagraph (A)(ii), by striking "'subsections (a) and (b)'" and inserting "'subsection (a)'"; and

(ii) in subparagraph (B), by striking "; and" and inserting a semicolon;

(E) in paragraph (4), as so redesignated, by striking the period at the end and inserting "; and"; and

(F) by inserting at the end the following new paragraph:

"(5) by inserting at the end the following new subsection:

"'(e) The Administrator, in carrying out subsection (b), shall have the responsibility to promote economy and efficiency in the selection and utilization of space, staff, equipment, and supplies for processing mail at Federal facilities.'.";

(3) in subsection (d)—

(A) in paragraph (1), by striking "; and" at the end and inserting a semicolon;

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

(C) by inserting at the end the following new paragraph:

"(3) by inserting at the end the following new subsection:

"'(c) The Administrator (or the Administrator's designee) may inspect the mail processing practices and programs of any Federal agency for the purpose of rendering recommendations for the improvement of mail processing practices and programs. Officers and employees of such agencies shall cooperate fully in such inspections of mail processing practices and programs.'.";

Recommendations. 44 USC prec. 101.

(4) by striking subsection (f); and

(5) by redesignating subsection (g) as subsection (f).

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the Presidential and Federal Records Act Amendments of 2014 (Public Law 113–187).

44 USC 2901 note. 44 USC 3102 note. 44 USC 2902 note.

Approved November 21, 2017.

LEGISLATIVE HISTORY—H.R. 194:

HOUSE REPORTS: No. 115–66 (Comm. on Oversight and Government Reform).
CONGRESSIONAL RECORD, Vol. 163 (2017):
May 17, considered and passed House.
Nov. 8, considered and passed Senate.

Public Law 115–86
115th Congress

An Act

Nov. 21, 2017
[H.R. 1545]

To amend title 38, United States Code, to clarify the authority of the Secretary of Veterans Affairs to disclose certain patient information to State controlled substance monitoring programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

VA Prescription Data Accountability Act 2017.
38 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "VA Prescription Data Accountability Act 2017".

SEC. 2. SECRETARY OF VETERANS AFFAIRS DISCLOSURE OF PATIENT INFORMATION TO STATE CONTROLLED SUBSTANCE MONITORING PROGRAMS.

Section 5701(l) of title 38, United States Code, is amended—

(1) by inserting "(1)" before "Under";

(2) by striking "a veteran or the dependent of a veteran" and inserting "a covered individual"; and

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

"(2) In this subsection, a 'covered individual' is an individual who is dispensed medication prescribed by an employee of the Department or by a non-Department provider authorized to prescribe such medication by the Department.".

Approved November 21, 2017.

LEGISLATIVE HISTORY—H.R. 1545:

HOUSE REPORTS: No. 115–144 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 163 (2017):
May 23, considered and passed House.
Nov. 15, considered and passed Senate.

Public Law 115–87
115th Congress

An Act

To ensure that the Federal Emergency Management Agency's current efforts to modernize its grant management system includes applicant accessibility and transparency, and for other purposes.

Nov. 21, 2017
[H.R. 1679]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

FEMA Accountability, Modernization and Transparency Act of 2017.
42 USC 5121 note.

This Act may be cited as the "FEMA Accountability, Modernization and Transparency Act of 2017".

SEC. 2. REQUIREMENTS.

42 USC 5121 note.

(a) IN GENERAL.—The Administrator of the Federal Emergency Management Agency shall ensure the ongoing modernization of the grant systems for the administration of assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) includes the following:

Online information.

(1) An online interface, including online assistance, for applicants to complete application forms, submit materials, and access the status of applications.

(2) Mechanisms to eliminate duplication of benefits.

(3) If appropriate, enable the sharing of information among agencies and with State, local, and tribal governments, to eliminate the need to file multiple applications and speed disaster recovery.

(4) Any additional tools the Administrator determines will improve the implementation of this section.

(b) IMPLEMENTATION.—To the extent practicable, the Administrator shall deliver the system capabilities described in subsection (a) in increments or iterations as working components for applicant use.

SEC. 3. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to carry out the requirements of this Act. Such requirements shall be carried out using amounts otherwise authorized.

Approved November 21, 2017.

LEGISLATIVE HISTORY—H.R. 1679:

HOUSE REPORTS: No. 115–107 (Comm. on Transportation and Infrastructure).
SENATE REPORTS: No. 115–159 (Comm. on Homeland Security and Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 163 (2017):
May 2, considered and passed House.
Nov. 13, considered and passed Senate.

Public Law 115–88
115th Congress

An Act

To amend title 40, United States Code, to eliminate the sunset of certain provisions relating to information technology, to amend the National Defense Authorization Act for Fiscal Year 2015 to extend the sunset relating to the Federal Data Center Consolidation Initiative, and for other purposes.

Nov. 21, 2017
[H.R. 3243]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FITARA Enhancement Act of 2017.
40 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "FITARA Enhancement Act of 2017".

SEC. 2. ELIMINATION OF SUNSET RELATING TO TRANSPARENCY AND RISK MANAGEMENT OF MAJOR INFORMATION TECHNOLOGY INVESTMENTS.

Subsection (c) of section 11302 of title 40, United States Code, is amended by striking the first paragraph (5).

SEC. 3. ELIMINATION OF SUNSET RELATING TO INFORMATION TECHNOLOGY PORTFOLIO, PROGRAM, AND RESOURCE REVIEWS.

Section 11319 of title 40, United States Code, is amended—

(1) by redesignating the second subsection (c) as subsection (d); and

(2) in subsection (d), as so redesignated, by striking paragraph (6).

SEC. 4. EXTENSION OF SUNSET RELATING TO FEDERAL DATA CENTER CONSOLIDATION INITIATIVE.

Subsection (e) of section 834 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 44 U.S.C. 3601 note) is amended by striking "2018" and inserting "2020".

Approved November 21, 2017.

LEGISLATIVE HISTORY—H.R. 3243:

HOUSE REPORTS: No. 115–344 (Comm. on Oversight and Government Reform).
CONGRESSIONAL RECORD, Vol. 163 (2017):
Oct. 11, considered and passed House.
Nov. 8, considered and passed Senate.

Public Law 115–89
115th Congress

An Act

To amend title 38, United States Code, to provide for the designation of State approving agencies for multi-State apprenticeship programs for purposes of the educational assistance programs of the Department of Veterans Affairs.

Nov. 21, 2017
[H.R. 3949]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans Apprenticeship and Labor Opportunity Reform Act.
38 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Apprenticeship and Labor Opportunity Reform Act" or the "VALOR Act".

SEC. 2. DESIGNATION OF STATE APPROVING AGENCIES FOR MULTI-STATE APPRENTICESHIP PROGRAMS.

Paragraph (1) of subsection (c) of section 3672 of title 38, United States Code, is amended to read as follows:

"(1)(A) The State approving agency for a multi-State apprenticeship program is—

"(i) for purposes of approval of the program, the State approving agency for the State in which the headquarters of the apprenticeship program is located; and

"(ii) for all other purposes, the State approving agency for the State in which the apprenticeship program takes place.

"(B) In this paragraph, the term 'multi-State apprenticeship program' means a non-Federal apprenticeship program operating in more than one State that meets the minimum national program standards, as developed by the Department of Labor.".

SEC. 3. ELIMINATION OF CERTAIN CERTIFICATION REQUIREMENT FOR ASSISTANCE FOR APPRENTICESHIP AND OTHER ON-JOB TRAINING.

Section 3680(c) of title 38, United States Code, is amended by striking "shall have received—" and all that follows through "person's certificate," and inserting "receives from the training establishment a certification".

Approved November 21, 2017.

LEGISLATIVE HISTORY—H.R. 3949:

HOUSE REPORTS: No. 115–398 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 163 (2017):
Nov. 7, considered and passed House.
Nov. 15, considered and passed Senate.

Public Law 115–90
115th Congress

Joint Resolution

Dec. 8, 2017
[H.J. Res. 123]

Making further continuing appropriations for fiscal year 2018, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Further Continuing Appropriations Act, 2018.

DIVISION A—FURTHER CONTINUING APPROPRIATIONS ACT, 2018

SEC. 101. FURTHER CONTINUING APPROPRIATIONS.

The Continuing Appropriations Act, 2018 (division D of Public Law 115–56) is amended by striking the date specified in section 106(3) and inserting "December 22, 2017".

Ante, p. 1141.

This division may be cited as the "Further Continuing Appropriations Act, 2018".

DIVISION B—CHILDREN'S HEALTH INSURANCE PROGRAM (CHIP) ALLOCATION REDISTRIBUTION SPECIAL RULE

SEC. 201. CHIP ALLOCATION REDISTRIBUTION SPECIAL RULE FOR CERTAIN SHORTFALL STATES DURING FIRST QUARTER OF FISCAL YEAR 2018.

Section 2104(f)(2) of the Social Security Act (42 U.S.C. 1397dd(f)(2)) is amended—

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

"(B) DETERMINATION OF REDISTRIBUTED AMOUNTS IF INSUFFICIENT AMOUNTS AVAILABLE.—

"(i) PRORATION RULE.—Subject to clause (ii), if the amounts available for redistribution under paragraph (1) for a fiscal year are less than the total amounts of the estimated shortfalls determined for the year under subparagraph (A), the amount to be redistributed under such paragraph for each shortfall State shall be reduced proportionally.

Time periods.

"(ii) SPECIAL RULE FOR FIRST QUARTER OF FISCAL YEAR 2018.—

"(I) IN GENERAL.—For the period beginning on October 1, 2017, and ending December 31, 2017,

with respect to any amounts available for redistribution under paragraph (1) for fiscal year 2018, the Secretary shall redistribute under such paragraph such amounts to each emergency shortfall State (as defined in subclause (II)) in such amount as is equal to the amount of the shortfall described in subclause (II) for such State and period (as may be adjusted under subparagraph (C)) before the Secretary may redistribute such amounts to any shortfall State that is not an emergency shortfall State. In the case of any amounts redistributed under this subclause to a State that is not an emergency shortfall State, such amounts shall be determined in accordance with clause (i).

"(II) EMERGENCY SHORTFALL STATE DEFINED.—For purposes of this clause, the term 'emergency shortfall State' means, with respect to the period beginning October 1, 2017, and ending December 31, 2017, a shortfall State for which the Secretary estimates, in accordance with subparagraph (A) (unless otherwise specified in this subclause), that the projected expenditures under the State child health plan and under section 2105(g) (calculated as if the reference under section 2105(g)(4)(A) to '2017' were a reference to '2018' and insofar as the allotments are available to the State under this subsection or subsection (e) or (m)) for such period will exceed the sum of the amounts described in clauses (i) through (iii) of subparagraph (A) for such period, including after application of any amount redistributed under paragraph (1) before such date of enactment to such State. A shortfall State may be an emergency shortfall State under the previous sentence without regard to whether any amounts were redistributed before such date of enactment to such State under paragraph (1) for fiscal year 2018.

"(III) APPLICATION OF QUALIFYING STATE OPTION.—During the period described in subclause (I), section 2105(g)(4) shall apply to a qualifying State (as defined in section 2105(g)(2)) as if under section 2105(g)(4)—

"(aa) the reference to '2017' were a reference to '2018'; and

"(bb) the reference to 'under subsections (e) and (m) of such section' were a reference to 'under subsections (e), (f), and (m) of such section'."; and

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

"(D) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed as preventing a commonwealth or territory described in subsection (c)(3) from being treated as a shortfall State or an emergency shortfall State.".

Approved December 8, 2017.

LEGISLATIVE HISTORY—H.J. Res. 123:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Dec. 7, considered and passed House and Senate.

Public Law 115–91
115th Congress

An Act

To authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Dec. 12, 2017
[H.R. 2810]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Defense Authorization Act for Fiscal Year 2018.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2018".

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

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

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

(4) Division D—Funding Tables.

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

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES. 10 USC 101 note.

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

SEC. 4. BUDGETARY EFFECTS OF THIS ACT.

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization Of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Army Programs

SEC. 111. AUTHORITY TO EXPEDITE PROCUREMENT OF 7.62MM RIFLES.

(a) 7.62MM RIFLES.—

(1) PROCUREMENT AUTHORITY.—The Secretary of the Army is authorized to expedite the procurement of a commercially available off-the-shelf item or nondevelopmental item for a 7.62mm rifle capability in accordance with this section.

(2) LIMITATION.—The Secretary of the Army may use the authority under paragraph (1) to procure only the following:

(A) Not more than 7,000 7.62mm rifles.

(B) Equipment and ammunition associated with such rifles.

(3) CONTRACTING PROCEDURES.—

(A) FULL AND OPEN COMPETITION.—In awarding contracts under paragraph (1), the Secretary of the Army shall use full and open competition to the extent practicable.

(B) PROCEDURES OTHER THAN FULL AND OPEN COMPETITION.—The Secretary of the Army may not award a contract under paragraph (1) using procedures other than full and open competition until a period of 10 days has elapsed following the date on which the Secretary submits to the congressional committees the report described in subparagraph (C).

(C) REPORT.—The report described in this subparagraph is a report of the Secretary of the Army that includes—

(i) a detailed justification for limiting full and open competition for the procurement authorized under paragraph (1);

(ii) a description of the objectives, costs, and timelines associated with the procurement; and

(iii) an assessment of the projected impact of the procurement on any related programs in terms of cost, schedule, and the use of full and open competition in such programs.

(b) RELATED PROGRAMS.—

(1) IN GENERAL.—The Secretary of the Army is authorized to use funds made available to carry out subsection (a)—

(A) to accelerate by two years the squad designated marksman rifle program of the Army;

(B) to accelerate by two years the advanced armor piercing ammunition program of the Army; and

(C) subject to paragraph (2), to accelerate the next generation squad weapon program of the Army.

(2) FULL AND OPEN COMPETITION.—Any contract awarded under the next generation squad weapon program of the Army shall be awarded using full and open competition.

(c) DEFINITIONS.—In this section, the terms "commercially available off-the-shelf item", "full and open competition", and "non-developmental item" have the meanings given the terms in chapter 1 of title 41, United States Code.

SEC. 112. LIMITATION ON AVAILABILITY OF FUNDS FOR INCREMENT 2 OF THE WARFIGHTER INFORMATION NETWORK-TACTICAL PROGRAM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2018 for Increment 2 of the Warfighter Information Network-Tactical program of the Army (referred to in this section as "WIN-T Increment 2") not more than 50 percent may be used to enter into, or to prepare to enter into, a contract for the procurement of equipment under the program until the date on which the Secretary of the Army submits the report under subsection (b).

(b) REPORT.—Not later than January 31, 2018, the Secretary of the Army, in consultation with the Chief of Staff of the Army, shall submit to the congressional defense committees a report on the strategy of the Army for modernizing air-land ad-hoc, mobile tactical communications and data networks.

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

(1) A description of the strategy of the Army for modernizing air-land ad-hoc, mobile tactical communications and data networks.

(2) The justification, rationale, and decision points for the strategy, including how network requirements are being redefined.

(3) How the Army intends to implement the recommendations accepted by the Secretary of the Army related to air-land ad-hoc, mobile tactical communications and data networks provided by the Director of Cost Assessment and Program Evaluation pursuant to section 237 of the National Defense

Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 781).

(4) How the Army will address the vulnerabilities identified by the report of the Director of Cost Assessment and Program Evaluation on the mobile, ad-hoc network against a modern peer adversary capable of cyber and electronic warfare detection and intrusion.

(5) A timeline and decision points for upgrading fielded WIN-T Increment 1B systems.

(6) A list of planned upgrades for components of WIN-T Increment 2 designed to improve program capabilities, including size, weight, and complexity, including the impact of these improvements on the cost of the program, as well as fielding schedules for Army Brigade Combat Teams.

(7) How the strategy will reduce Army reliance on satellite communications, including procurement and test strategies for more resilient and secure mid-tier line of sight capability.

(8) How the strategy will address identified joint interoperability capability gaps, specifically for units known as "fight tonight" units, including procurement and test plans for identified solutions.

(9) Decision points associated with the near term modernization strategy for mitigating operational capability gaps for such "fight tonight" units.

(10) The decision points and timelines associated with the fielding of modernized mobile tactical network communications to the reserve components of the Army.

(11) The planned funding and program realignments required for fiscal year 2018 and across the future years defense program that will be required to support the new strategy.

(12) Identification of the changes in acquisition policy as well as operational requirements being implemented to deliver an effective, suitable, and survivable network to the warfighter.

(13) Identification of the changes in leadership and governance that will be associated with the new strategy.

(d) FORM OF REPORT.—The report required by section (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 113. LIMITATION ON AVAILABILITY OF FUNDS FOR UPGRADE OF M113 VEHICLES.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the upgrade of M113 vehicles of the Army, not more than 50 percent may be obligated or expended until the date on which Secretary of the Army submits to the congressional defense committees the report described in subsection (b).

(b) REPORT.—The report described in this subsection is a report setting forth the strategy of the Army for the upgrade of M113 vehicles that includes the following:

(1) A detailed strategy for upgrading and fielding M113 vehicles.

(2) An analysis of the manner in which the Army plans to address M113 vehicle survivability and maneuverability concerns.

(3) An analysis of the historical costs associated with upgrading M113 vehicles, and a validation of current cost estimates for upgrading such vehicles.

(4) A comparison of—

(A) the total procurement and life cycle costs of adding an echelon above brigade requirement to the Army Multi-Purpose Vehicle; and

(B) the total procurement and life cycle costs of upgrading legacy M113 vehicles.

(5) An analysis of the possibility of further accelerating Army Multi-Purpose Vehicle production or modifying the fielding strategy for the Army Multi-Purpose Vehicle to meet near-term echelon above brigade requirements.

Subtitle C—Navy Programs

SEC. 121. AIRCRAFT CARRIERS.

(a) MODIFICATION OF COST LIMITATION BASELINE FOR CVN–78 CLASS AIRCRAFT CARRIER PROGRAM.—Section 122 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2105), as most recently amended by section 122 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 749), is amended—

(1) in subsection (a), by striking paragraph (2) and inserting the following:

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

"(3) FOLLOW-ON SHIPS.—The total amount obligated from funds appropriated or otherwise made available for Shipbuilding and Conversion, Navy, or for any other procurement account, for any ship that is constructed in the CVN–78 class of aircraft carriers after the aircraft carrier designated as CVN–79 may not exceed $12,568,000,000 (as adjusted pursuant to subsection (b)).";

(2) in subsection (b), by amending paragraph (1) to read as follows:

"(1) The amounts of increases or decreases in costs attributable to economic inflation—

"(A) after September 30, 2013, in the case of the aircraft carrier designated as CVN–79; and

"(B) after September 30, 2017, in the case of any ship that is constructed in the CVN–78 class of aircraft carriers after the aircraft carrier designated as CVN–79."; and

(3) by adding at the end the following:

"(g) EXCLUSION OF BATTLE AND INTERIM SPARES FROM COST LIMITATION.—The Secretary of the Navy shall exclude from the determination of the amounts set forth in paragraphs (2) and (3) of subsection (a), the costs of the following items:

"(1) CVN–78 class battle spares.

"(2) Interim spares.".

(b) WAIVER ON LIMITATION OF AVAILABILITY OF FUNDS FOR CVN–79.—The Secretary of Defense may waive subsections (a) and

(b) of section 128 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 751) after a period of 60 days has elapsed following the date on which the Secretary submits to the congressional defense committees a written notification of the intent of the Secretary to issue such a waiver. The Secretary shall include in any such notification the following:

(1) The rationale of the Secretary for issuing the waiver.

(2) The revised test and evaluation master plan that describes when full ship shock trials will be held on Ford-class aircraft carriers.

(3) A certification that the Secretary has analyzed and accepted the operational risk of the U.S.S. Gerald R. Ford deploying without having conducted full ship shock trials, and that the Secretary has not delegated the decision to issue such waiver.

SEC. 122. ICEBREAKER VESSEL.

(a) AUTHORITY TO PROCURE ONE POLAR-CLASS HEAVY ICEBREAKER.—

(1) IN GENERAL.—There is authorized to be procured for the Coast Guard one polar-class heavy icebreaker vessel.

(2) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2018 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

(b) LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT OF ICEBREAKER VESSELS.—None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for any fiscal year that are unobligated as of the date of the enactment of this Act may be obligated or expended for the procurement of an icebreaker vessel other than the one polar-class heavy icebreaker vessel authorized to be procured under subsection (a)(1).

(c) CONTRACTING AUTHORITY.—

(1) COAST GUARD.—If funds are appropriated to the department in which the Coast Guard is operating to carry out subsection (a)(1), the head of contracting activity for the Coast Guard shall be responsible for contracting actions carried out using such funds.

(2) NAVY.—If funds are appropriated to the Department of Defense to carry out subsection (a)(1), the head of contracting activity for the Navy, Naval Sea Systems Command shall be responsible for contracting actions carried out using such funds.

(3) INTERAGENCY ACQUISITION.—Notwithstanding paragraphs (1) and (2), the head of contracting activity for the Coast Guard or head of contracting activity for the Navy, Naval Sea Systems Command (as the case may be) may authorize interagency acquisitions that are within the authority of such head of contracting activity.

(d) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than March 1, 2018, the Comptroller General of the United States shall submit to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee

on Transportation and Infrastructure of the House of Representatives a report assessing the cost of, and schedule for, the procurement of new icebreaker vessels for the Federal Government.

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

(A) The status of the efforts of the Coast Guard to acquire new icebreaking capability, including an explanation of how such efforts are coordinated through the integrated program office.

(B) Actions taken by the Coast Guard to incorporate key practices of other countries with respect to the procurement of icebreaker vessels to increase the Coast Guard's knowledge of, and to reduce the costs and risks of, procuring such vessels.

(C) The extent to which the cost and schedule for the construction of Coast Guard icebreakers differs from such cost and schedule in other countries.

(D) The extent to which innovative acquisition practices (such as multiyear funding and block buys) may be applied to the procurement of icebreaker vessels to reduce the costs and accelerate the schedule of such procurement.

(E) A capacity replacement plan to mitigate a potential icebreaker capability gap if the Polar Star cannot remain in service.

(F) Any other matters the Comptroller General considers appropriate.

SEC. 123. MULTIYEAR PROCUREMENT AUTHORITY FOR ARLEIGH BURKE CLASS DESTROYERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into one or more multiyear contracts for the procurement of up to 15 Arleigh Burke class Flight III guided missile destroyers.

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

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2018 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

(d) LIMITATION.—The Secretary of the Navy may not modify a contract entered into under subsection (a) if the modification would increase the target price of the destroyer by more than 10 percent above the target price specified in the original contract awarded for the destroyer under subsection (a).

SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR VIRGINIA CLASS SUBMARINE PROGRAM.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the

Navy may enter into one or more multiyear contracts for the procurement of not more than 13 Virginia class submarines.

(b) LIMITATION.—The Secretary of the Navy may not modify a contract entered into under subsection (a) if the modification would increase the target price of the submarine by more than 10 percent above the target price specified in the original contract awarded for the submarine under subsection (a).

(c) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary of the Navy may enter into one or more contracts, beginning in fiscal year 2018, for advance procurement associated with the Virginia class submarines for which authorization to enter into a multiyear procurement contract is provided under subsection (a) and for equipment or subsystems associated with the Virginia class submarine program, including procurement of—

(1) long lead time material; or

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

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

(e) LIMITATION ON TERMINATION LIABILITY.—A contract for the construction of Virginia class submarines entered into under subsection (a) shall include a clause that limits the liability of the United States to the contractor for any termination of the contract. The maximum liability of the United States under the clause shall be the amount appropriated for the submarines covered by the contract regardless of the amount obligated under the contract.

(f) VIRGINIA CLASS SUBMARINE DEFINED.—The term "Virginia class submarine" means a block V configured Virginia class submarine.

SEC. 125. DESIGN AND CONSTRUCTION OF THE LEAD SHIP OF THE AMPHIBIOUS SHIP REPLACEMENT DESIGNATED LX(R) OR AMPHIBIOUS TRANSPORT DOCK DESIGNATED LPD–30.

(a) IN GENERAL.—Using funds authorized to be appropriated for the Department of Defense for Shipbuilding and Conversion, Navy, the Secretary of the Navy may enter into a contract, beginning with the fiscal year 2018 program year, for the design and construction of—

(1) the lead ship of the amphibious ship replacement class designated LX(R); or

(2) the amphibious transport dock designated LPD–30.

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

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

SEC. 126. MULTIYEAR PROCUREMENT AUTHORITY FOR V–22 OSPREY AIRCRAFT.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code (except as provided

in subsection (b)), the Secretary of the Navy may enter into one or more multiyear contracts, beginning with the 2018 program year, for the procurement of the following:

(1) V–22 Osprey aircraft.

(2) Common configuration-readiness and modernization upgrades for V–22 Osprey aircraft.

(b) CONTRACT PERIOD.—Notwithstanding section 2306b(k) of title 10, United States Code, the period covered by a contract entered into on a multiyear basis under the authority of subsection (a) may exceed five years, but may not exceed seven years.

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2018 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

SEC. 127. EXTENSION OF LIMITATION ON USE OF SOLE-SOURCE SHIPBUILDING CONTRACTS FOR CERTAIN VESSELS.

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

SEC. 128. LIMITATION ON AVAILABILITY OF FUNDS FOR THE ENHANCED MULTI-MISSION PARACHUTE SYSTEM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2018 for the enhanced multi-mission parachute system, not more than 80 percent may be used to enter into, or to prepare to enter into, a contract for the procurement of such parachute system until the date on which the Secretary of the Navy submits to the congressional defense committees the certification under subsection (b) and the report under subsection (c).

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

(1) whether the multi-mission parachute system fielded by the Marine Corps meets Marine Corps requirements;

(2) whether the RA–1 parachute system of the Army meets Marine Corps requirements;

(3) whether the PARIS, Special Application Parachute of the Marine Corps meets Marine Corps requirements;

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

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

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report that includes—

(1) an explanation for using the Parachute Industry Association specification for a military parachute given that sports parachutes are deployed from relatively slow flying civilian aircraft at altitudes below 10,000 feet;

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

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

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

SEC. 129. REPORT ON NAVY CAPACITY TO INCREASE PRODUCTION OF CERTAIN ROTARY WING AIRCRAFT.

(a) REPORT.—Not later than March 30, 2018, the Secretary of the Navy shall submit to the congressional defense committees a report that describes and assesses the capacity of the Navy to increase production of the aircraft described in subsection (b), taking into account an increase in the size of the surface fleet of the Navy to 355 ships.

(b) AIRCRAFT DESCRIBED.—The aircraft described in this subsection are the following:

(1) Anti-submarine warfare rotary wing aircraft.

(2) Search and rescue rotary wing aircraft.

Subtitle D—Air Force Programs

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

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

"(i)(1) During the period beginning on October 1, 2017, and ending on October 1, 2022, the Secretary of the Air Force shall maintain a total aircraft inventory of fighter aircraft of not less than 1,970 aircraft, and a total primary mission aircraft inventory (combat-coded) of not less than 1,145 fighter aircraft.

"(2) In this subsection:

"(A) The term 'fighter aircraft' means an aircraft that—

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

"(ii) is manned by one or two crewmembers; and

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

"(B) The term 'primary mission aircraft inventory' means aircraft assigned to meet the primary aircraft authorization to a unit for the performance of its wartime mission.".

10 USC 8062 note.

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

(1) LIMITATION.—Except as provided in subsection (c), during the period beginning on October 1, 2017, and ending on October 1, 2022, the Secretary of the Air Force may not proceed with a decision to retire fighter aircraft in any number that would reduce the total number of such aircraft in the

Air Force total active inventory below 1,970, and shall maintain a minimum of 1,145 fighter aircraft designated as primary mission aircraft inventory.

(2) ADDITIONAL LIMITATIONS ON RETIREMENT OF FIGHTER AIRCRAFT.—Except as provided in subsection (c), during the period beginning on October 1, 2017, and ending on October 1, 2022, the Secretary of the Air Force may not retire fighter aircraft from the total active inventory as of the date of the enactment of this Act until the later of the following:

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

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

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

(ii) the retirement of such aircraft will not reduce the total fighter force structure below 1,970 fighter aircraft or the primary mission aircraft inventory below 1,145.

(3) REPORT ON RETIREMENT OF AIRCRAFT.—The Secretary of the Air Force shall submit to the congressional defense committees a report setting forth the following:

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

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

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

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

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

SEC. 132. PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF E–8 JSTARS AIRCRAFT.

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

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to individual E–8 Joint Surveillance Target Attack Radar System aircraft that the Secretary of the Air Force determines,

on a case-by-case basis, to be non-operational because of mishaps, other damage, or being uneconomical to repair.

SEC. 133. REQUIREMENT FOR CONTINUATION OF JSTARS AIRCRAFT RECAPITALIZATION PROGRAM.

(a) IN GENERAL.—If the budget request submitted to Congress for any fiscal year includes a request by the Secretary of the Air Force to cancel or modify the JSTARS aircraft recapitalization program, the Secretary of Defense shall submit, as part of such budget request, the report described in subsection (b).

(b) REPORT.—The report described in this subsection, is a report that includes the following:

(1) The assumptions, rationale, and all analysis supporting the proposed cancellation or modification of the JSTARS aircraft recapitalization program.

(2) An assessment of the implications of such cancellation or modification for meeting the mission requirements for air battle management and moving target indicator intelligence discipline of the Air Force, the Air National Guard, the Army, the Army National Guard, the Navy and Marine Corps, and the combatant commands.

(3) A certification that the plan for the cancellation or modification of the recapitalization program would not result in an increased time during which there is a capability or capacity gap in providing battlefield management, command and control and intelligence, surveillance, and reconnaissance capabilities to the combatant commanders.

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

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

(d) DEFINITIONS.—In this section:

(1) The term "budget request" means the budget materials submitted by the Secretary of Defense in support of the budget of the President for a fiscal year (submitted to Congress pursuant to section 1105 of title 31, United States Code).

(2) The term "JSTARS aircraft recapitalization program" means the recapitalization program for the E–8C Joint Surveillance Target Attack Radar System aircraft as such program is proposed to be carried out in the budget request submitted to Congress for fiscal year 2018.

SEC. 134. LIMITATION ON SELECTION OF SINGLE CONTRACTOR FOR C–130H AVIONICS MODERNIZATION PROGRAM INCREMENT 2.

(a) LIMITATION.—The Secretary of the Air Force may not select only a single prime contractor to carry out increment 2 of the C–130H avionics modernization program until the Secretary submits to the congressional defense committees a written certification that, in selecting such a single prime contractor—

(1) the Secretary will ensure, to the extent practicable, that commercially available off-the-shelf items are used under the program, including technology solutions and nondevelopmental items; and

(2) excessively restrictive military specification standards will not be used to restrict or eliminate full and open competition in the selection process.

(b) DEFINITIONS.—In this section, the terms "commercially available off-the-shelf item", "full and open competition", and "non-developmental item" have the meanings given the terms in chapter 1 of title 41, United States Code.

SEC. 135. LIMITATION ON AVAILABILITY OF FUNDS FOR EC–130H COMPASS CALL RECAPITALIZATION PROGRAM.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for any fiscal year for the EC–130H Compass Call recapitalization program of the Air Force may be obligated until a period of 30 days has elapsed following the date on which the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to the congressional defense committees the certification described in subsection (b).

(b) CERTIFICATION.—The certification described in this subsection is a written statement certifying that—

(1) an independent review of the acquisition process for the EC–130H Compass Call recapitalization program of the Air Force has been conducted; and

(2) as a result of such review, it has been determined that the acquisition process for such program complies with all applicable laws, guidelines, and best practices.

SEC. 136. LIMITATION ON RETIREMENT OF U–2 AND RQ–4 AIRCRAFT.

(a) LIMITATION.—The Secretary of the Air Force may take no action that would prevent the Air Force from maintaining the fleets of U–2 aircraft or RQ–4 aircraft in their current, or improved, configurations and capabilities until—

(1) the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies in writing to the appropriate committees of Congress that—

(A) in the case of the RQ–4 aircraft, the validated operating and sustainment costs of the capability developed to replace the RQ–4 aircraft are less than the validated operating and sustainment costs for the RQ–4 aircraft on a comparable flight-hour cost basis; or

(B) in the case of the U–2 aircraft, the validated operating and sustainment costs of the capability developed to replace the U–2 aircraft are less than the validated operating and sustainment costs for the U–2 aircraft on a comparable flight-hour cost basis; and

(2) the Chairman of the Joint Requirements Oversight Council certifies in writing to the appropriate committees of Congress that the capability to be fielded at the same time or before the retirement of the U–2 aircraft or RQ-4 aircraft (as the case may be) would result in equal or greater capability available to the commanders of the combatant commands and would not result in less capacity available to the commanders of the combatant commands.

(b) WAIVER.—The Secretary of Defense may waive the certification requirement under subsection (a)(1) with respect to U–2 aircraft or RQ–4 aircraft if the Secretary—

(1) determines, after analyzing sufficient and relevant data, that a greater capability is worth increased operating and sustainment costs; and

(2) provides to the appropriate committees of Congress a certification of such determination and supporting analysis.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) REPEAL.—Section 133 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1321) is repealed.

SEC. 137. COST-BENEFIT ANALYSIS OF UPGRADES TO MQ–9 REAPER AIRCRAFT.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of the Air Force, shall conduct an analysis that compares the costs and benefits of the following:

(1) Upgrading fielded MQ–9 Reaper aircraft to a Block 5 configuration.

(2) Proceeding with the procurement of MQ–9B aircraft instead of upgrading fielded MQ–9 Reaper aircraft to a Block 5 configuration.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes the results of the cost-benefit analysis conducted under subsection (a).

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

SEC. 138. PLAN FOR MODERNIZATION OF THE RADAR FOR F–16 FIGHTER AIRCRAFT OF THE NATIONAL GUARD.

(a) MODERNIZATION PLAN REQUIRED.—The Secretary of the Air Force shall develop a plan to modernize the radars of F–16 fighter aircraft of the National Guard by replacing legacy mechanically-scanned radars for such aircraft with active electronically scanned array radars.

(b) REPORT.—Not later 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees the plan developed under subsection (a).

SEC. 139. COMPTROLLER GENERAL REVIEW OF AIR FORCE FIELDING PLAN FOR HH–60 REPLACEMENT PROGRAMS.

(a) COMPTROLLER GENERAL REVIEW.—The Comptroller General of the United States shall conduct a review of the Air Force fielding plan for the HH–60 replacement programs.

(b) ELEMENTS.—The review conducted under subsection (a) shall include, with respect to the HH–60 replacement programs, the following:

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

(2) An evaluation of the fielding plan, including an assessment of the Air Force rationale for the plan, as well as the alternative fielding plans considered by the Air Force.

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

(c) BRIEFING.—Not later than March 1, 2018, the Comptroller General shall provide a briefing to the congressional defense committees on the review conducted under subsection (a).

(d) FINAL REPORT.—Not later than June 30, 2018, the Comptroller General shall submit to the congressional committees a report that includes the results of the review conducted under subsection (a).

(e) HH–60G REPLACEMENT PROGRAMS DEFINED.—In this section, the term "HH–60G replacement programs" means the HH–60G Ops Loss Replacement program and the HH–60W Combat Rescue Helicopter program.

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

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

(a) IN GENERAL.—Subject to subsections (b) through (e), from amounts made available for obligation under the F–35 aircraft program, the Secretary of Defense may enter into one or more contracts, beginning with the fiscal year 2018 program year, for the procurement of economic order quantities of material and equipment that has completed formal hardware qualification testing for the F–35 aircraft program for use in procurement contracts to be awarded for such program during fiscal years 2019 and 2020.

(b) LIMITATION.—The total amount obligated under all contracts entered into under subsection (a) shall not exceed $661,000,000.

(c) PRELIMINARY FINDINGS.—Before entering into a contract under subsection (a), the Secretary shall make each of the following findings with respect to such contract:

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

(2) The minimum need for the property to be procured is expected to remain substantially unchanged during the contemplated contract period in terms of production rate, procurement rate, and total quantities.

(3) There is a reasonable expectation that, throughout the contemplated contract period, the Secretary will request funding for the contract at the level required to avoid contract cancellation.

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

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

(6) Entering into the contract will promote the national security interests of the United States.

(d) CERTIFICATION REQUIREMENT.—Except as provided in subsection (e), the Secretary of Defense may not enter into a contract under subsection (a) until a period of 30 days has elapsed following the date on which the Secretary certifies to the congressional defense committees, in writing, that each of the following conditions is satisfied:

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

(2) During the fiscal year in which such contract is to be awarded, sufficient funds will be available to perform the contract in such fiscal year, and the future-years defense program submitted to Congress under section 221 of title 10, United States Code, for that fiscal year will include the funding required to execute the program without cancellation.

(3) The contract is a fixed-price type contract.

(4) The proposed contract provides for production at not less than minimum economic rates given the existing tooling and facilities.

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

(6) The determination under paragraph (5) was made after the completion of a cost analysis performed by the Director of Cost Assessment and Program Evaluation for the purpose of section 2334(e)(1) of title 10, United States Code, and the analysis supports that determination.

(e) EXCEPTION.—Notwithstanding subsection (d), the Secretary of Defense may enter into a contract under subsection (a) on or after March 1, 2018, if—

(1) the Director of Cost Assessment and Program Evaluation has not completed a cost analysis of the preliminary findings made by the Secretary under subsection (c) with respect to the contract;

(2) the Secretary certifies to the congressional defense committees, in writing, that each of the conditions described in paragraphs (1) through (5) of subsection (d) is satisfied; and

(3) a period of 30 days has elapsed following the date on which the Secretary submits the certification under paragraph (2).

10 USC 2302 note.

SEC. 142. AUTHORITY FOR EXPLOSIVE ORDNANCE DISPOSAL UNITS TO ACQUIRE NEW OR EMERGING TECHNOLOGIES AND CAPABILITIES.

The Secretary of Defense, after consultation with the head of each military service, may provide to an explosive ordnance disposal unit the authority to acquire new or emerging technologies and capabilities that are not specifically provided for in the authorized equipment allowance for the unit, as such allowance is set forth in the table of equipment and table of allowance for the unit.

SEC. 143. REQUIREMENT THAT CERTAIN AIRCRAFT AND UNMANNED AERIAL VEHICLES USE SPECIFIED STANDARD DATA LINK.

Section 157 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1667) is amended—

(1) by amending subsection (b) to read as follows:

"(b) SOLICITATIONS.—The Secretary of Defense shall—

"(1) ensure that any solicitation issued for a Common Data Link described in subsection (a), regardless of whether the solicitation is issued by a military department or a contractor with respect to a subcontract—

"(A) conforms to a Department of Defense specification standard, including interfaces and waveforms, existing as of the date of the solicitation; and

"(B) does not include any proprietary or undocumented waveforms or control interfaces or data interfaces as a requirement or criterion for evaluation; and

"(2) notify the congressional defense committees not later than 15 days after issuing a solicitation for a Common Data Link to be sunset (CDL–TBS) waveform."; and

(2) in subsection (c), in the matter preceding paragraph (1)—

(A) by striking "Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "Deputy Secretary of Defense";

(B) by striking "Under Secretary" and inserting "Deputy Secretary of Defense"; and

(C) by inserting "before October 1, 2023" after "committees".

SEC. 144. REINSTATEMENT OF REQUIREMENT TO PRESERVE CERTAIN C–5 AIRCRAFT; MOBILITY CAPABILITY AND REQUIREMENTS STUDY.

(a) PRESERVATION OF RETIRED AIRCRAFT.—Section 141 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1659), as amended by section 132 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), is amended by inserting after subsection (c) the following:

"(d) PRESERVATION OF CERTAIN RETIRED C–5 AIRCRAFT.—

"(1) IN GENERAL.—The Secretary of the Air Force shall preserve eight retired C–5 aircraft until the date that is 30 days after the date on which the briefing under section 144(b) of the National Defense Authorization Act for Fiscal Year 2018 is provided to the congressional defense committees.

"(2) MANNER OF PRESERVATION.—The retired C–5 aircraft preserved under paragraph (1) shall be preserved such that each aircraft—

"(A) can be returned to service; and

"(B) is not used to supply parts to other aircraft unless specifically authorized by the Secretary of Defense upon a request by the Secretary of the Air Force.".

(b) STUDY AND BRIEFING.—

(1) STUDY.—The Secretary of Defense shall carry out a mobility capability and requirements study that estimates the number or airlift aircraft, tanker aircraft, and sealift ships needed to meet combatant commander requirements.

(2) BRIEFING.—Not later than September 30, 2018, the Secretary of Defense shall provide to the congressional defense committees a briefing on the results of the study carried out under paragraph (1). The briefing shall include—

(A) a detailed explanation of the strategy and associated force sizing and shaping constructs, associated scenarios, and assumptions used to conduct the analysis;

(B) estimated risk based on Chairman of the Joint Chiefs of Staff risk management classifications; and

(C) implications of operations in contested areas with regard to the Civil Reserve Air Fleet.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Subtitle B—Program Requirements, Restrictions, and Limitations

Subtitle C—Reports and Other Matters

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. COST CONTROLS FOR PRESIDENTIAL AIRCRAFT RECAPITALIZATION PROGRAM.

(a) FIXED CAPABILITY REQUIREMENTS.—Except as provided in subsection (b), the capability requirements for aircraft procured under the presidential aircraft recapitalization program of the Air Force (referred to in this section as the "PAR Program") shall be the capability requirements identified in version 7.0.2 of the system requirement document for the PAR Program.

(b) ADJUSTMENTS.—The Chief of Staff of the Air Force may adjust the capability requirements described in subsection (a) only if the Chief of Staff submits to the congressional defense committees a written determination that such adjustment is necessary—

(1) to resolve an ambiguity relating to the capability requirement;

(2) to address a problem with the administration of the capability requirement;

(3) to lower the development cost or life-cycle cost of the PAR program;

(4) to comply with a change in international, Federal, State, or local law or regulation that takes effect after September 30, 2017;

(5) to address a safety issue; or

(6) subject to subsection (c), to address an emerging threat or vulnerability.

(c) LIMITATION ON ADJUSTMENT FOR EMERGING THREAT OR VULNERABILITY.—The Chief of Staff of the Air Force may use the authority under paragraph (6) of subsection (b) to adjust the requirements described in subsection (a) only if the Secretary and the Chief of Staff of the Air Force, on a nondelegable basis—

(1) jointly determine that such adjustment is necessary and in the interests of the national security of the United States; and

(2) submit to the congressional defense committees notice of such joint determination.

(d) ANALYSIS FOR FIXED-PRICE TYPE CONTRACTS.—The Secretary of the Air Force shall work with the contractor and conduct an analysis of risk and explore opportunities to enter into additional fixed price type contracts for engineering and manufacturing development beyond the procurement of the unmodified commercial aircraft as described in paragraph (1).

(e) QUARTERLY BRIEFINGS.—

(1) IN GENERAL.—Beginning not later than October 1, 2017, and on a quarterly basis thereafter through October 1, 2022, the Secretary of the Air Force shall provide to the congressional defense committees a briefing on the efforts of the Secretary to control costs under the PAR Program.

(2) ELEMENTS.—Each briefing under paragraph (1) shall include, with respect to the PAR Program, the following:

(A) An overview of the program schedule.

(B) A description of each contract awarded under the program, including a description of the type of contract and the status of the contract.

(C) An assessment of the status of the program with respect to—

(i) modification;
(ii) testing;
(iii) delivery; and
(iv) sustainment.

(f) SERVICE ACQUISITION EXECUTIVE DEFINED.—In this section, the term "service acquisition executive" has the meaning given that term in section 101(a)(10) of title 10, United States Code.

SEC. 212. CAPITAL INVESTMENT AUTHORITY.

Section 2208(k)(2) of title 10, United States Code, is amended by striking "$250,000" and inserting "$500,000 for procurements by a major range and test facility installation or a science and technology reinvention laboratory and not less than $250,000 for procurements at all other facilities".

SEC. 213. PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

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

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

(2) in subsection (c)—

(A) in paragraph (1), by striking "cash prize of" and inserting "prize with a fair market value of";

(B) in paragraph (2), by striking "Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "Under Secretary of Defense for Research and Engineering"; and

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

"(3) No prize competition may result in the award of a solely nonmonetary prize with a fair market value of more than $10,000 without the approval of the Under Secretary of Defense for Research and Engineering.";

(3) in subsection (e)—

(A) by inserting "or nonmonetary items" after "accept funds";

(B) by striking "and from State and local governments" and inserting ", from State and local governments, and from the private sector"; and

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

(4) by amending subsection (f) to read as follows:

"(f) USE OF PRIZE AUTHORITY.—Use of prize authority under this section shall be considered the use of competitive procedures for the purposes of section 2304 of this title.".

SEC. 214. JOINT HYPERSONICS TRANSITION OFFICE.

10 USC 2358 note.

(a) REDESIGNATION.—The joint technology office on hypersonics in the Office of the Secretary of Defense is redesignated as the "Joint Hypersonics Transition Office". Any reference in a law (other than this section), map, regulation, document, paper, or other record of the United States to the joint technology office on hypersonics shall be deemed to be a reference to the Joint Hypersonics Transition Office.

(b) HYPERSONICS DEVELOPMENT.—Section 218 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 2358 note), as amended by section 1079(f) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 999), is amended—

(1) in the heading of subsection (a), by striking "JOINT TECHNOLOGY OFFICE ON HYPERSONICS" and inserting "JOINT HYPERSONICS TRANSITION OFFICE";

(2) in subsection (a)—

(A) in the first sentence, by striking "joint technology office on hypersonics" and inserting "Joint Hypersonics Transition Office (in this section referred to as the 'Office')"; and

(B) in the second sentence, by striking "office" and inserting "Office";

(3) in subsection (b), by striking "joint technology office established under subsection (a)" and inserting "Office"; and

(4) by amending subsection (c) to read as follows:

"(c) RESPONSIBILITIES.—In carrying out the program required by subsection (b), the Office shall do the following:

"(1) Expedite testing, evaluation, and acquisition of hypersonic weapon systems to meet the stated needs of the warfighter, including flight testing, ground-based-testing, and underwater launch testing.

"(2) Coordinate and integrate current and future research, development, test, and evaluation programs and system demonstration programs of the Department of Defense on hypersonics.

"(3) Undertake appropriate actions to ensure—

"(A) close and continuous integration of the programs on hypersonics of the military departments and the Defense Agencies with the programs on hypersonics across the Federal Government and with appropriate private sector and foreign organizations; and

"(B) that both foundational research and developmental and operational testing resources are adequate and well funded, and that facilities are made available in a timely manner to support hypersonics research, demonstration programs, and system development.

"(4) Approve prototyping demonstration programs on hypersonic systems to speed the maturation and deployment of the systems to the warfighter,.

"(5) Ensure that any demonstration program on hypersonic systems that is carried out in any year after its approval under paragraph (3) is carried out only if certified under subsection (e) as being consistent with the roadmap under subsection (d).

"(6) Develop strategies and roadmaps for hypersonic technologies to transition to operational capabilities for the warfighter.

"(7) Coordinate with relevant stakeholders and agencies to support United States technological advantage in developing hypersonics.";

(5) in subsection (d)(1), by striking "joint technology office established under subsection (a)" and inserting "Office"; and

(6) in subsection (e)—

(A) in paragraph (1), by striking "joint technology office established under subsection (a)" and inserting "Office"; and

(B) in paragraph (2), by striking "joint technology office" and inserting "Office".

SEC. 215. DEPARTMENT OF DEFENSE DIRECTED ENERGY WEAPON SYSTEM PROTOTYPING AND DEMONSTRATION PROGRAM.

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

(b) PROTOTYPING AND DEMONSTRATION PROGRAM.—Such section is further amended by adding at the end the following new subsection:

"(c) PROTOTYPING AND DEMONSTRATION PROGRAM.—

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

"(A) accelerating, when feasible, the fielding of directed energy weapon prototypes that would help counter technological advantages of potential adversaries of the United States; and

"(B) supporting the military departments, the combatant commanders, and other relevant defense agencies and entities in developing prototypes and demonstrating operational utility of high energy lasers and high powered microwave weapon systems.

"(2) GUIDELINES.—(A) Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018, the Under Secretary shall issue guidelines for the operation of the program established under paragraph (1), including the following:

"(i) Criteria required for an application for funding by a military department, defense agency or entity, or a combatant command.

"(ii) The priorities, based on validated requirements or capability gaps, for fielding prototype directed energy weapon system technologies developed by research funding of the Department or industry.

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

"(B) Funding for a military department, defense agency, or combatant command under the program established under paragraph (1) may only be available for advanced technology development, prototyping, and demonstrations in which the Department of Defense maintains management of the technical baseline and a primary emphasis on technology transition and evaluating military utility to enhance the likelihood that the particular directed energy weapon system will meet the Department end user's need.

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

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

"(4) FUNDING.—(A) Except as provided in subparagraph (B) and subject to the availability of appropriations for such purpose, of the funds authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2018 or otherwise made available for fiscal year 2018 for research, development, test, and evaluation, defense-wide, up to $100,000,000 may be available to the Under Secretary to allocate to the military departments, the defense agencies, and the combatant commands to carry out the program established under paragraph (1).

"(B) Not more than half of the amounts made available under subparagraph (A) may be allocated as described in such paragraph until the Under Secretary—

"(i) develops the strategic plan required by subsection (a)(2)(A); and

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

"(5) UNDER SECRETARY DEFINED.—In this subsection, the term 'Under Secretary' means the Under Secretary of Defense for Research and Engineering in the Under Secretary's capacity as the official with principal responsibility for the development and demonstration of directed energy weapons pursuant to subsection (a)(1).".

SEC. 216. APPROPRIATE USE OF AUTHORITY FOR PROTOTYPE PROJECTS.

Section 2371b(d)(1)(A) of title 10, United States Code, is amended by inserting "or nonprofit research institution" after "defense contractor".

10 USC 2358 note.

SEC. 217. MECHANISMS FOR EXPEDITED ACCESS TO TECHNICAL TALENT AND EXPERTISE AT ACADEMIC INSTITUTIONS TO SUPPORT DEPARTMENT OF DEFENSE MISSIONS.

(a) ARRANGEMENTS AUTHORIZED.—

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

(2) USE FOR TECHNICAL ANALYSES AND ENGINEERING SUPPORT.—The Secretary may use an arrangement under paragraph (1) to fund technical analyses and other engineering support as required to address acquisition, management, and operational challenges, including support for classified programs and activities.

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

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

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

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

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

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

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

(5) technical areas under the arrangement or arrangements.

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

(1) Cybersecurity.
(2) Air and ground vehicles.
(3) Shipbuilding.
(4) Explosives detection and defeat.
(5) Undersea warfare.
(6) Trusted electronics.

(7) Unmanned systems.
(8) Directed energy.
(9) Energy, power, and propulsion.
(10) Management science and operations research.
(11) Artificial intelligence.
(12) Data analytics.
(13) Business systems.
(14) Technology transfer and transition.
(15) Biological engineering and genetic enhancement.
(16) High performance computing.
(17) Materials science and engineering.
(18) Quantum information sciences.
(19) Special operations activities.
(20) Modeling and simulation.
(21) Autonomous systems.
(22) Model based engineering.
(23) Such other areas as the Secretary considers appropriate.

(f) SUNSET.—No new arrangements may be entered into under subsection (a)(1) after September 30, 2020.

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

SEC. 218. MODIFICATION OF LABORATORY QUALITY ENHANCEMENT PROGRAM.

(a) IN GENERAL.—Section 211 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended— 10 USC 2358 note.

(1) in subsection (a)(1)—

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

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

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

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

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

"(3)(A) Each panel described in paragraph (1), (2), or (3) of subsection (b) shall submit to the panel described in paragraph (4) of such subsection (relating to governance and oversight processes) the following:

"(i) The findings of the panel with respect to the review conducted by the panel under subsection (a)(1)(C).

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

"(iii) Such comments, findings, and recommendations as the panel may have received by a science and technology reinvention laboratory with respect to—

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

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

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

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

"(C) The panel described in subsection (b)(4) shall submit to the Under Secretary of Defense for Research and Engineering the recommendations made by the panel under subsection (a)(1)(C) and the recommendations refashioned by the panel under subparagraph (B) of this paragraph.";

10 USC 2358 note.

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

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

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

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

"(3) In interpreting or defining under paragraph (1), the Under Secretary shall, to the extent practicable, consult and coordinate with the secretaries of the military departments and such other agencies or entities as the Under Secretary considers relevant, on any proposed revision to regulations under paragraph (1).

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

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

10 USC 2358 note.

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

10 USC 2358 note.

SEC. 219. REAUTHORIZATION OF DEPARTMENT OF DEFENSE ESTABLISHED PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

(a) MODIFICATION OF PROGRAM OBJECTIVES.—Subsection (b) of section 257 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2358 note) is amended—

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

(2) by inserting before paragraph (2), as redesignated by paragraph (1), the following new paragraph (1):

"(1) To increase the number of university researchers in eligible States capable of performing science and engineering research responsive to the needs of the Department of Defense."; and

(3) in paragraph (2), as redesignated by paragraph (1), by inserting "relevant to the mission of the Department of Defense and" after "that is".

(b) MODIFICATION OF PROGRAM ACTIVITIES.—Subsection (c) of such section is amended—

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

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) To provide assistance to science and engineering researchers at institutions of higher education in eligible States through collaboration between Department of Defense laboratories and such researchers.".

(c) MODIFICATION OF ELIGIBILITY CRITERIA FOR STATE PARTICIPATION.—Subsection (d) of such section is amended—

(1) in paragraph (2)(B), by inserting "in areas relevant to the mission of the Department of Defense" after "programs"; and

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

"(3) The Under Secretary shall not remove a designation of a State under paragraph (2) because the State exceeds the funding levels specified under subparagraph (A) of such paragraph unless the State has exceeded such funding levels for at least two consecutive years.".

(d) MODIFICATION OF COORDINATION REQUIREMENT.—Subsection (e) of such section is amended—

(1) in paragraph (1), by striking "shall" each place it appears and inserting "may"; and

(2) in paragraph (3), by inserting "relevant to the mission of the Department of Defense and" after "Research are".

(e) MODIFICATION OF NAME.—

(1) IN GENERAL.—Such section is amended—

(A) in subsections (a) and (e) by striking "Experimental" each place it appears and inserting "Established"; and

(B) in the section heading, by striking "**EXPERIMENTAL**" and inserting "**ESTABLISHED**".

(2) CLERICAL AMENDMENT.—Such Act is amended, in the table of contents in section 2(b), by striking the item relating to section 257 and inserting the following new item:

"Sec. 257. Defense established program to stimulate competitive research.".

(3) CONFORMING AMENDMENT.—Section 307 of the 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (Public Law 105–18) is amended by striking "Experimental" and inserting "Established". 10 USC 2358 note.

SEC. 220. CODIFICATION AND ENHANCEMENT OF AUTHORITIES TO PROVIDE FUNDS FOR DEFENSE LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS.

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

10 USC 2363.

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

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

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

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

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

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

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

"(3) The science and technology executive of a military department may develop policies and guidance to leverage funding and promote cross-laboratory collaboration, including with laboratories of other military departments.

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

"(b) AVAILABILITY OF FUNDS FOR INFRASTRUCTURE PROJECTS.—Funds shall be available in accordance with subsection (a)(1)(D) only if—

"(1) the Secretary notifies the congressional defense committees of the total cost of the project before the date on which the Secretary uses the mechanism under such subsection for such project; and

"(2) the Secretary ensures that the project complies with the applicable cost limitations in—

"(A) section 2805(d) of this title, with respect to revitalization and recapitalization projects; and

"(B) section 2811 of this title, with respect to repair projects.

"(c) ANNUAL REPORT ON USE OF AUTHORITY.—(1) Not later than March 1 of each year until March 1, 2025, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority under subsection (a) during the preceding year.

"(2) Each report under paragraph (1) shall include, with respect to the year covered by the report, the following:

"(A) A description of the mechanisms used to provide funding under subsection (a)(1).

"(B) A statement of the amount of funding made available to each defense laboratory for research described under such subsection.

"(C) A description of the investments made by each defense laboratory using funds under such subsection.

"(D) A description and assessment of any improvements in the performance of the defense laboratories as a result of investments under such subsection.

"(E) A description and assessment of the contributions to the development of needed military capabilities provided by research using funds under such subsection.

"(F) A description of any modification to the mechanisms under subsection (a) that would improve the efficiency of the authority under such subsection to support military missions.".

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

10 USC prec. 2351.

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

(c) CONFORMING AMENDMENTS.—(1) Section 219 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note), is hereby repealed.

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

SEC. 221. EXPANSION OF DEFINITION OF COMPETITIVE PROCEDURES TO INCLUDE COMPETITIVE SELECTION FOR AWARD OF SCIENCE AND TECHNOLOGY PROPOSALS.

Section 2302(2)(B) of title 10, United States Code, is amended by striking "basic research" and inserting "science and technology".

SEC. 222. INCLUSION OF MODELING AND SIMULATION IN TEST AND EVALUATION ACTIVITIES FOR PURPOSES OF PLANNING AND BUDGET CERTIFICATION.

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

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

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

SEC. 223. LIMITATION ON AVAILABILITY OF FUNDS FOR F–35 JOINT STRIKE FIGHTER FOLLOW-ON MODERNIZATION.

(a) IN GENERAL.—Not more than 25 percent of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 or any other fiscal year for the Department of Defense may be obligated for F–35 Joint Strike Fighter Follow-On Modernization until the Secretary of Defense provides the final report required under section 224(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328).

(b) DUAL CAPABLE AIRCRAFT.—Neither the limitation in subsection (a) nor the limitation in section 224(a) of the National

Defense Authorization Act for Fiscal Year 2017 shall be construed to limit or otherwise restrict any funding that is required to develop, certify, or deliver F–35A dual capable aircraft.

10 USC 113 note.

SEC. 224. IMPROVEMENT OF UPDATE PROCESS FOR POPULATING MISSION DATA FILES USED IN ADVANCED COMBAT AIRCRAFT.

(a) IMPROVEMENTS TO UPDATE PROCESS.—

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

(2) REQUIREMENTS.—In improving the process under paragraph (1), the Secretary shall ensure the following:

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

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

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

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

(b) CONSULTATION AND PILOT PROGRAMS.—In carrying out subsection (a), the Secretary shall consult the innovation organizations resident in the Department of Defense and may consider carrying out a pilot program under another provision of this Act.

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

10 USC 2359 note.

SEC. 225. SUPPORT FOR NATIONAL SECURITY INNOVATION AND ENTREPRENEURIAL EDUCATION.

(a) SUPPORT AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense may, acting through the Under Secretary of Defense for Research and Engineering, support national security innovation and entrepreneurial education programs.

(2) ELEMENTS.—Support under paragraph (1) may include the following:

(A) Materials to recruit participants, including veterans, for programs described in paragraph (1).

(B) Model curriculum for such programs.

(C) Training materials for such programs.

(D) Best practices for the conduct of such programs.

(E) Experimental learning opportunities for program participants to interact with operational forces and better understand national security challenges.

(F) Exchanges and partnerships with Department of Defense science and technology activities.

(G) Activities consistent with the Proof of Concept Commercialization Pilot Program established under section 1603 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2359 note).

(b) CONSULTATION.—In carrying out subsection (a), the Secretary may consult with the heads of such Federal agencies, universities, and public and private entities engaged in the development of advanced technologies as the Secretary determines to be appropriate.

(c) AUTHORITIES.—The Secretary may—

(1) develop and maintain metrics to assess national security innovation and entrepreneurial education activities to ensure standards for programs supported under subsection (b) are consistent and being met; and

(2) ensure that any recipient of an award under the Small Business Technology Transfer program, the Small Business Innovation Research program, and science and technology programs of the Department of Defense has the option to participate in training under a national security innovation and entrepreneurial education program supported under subsection (b).

(d) PARTICIPATION BY FEDERAL EMPLOYEES AND MEMBERS OF THE ARMED FORCES.—The Secretary may encourage Federal employees and members of the Armed Forces to participate in a national security innovation and entrepreneurial education program supported under subsection (a) in order to gain exposure to modern innovation and entrepreneurial methodologies.

(e) COORDINATION.—In carrying out this section, the Secretary shall consider coordinating and partnering with activities and organizations involved in the following:

(1) Hack the Army.
(2) Hack the Air Force.
(3) Hack the Pentagon.
(4) The Army Digital Service.
(5) The Defense Digital Service.
(6) The Air Force Digital Service.
(7) Challenge and prize competitions of the Defense Advanced Research Projects Agency (DARPA).
(8) The Defense Science Study Group.
(9) The Small Business Innovation Research Program (SBIR).
(10) The Small Business Technology Transfer Program (STTR).
(11) War colleges of the military departments.
(12) Hacking for Defense.
(13) The National Security Science and Engineering Faculty Fellowship (NSSEFF) program.
(14) The Science, Mathematics and Research for Transformation (SMART) scholarship program.
(15) The young faculty award program of the Defense Advanced Research Projects Agency.

SEC. 226. LIMITATION ON CANCELLATION OF DESIGNATION EXECUTIVE AGENT FOR A CERTAIN DEFENSE PRODUCTION ACT PROGRAM.

(a) LIMITATION ON CANCELLATION OF DESIGNATION.—The Secretary of Defense may not implement the decision, issued on July 1, 2017, to cancel the designation, under Department of Defense

Directive 4400.1E, entitled "Defense Production Act Programs" and dated October 12, 2001, of the currently assigned Department of Defense Executive Agent for the program carried out under title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.) until the Secretary has—

(1) completed the review and assessment required by subsection (b)(1); and

(2) carried out the briefing required by subsection (c).

(b) REVIEW AND ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of the Air Force, shall conduct a review and assessment of the program described in subsection (a).

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

(A) Assessment of the current management structure for the program, including analysis of the mechanisms for accountability, as well as cost and management controls currently in place.

(B) Analysis of alternatives for proposals to modify that management structure to increase accountability, cost and management controls. Such analysis of alternatives should consider the relative merits of centralization and decentralization, roles of other military departments in program management and contracting, as well as the different roles the Office of the Secretary of Defense might play in management, oversight and execution.

(C) Recommendations for improving the assessment and selection of projects in order to—

(i) ensure that projects selected are appropriate for use of funds appropriated to carry out title III of the Defense Production Act of 1950;

(ii) ensure that sufficient vetting and management controls are in place to ensure a reasonable degree of confidence that project ideas or the companies being supported will be viable; and

(iii) increase overall successful execution for selected projects.

(D) Such other matters as the Secretary considers appropriate.

(c) BRIEFING REQUIRED.—The Secretary shall brief the appropriate Committees of Congress on the findings of the Secretary with respect to the review and assessment conducted under subsection (b).

(d) NOTIFICATION REQUIRED.—In the event the Secretary of Defense decides to cancel the designation, under Department of Defense Directive 4400.1E, entitled "Defense Production Act Programs" and dated October 12, 2001, of the currently assigned Department of Defense Executive Agent for the program described in subsection (a), the Secretary shall submit to the appropriate committees of Congress a written notification of such decision at least 60 days before the decision goes into effect.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means the—

(1) the Committee on Armed Services and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Financial Services of the House of Representatives.

Subtitle C—Reports and Other Matters

SEC. 231. COLUMBIA-CLASS PROGRAM ACCOUNTABILITY MATRICES.

(a) SUBMITTAL OF MATRICES.—Concurrent with the President's annual budget request submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2019, the Secretary of the Navy shall submit to the congressional defense committees and the Comptroller General of the United States the matrices described in subsection (b) relating to the Columbia-class program.

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

(1) DESIGN AND CONSTRUCTION GOALS.—A matrix that identifies, in six-month increments, key milestones, development events, and specific performance goals for the design and construction of the Columbia-class program, which shall be subdivided, at a minimum, according to the following:

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

(B) Design maturity.

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

(D) Manufacturing operations.

(E) Reliability.

(2) COST.—A matrix expressing, in annual increments, the total cost phased over the entire Columbia-class design and construction period of—

(A) the Navy service cost position for the prime contractor's portion of Columbia-class design and construction activities, including the estimated price at completion for each submarine and confidence level of this estimate;

(B) the program manager's estimate for the prime contractor's portion of Columbia-class design and construction activities, including the estimated price and variance at completion for each submarine; and

(C) the prime contractor's estimate for the prime contractor's portion of Columbia-class design and construction activities, including the estimated price and variance at completion for each submarine.

(c) UPDATE OF MATRICES.—

(1) IN GENERAL.—Not later than 180 days after the date on which the Secretary of the Navy submits the matrices required by subsection (a), and concurrent with the submittal of each annual budget request to Congress under section 1105 of title 31, United States Code, beginning with the fiscal year 2020 request, the Secretary of the Navy shall submit to the congressional defense committees and the Comptroller General of the United States updates to the matrices described in subsection (b).

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

(3) TREATMENT OF INITIAL MATRICES AS BASELINE.—The matrices submitted pursuant to subsection (a) shall be treated

as the baseline for the full Columbia-class design and construction period for purposes of the updates submitted pursuant to paragraph (1) of this subsection.

(4) REPORT TERMINATION.—The report required under paragraph (1) shall terminate upon delivery of the first Columbia-class submarine.

(d) ASSESSMENT BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 90 days after the date on which the Comptroller General of the United States receives an update to a matrix under subsection (c)(1), the Comptroller General shall review such matrix and provide to the congressional defense committees an assessment of such matrix in whatever form that the Comptroller General deems appropriate.

(e) REPEAL OF REPORT REQUIREMENT.—Section 131 of the National Defense Authorization Act for Fiscal Year 2016 (129 Stat. 754; Public Law 114–92) is hereby repealed.

(f) MAJOR COMPONENT DEFINED.—In this section, the term "major component" includes, at a minimum, the integrated power system, nuclear reactor, propulsor and related coordinated stern features, stern area system, and common missile compartment.

SEC. 232. REVIEW OF BARRIERS TO INNOVATION IN RESEARCH AND ENGINEERING ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) REVIEW.—The Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, shall review directives, rules, regulations, and other policies that adversely affect the ability of the innovation, research, and engineering enterprise of the Department of Defense to effectively and efficiently execute its missions, including policies and practices concerning the following:

(1) Personnel and talent management.

(2) Financial management and budgeting.

(3) Infrastructure, installations, and military construction.

(4) Acquisition.

(5) Management.

(6) Such other areas as the Secretary may designate.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on—

(1) the findings of the Secretary with respect to the review conducted under subsection (a);

(2) proposed changes in directives, rules, regulations, and other policies that will enhance the ability of the innovation, research, and engineering enterprise of the Department to executive its designated missions, including a description of how proposed changes have been coordinated with other appropriate Secretaries of the military departments and the appropriate heads of the defense agencies; and

(3) processes by which new directives, rules, regulations, and other policies will be reviewed for their potential to adversely affect the ability of the innovation, research, and engineering enterprise of the Department and the lead official designated to execute such review in consultation with other relevant and appropriate Secretaries of the military departments and heads of defense agencies.

SEC. 233. PILOT PROGRAM TO IMPROVE INCENTIVES FOR TECHNOLOGY TRANSFER FROM DEPARTMENT OF DEFENSE LABORATORIES.

10 USC 2514 note.

(a) IN GENERAL.—The Secretary of Defense shall establish a pilot program to assess the feasibility and advisability of distributing royalties and other payments as described in this section. Under the pilot program, except as provided in subsections (b) and (d), any royalties or other payments received by a Federal agency from the licensing and assignment of inventions under agreements entered into by Department of Defense laboratories, and from the licensing of inventions of Department of Defense laboratories, shall be retained by the laboratory which produced the invention and shall be disposed of as follows:

(1)(A) The laboratory director shall pay each year the first $2,000, and thereafter at least 20 percent, of the royalties or other payments, other than payments of patent costs as delineated by a license or assignment agreement, to the inventor or coinventors, if the inventor's or coinventor's rights are directly assigned to the United States.

(B) A laboratory director may provide appropriate incentives, from royalties or other payments, to laboratory employees who are not an inventor of such inventions but who substantially increased the technical value of the inventions.

(C) The laboratory shall retain the royalties and other payments received from an invention until the laboratory makes payments to employees of a laboratory under subparagraph (A) or (B).

(2) The balance of the royalties or other payments shall be transferred by the agency to its laboratories, with the majority share of the royalties or other payments from any invention going to the laboratory where the invention occurred. The royalties or other payments so transferred to any laboratory may be used or obligated by that laboratory during the fiscal year in which they are received or during the 2 succeeding fiscal years—

(A) to reward scientific, engineering, and technical employees of the laboratory, including developers of sensitive or classified technology, regardless of whether the technology has commercial applications;

(B) to further scientific exchange among the laboratories of the agency;

(C) for education and training of employees consistent with the research and development missions and objectives of the agency or laboratory, and for other activities that increase the potential for transfer of the technology of the laboratories of the agency;

(D) for payment of expenses incidental to the administration and licensing of intellectual property by the agency or laboratory with respect to inventions made at that laboratory, including the fees or other costs for the services of other agencies, persons, or organizations for intellectual property management and licensing services; or

(E) for scientific research and development consistent with the research and development missions and objectives of the laboratory.

(3) All royalties or other payments retained by the laboratory after payments have been made pursuant to paragraphs

(1) and (2) that are unobligated and unexpended at the end of the second fiscal year succeeding the fiscal year in which the royalties and other payments were received shall be paid into the Treasury of the United States.

(b) TREATMENT OF PAYMENTS TO EMPLOYEES.—

(1) IN GENERAL.—Any payment made to an employee under the pilot program shall be in addition to the regular pay of the employee and to any other awards made to the employee, and shall not affect the entitlement of the employee to any regular pay, annuity, or award to which the employee is otherwise entitled or for which the employee is otherwise eligible or limit the amount thereof. Any payment made to an inventor as such shall continue after the inventor leaves the laboratory.

(2) CUMULATIVE PAYMENTS.—(A) Cumulative payments made under the pilot program while the inventor is still employed at the laboratory shall not exceed $500,000 per year to any one person, unless the Secretary concerned (as defined in section 101(a) of title 10, United States Code) approves a larger award.

(B) Cumulative payments made under the pilot program after the inventor leaves the laboratory shall not exceed $150,000 per year to any one person, unless the head of the agency approves a larger award (with the excess over $150,000 being treated as an agency award to a former employee under section 4505 of title 5, United States Code).

(c) INVENTION MANAGEMENT SERVICES.—Under the pilot program, a laboratory receiving royalties or other payments as a result of invention management services performed for another Federal agency or laboratory under section 207 of title 35, United States Code, may retain such royalties or payments to the extent required to offset payments to inventors under subparagraph (A) of subsection (a)(1), costs and expenses incurred under subparagraph (D) of subsection (a)(2), and the cost of foreign patenting and maintenance for any invention of the other agency. All royalties and other payments remaining after offsetting the payments to inventors, costs, and expenses described in the preceding sentence shall be transferred to the agency for which the services were performed, for distribution in accordance with subsection (a)(2).

(d) CERTAIN ASSIGNMENTS.—Under the pilot program, if the invention involved was one assigned to the laboratory—

(1) by a contractor, grantee, or participant, or an employee of a contractor, grantee, or participant, in an agreement or other arrangement with the agency; or

(2) by an employee of the agency who was not working in the laboratory at the time the invention was made,

the agency unit that was involved in such assignment shall be considered to be a laboratory for purposes of this section.

(e) SUNSET.—The pilot program under this section shall terminate 5 years after the date of the enactment of this Act.

SEC. 234. COMPETITIVE ACQUISITION PLAN FOR LOW PROBABILITY OF DETECTION DATA LINK NETWORKS.

(a) PLAN REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Vice Chairman of the Joint Chiefs of Staff shall jointly, in consultation with the Secretary of the Navy and the Secretary of the Air Force, develop a plan to procure a secure, low probability of detection data link

network capability with the ability to effectively operate in hostile jamming environments while preserving the low observable characteristics of the relevant platforms, between existing and planned—

(1) fifth-generation combat aircraft;

(2) fifth-generation and fourth-generation combat aircraft;

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

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

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

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

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

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

(c) BRIEFING.—Not later than February 15, 2018, the Under Secretary and the Vice Chairman shall provide to the congressional defense committees a potential acquisition strategy and briefing on the plan developed under subsection (a).

(d) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for operations and maintenance for the Office of the Secretary of the Air Force and the Office of the Secretary of the Navy, not more than 85 percent may be obligated or expended until a period of 15 days has elapsed following the date on which the Under Secretary and Vice Chairman submits to the congressional defense committees the plan required by subsection (a).

SEC. 235. CLARIFICATION OF SELECTION DATES FOR PILOT PROGRAM FOR THE ENHANCEMENT OF THE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION CENTERS OF THE DEPARTMENT OF DEFENSE.

Section 233 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended— 10 USC 2358 note.

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

(2) in subsection (c)(1), by striking "propose and implement" and inserting "submit to the Assistant Secretary concerned a proposal on, and implement,".

SEC. 236. REQUIREMENT FOR A PLAN TO BUILD A PROTOTYPE FOR A NEW GROUND COMBAT VEHICLE FOR THE ARMY.

(a) IN GENERAL.—Not later than February 1, 2018, the Secretary of the Army shall submit to the congressional defense committees a plan to build a prototype for a new ground combat vehicle for the Army.

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

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

(2) The schedule, cost, key milestones, and leadership plan to rapidly design and build the prototype ground combat vehicle.

SEC. 237. PLAN FOR SUCCESSFULLY FIELDING THE INTEGRATED AIR AND MISSILE DEFENSE BATTLE COMMAND SYSTEM.

(a) PLAN REQUIRED.—Not later than February 1, 2018, the Secretary of the Army shall submit to the congressional defense committees a plan to successfully field a suitable, survivable, and effective Integrated Air and Missile Defense Battle Command System program.

(b) LIMITATION.—Not more than 50 percent of the funds authorized to be appropriated by this Act for research, development, test, and evaluation may be obligated by the Secretary of the Army for the Army Integrated Air and Missile Defense and the Integrated Air and Missile Defense Battle Command System until the date on which the plan is submitted under subsection (a).

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Subtitle B—Energy and Environment

Subtitle C—Logistics and Sustainment

Subtitle D—Reports

Subtitle A—Authorization of Appropriations

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2018 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

Subtitle B—Energy and Environment

SEC. 311. MILITARY AVIATION AND INSTALLATION ASSURANCE SITING CLEARINGHOUSE.

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

"§ 183a. Military Aviation and Installation Assurance Clearinghouse for review of mission obstructions 10 USC 183a.

"(a) ESTABLISHMENT.—(1) The Secretary of Defense shall establish a Military Aviation and Installation Assurance Siting Clearinghouse (in this section referred to as the 'Clearinghouse').

"(2) The Clearinghouse shall be—

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

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

"(b) FUNCTIONS.—(1) The Clearinghouse shall coordinate Department of Defense review of applications for energy projects filed with the Secretary of Transportation pursuant to section 44718 of title 49 and received by the Department of Defense from the Secretary of Transportation. In performing such coordination, the Clearinghouse shall provide procedures to ensure affected local military installations are consulted.

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

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

"(c) REVIEW OF PROPOSED ACTIONS.—(1) Not later than 60 days after receiving from the Secretary of Transportation a proper application for an energy project under section 44718 of title 49 that may have an adverse impact on military operations and readiness, the Clearinghouse shall conduct a preliminary review of such application. The review shall—

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

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

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

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

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

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

"(6) The Clearinghouse shall develop procedures for conducting early outreach to parties carrying out energy projects that could have an adverse impact on military operations and readiness and to clearly communicate to such parties actions being taken by the Department of Defense under this section. The procedures shall provide for filing by such parties of a project area and preliminary

project layout at least one year before expected construction of any project proposed within a military training route or within line-of-sight of any air route surveillance radar or airport surveillance radar operated or used by the Department of Defense in order to provide adequate time for analysis and negotiation of mitigation options. Material marked as proprietary or competition sensitive by a party filing for this preliminary review shall be protected from public release by the Department of Defense.

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

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

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

"(B) solely for the purpose of informing preliminary reviews under subsection (c)(1) and early outreach efforts under subsection (c)(5), identify distinct geographic areas selected as proposed locations for projects filed, or for projects that are reasonably expected to be filed in the near future, with the Secretary of Transportation pursuant to section 44718 of title 49 where the Secretary of Defense can demonstrate such projects could have an adverse impact on military operations and readiness, including military training routes, and categorize the risk of adverse impact in such areas;

"(C) develop procedures for the initial identification of such geographic areas identified under subparagraph (B), to include a process to provide notice and seek public comment prior to making a final designation of the geographic areas, including maps of the area and the basis for identification;

"(D) develop procedures to periodically review and modify, consistent with the notice and public comment process under subparagraph (C), geographic areas identified under subparagraph (B) and to solicit and identify additional geographic areas as appropriate;

"(E) at the conclusion of the notice and public comment period conducted under subparagraph (C), make a final finding on the designation of a geographic area of concern or delegate the authority to make such finding to a Deputy Secretary of Defense, an Under Secretary of Defense, or a Principal Deputy Under Secretary of Defense; and

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

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

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

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

"(iv) acquisition of new systems by the Department and other departments and agencies of the Federal Government and timelines for fielding such new systems; and

"(v) modifications to the projects for which such applications are filed with the Secretary of Transportation pursuant to section 44718 of title 49, including changes in size, location, or technology.

"(3) The Clearinghouse shall make access to data reflecting geographic areas identified under subparagraph (B) of paragraph (2) and reviewed and modified under subparagraph (C) of such paragraph available online.

"(e) DEPARTMENT OF DEFENSE FINDING OF UNACCEPTABLE RISK.—(1) The Secretary of Defense may not object to an energy project filed with the Secretary of Transportation pursuant to section 44718 of title 49, except in a case in which the Secretary of Defense determines, after giving full consideration to mitigation actions identified pursuant to this section, that such project, in isolation or cumulatively with other projects, would result in an unacceptable risk to the national security of the United States. The Secretary of Defense's finding of unacceptable risk to national security shall be transmitted to the Secretary of Transportation for inclusion in the report required under section 44718(b)(2) of title 49.

"(2)(A) Not later than 30 days after making a finding of unacceptable risk under paragraph (1), the Secretary of Defense shall submit to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on such finding and the basis for such finding. Such report shall include an explanation of the operational impact that led to the finding, a discussion of the mitigation options considered, and an explanation of why the mitigation options were not feasible or did not resolve the conflict. The report may include a classified annex. Unclassified reports shall also be provided to the project proponent. The Secretary of Defense may provide public notice through the Federal Register of the finding.

"(B) The Secretary of Defense shall notify the appropriate State agency of a finding made under paragraph (1).

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

"(4) The Clearinghouse shall develop procedures for making a finding of unacceptable risk, including with respect to how to implement cumulative effects analysis. Such procedures shall be subject to public comment prior to finalization.

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

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

"(h) DEFINITIONS.—In this section:

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

"(2) The term 'energy project' means a project that provides for the generation or transmission of electrical energy.

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

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

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

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

"(7) The term 'unacceptable risk to the national security of the United States' means the construction, alteration, establishment, or expansion, or the proposed construction, alteration, establishment, or expansion, of a structure or sanitary landfill, that the Secretary of Defense can demonstrate would—

"(A) endanger safety in air commerce directly related to the activities of the Department of Defense;

"(B) interfere with the efficient use of the navigable airspace directly related to the activities of the Department of Defense; or

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

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) REPEAL OF EXISTING PROVISION.—Section 358 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (49 U.S.C. 44718 note) is repealed.

(2) CROSS-REFERENCE IN TITLE 49, UNITED STATES CODE.—Section 44718(f) of title 49, United States Code, is amended by inserting "and in accordance with section 183a(e) of title 10" after "conducted under subsection (b)".

(3) REFERENCE TO DEFINITIONS.—Section 44718(g) of title 49, United States Code, is amended by striking "211.3 of title 32, Code of Federal Regulations, as in effect on January 6, 2014" both places it appears and inserting "183a(g) of title 10".

10 USC prec. 171.

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

"183a. Military Aviation and Installation Assurance Siting Clearinghouse for review of mission obstructions.".

10 USC 183a note.

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

10 USC 183a note.

(d) DEADLINE FOR INITIAL IDENTIFICATION OF GEOGRAPHIC AREAS.—The initial identification of geographic areas under section 183a(d)(2)(B) of title 10, United States Code, as added by subsection (a), shall be completed not later than 180 days after the date of the enactment of this Act.

(e) CONFORMING AMENDMENT REGARDING CRITICAL MILITARY-USE AIRSPACE AREAS.—Section 44718 of title 49, United States Code, as amended by subsection (b)(3), is further amended—

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

(2) by inserting after subsection (f) the following new subsection:

"(g) SPECIAL RULE FOR IDENTIFIED GEOGRAPHIC AREAS.—In the case of a proposed structure to be located within a geographic area identified under section 183a(d)(2)(B) of title 10, the Secretary of Transportation may not issue a determination pursuant to this section until the Secretary of Defense issues a finding under section 183a(e) of title 10, the Secretary of Defense advises the Secretary of Transportation that no finding under section 183a(e) of title 10 will be forthcoming, or 180 days have lapsed since the project was filed with the Secretary of Transportation pursuant to this section, whichever occurs first.".

SEC. 312. ENERGY PERFORMANCE GOALS AND MASTER PLAN.

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

(1) in paragraph (1), by inserting before the period at the end the following: ", the future demand for energy, and the requirements for the use of energy";

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

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

"(13) Opportunities to leverage financing provided by a non-Department entity to address installation energy needs.".

SEC. 313. PAYMENT TO ENVIRONMENTAL PROTECTION AGENCY OF STIPULATED PENALTY IN CONNECTION WITH UMATILLA CHEMICAL DEPOT, OREGON.

(a) AUTHORITY TO TRANSFER FUNDS.—

(1) TRANSFER AMOUNT.—The Secretary of the Army may transfer an amount of not more than $125,000 to the Hazardous Substance Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1986. Any such transfer shall be made without regard to section 2215 of title 10, United States Code.

(2) SOURCE OF FUNDS.—Any transfer under subsection (a) shall be made using funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for Base Realignment and Closure, Army.

(b) PURPOSE OF TRANSFER.—A transfer under subsection (a) shall be for the purpose of satisfying a stipulated penalty assessed by the Environmental Protection Agency in the settlement agreement approved by the Army on July 14, 2016, against the Umatilla Chemical Depot, Oregon under the Federal Facility Agreement between the Army and the Environmental Protection Agency dated September 19, 1989.

(c) ACCEPTANCE OF PAYMENT.—If the Secretary of the Army makes a transfer under subsection (a), the Administrator of the Environmental Protection Agency shall accept the amount transferred as payment in full of the penalty referred to in subsection (b).

SEC. 314. PAYMENT TO ENVIRONMENTAL PROTECTION AGENCY OF STIPULATED PENALTY IN CONNECTION WITH LONGHORN ARMY AMMUNITION PLANT, TEXAS.

(a) AUTHORITY TO TRANSFER FUNDS.—

(1) TRANSFER AMOUNT.—The Secretary of the Army may transfer an amount of not more than $1,185,000 to the Hazardous Substance Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1986. Any such transfer shall be made without regard to section 2215 of title 10, United States Code.

(2) SOURCE OF FUNDS.—Any transfer under subsection (a) shall be made using funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for Environmental Restoration, Army.

(b) PURPOSE OF TRANSFER.—A transfer under subsection (a) shall be for the purpose of satisfying a stipulated penalty assessed by the Environmental Protection Agency on April 5, 2013, against Longhorn Army Ammunition Plant, Texas, under the Federal Facility Agreement for Longhorn Army Ammunition Plant, which was entered into between the Army and the Environmental Protection Agency in 1991.

(c) ACCEPTANCE OF PAYMENT.—If the Secretary of the Army makes a transfer under subsection (a), the Administrator of the Environmental Protection Agency shall accept the amount transferred as payment in full of the penalty referred to in subsection (b).

SEC. 315. DEPARTMENT OF THE ARMY CLEANUP AND REMOVAL OF PETROLEUM, OIL, AND LUBRICANT ASSOCIATED WITH THE PRINZ EUGEN.

(a) AUTHORITY.—Amounts authorized to be appropriated for the Department of the Army may by used for all necessary expenses for the removal and cleanup of petroleum, oil, and lubricants associated with the heavy cruiser Prinz Eugen, which was transferred

from the United States to the Republic of the Marshall Islands in 1986.

(b) CERTIFICATION.—If the Secretary of the Army does not use the authority provided by subsection (a), the Secretary shall submit a certification to the congressional defense committees not later than September 30, 2018, that the petroleum, oil, and lubricants associated with the heavy cruiser Prinz Eugen do not adversely impact safety or military operations.

SEC. 316. CENTERS FOR DISEASE CONTROL STUDY ON HEALTH IMPLICATIONS OF PER- AND POLYFLUOROALKYL SUBSTANCES CONTAMINATION IN DRINKING WATER.

(a) STUDY ON HUMAN HEALTH IMPLICATIONS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry, and, as appropriate, the National Institute of Environmental Health Sciences, and in consultation with the Department of Defense, shall—

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

(B) not later than 5 years after the date of enactment of this Act (or 7 years after such date of enactment after providing notice to the appropriate congressional committees of the need for the delay)—

(i) complete such study and make any appropriate recommendations; and

(ii) submit a report to the appropriate congressional committees on the results of such study; and

(C) not later than one year after the date of the enactment of this Act, and annually thereafter until submission of the report under subparagraph (B)(ii), submit to the appropriate congressional committees a report on the progress of the study.

(2) FUNDING.—Of the amounts authorized to be appropriated by this Act for the Department of Defense, $7,000,000 shall be available to carry out the study under this subsection.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the congressional defense committees;

(B) the Committee on Heath, Education, Labor, and Pensions, the Committee on Environment and Public Works, and the Committee on Veterans' Affairs of the Senate; and

(C) the Committee on Energy and Commerce and the Committee on Veterans' Affairs of the House of Representatives.

(b) EXPOSURE ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease

Registry, and, as appropriate, the National Institute of Environmental Health Sciences, and in consultation with the Department of Defense, shall conduct an exposure assessment of no less than 8 current or former domestic military installations known to have PFAS contamination in drinking water, ground water, and any other sources of water and relevant exposure pathways.

(2) CONTENTS.—The exposure assessment required under this subsection shall—

(A) include—

(i) for each military installation covered under the exposure assessment, a statistical sample to be determined by the Secretary of Health and Human Services in consultation with the relevant State health departments; and

(ii) bio-monitoring for assessing the contamination described in paragraph (1); and

(B) produce findings, which shall be—

(i) used to help design the study described in subsection (a)(1)(A); and

(ii) released to the appropriate congressional committees not later than 1 year after the conclusion of such exposure assessment.

(3) TIMING.—The exposure assessment required under this subsection shall—

(A) begin not later than 180 days after the date of enactment of this Act; and

(B) conclude not later than 2 years after such date of enactment.

(c) COORDINATION WITH OTHER AGENCIES.—The Agency for Toxic Substance and Disease Registry may, as necessary, use staff and other resources from other Federal agencies in carrying out the study under subsection (a) and the assessment under subsection (b).

(d) NO EFFECT ON REGULATORY PROCESS.—The study and assessment conducted under this section shall not interfere with any regulatory processes of the Environmental Protection Agency, including determinations of maximum contaminant levels.

SEC. 317. SENTINEL LANDSCAPES PARTNERSHIP.

10 USC 2684a note.

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

(b) DESIGNATION OF SENTINEL LANDSCAPES.—The Secretary of Defense, the Secretary of Agriculture, and the Secretary of the Interior, may, as the Secretaries determine appropriate, collectively designate one or more sentinel landscapes.

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

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

(e) DEFINITIONS.—In this section:

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

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

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

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

(B) the working or natural lands that serve to protect and support the rural economy, the natural environment, outdoor recreation, and the national defense test and training missions of the military- or State-owned National Guard installation or installations.

(f) CONFORMING AMENDMENT.—Section 312(b) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 729; 10 U.S.C. 2684a note) is repealed.

SEC. 318. REPORT ON RELEASE OF RADIUM OR RADIOACTIVE MATERIAL INTO THE GROUNDWATER NEAR THE INDUSTRIAL RESERVE PLANT IN BETHPAGE, NEW YORK.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress an addendum to the report submitted to Congress in June 2017 entitled "2017 Annual Report For Groundwater Impacts at Naval Weapons Industrial Reserve Plant Bethpage, New York" that would detail any releases by the Department of Defense of radium or radioactive material into the groundwater within a 75-mile radius of the industrial reserve plant in Bethpage, New York.

Subtitle C—Logistics and Sustainment

SEC. 321. REAUTHORIZATION OF MULTI-TRADES DEMONSTRATION PROJECT.

Section 338 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 5013 note), as most recently amended by section 321 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1694) is amended—

(1) in subsection (d), by striking "2018" and inserting "2023"; and

(2) in subsection (e), by striking "2019" and inserting "2024".

SEC. 322. INCREASED PERCENTAGE OF SUSTAINMENT FUNDS AUTHORIZED FOR REALIGNMENT TO RESTORATION AND MODERNIZATION AT EACH INSTALLATION.

10 USC 2661 note.

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

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

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

SEC. 323. GUIDANCE REGARDING USE OF ORGANIC INDUSTRIAL BASE.

10 USC 4551 note.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall establish clear and prescriptive guidance on the process for conducting make-or-buy analyses for Army requirements, including the use of the organic industrial base.

Subtitle D—Reports

SEC. 331. QUARTERLY REPORTS ON PERSONNEL AND UNIT READINESS.

(a) MODIFICATION AND IMPROVEMENT.—Section 482 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Each report" and inserting "The reports for the first and third quarters of a calendar year"; and

(B) by adding at the end the following new sentence: "The reports for the second and fourth quarters of a calendar year shall contain the information required by subsection (j).";

(2) in subsection (b)—

(A) in the subsection heading, by striking "AND REMEDIAL ACTIONS";

(B) in the matter preceding paragraph (1), by striking "Each report" and inserting "A report for the second or fourth quarter of a calendar year";

(C) in paragraph (1), by inserting "and" after the semicolon;

(D) by striking paragraph (2); and

(E) by redesignating paragraph (3) as paragraph (2);

(3) in subsection (d)(1), by striking "Each report" and inserting "A report for the second or fourth quarter of a calendar year";

(4) in subsection (e), by striking "Each report" and inserting "A report for the second or fourth quarter of a calendar year";

(5) in subsection (f)(1), by striking "Each report" and inserting "A report for the second or fourth quarter of a calendar year";

(6) in subsection (g)(1), by striking "Each report" and inserting "A report for the second or fourth quarter of a calendar year"; and

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

"(j) REMEDIAL ACTIONS.—A report for the first or third quarter of a calendar year shall include—

"(1) a description of the mitigation plans of the Secretary to address readiness shortfalls and operational deficiencies identified in the report submitted for the preceding calendar quarter; and

"(2) for each such shortfall or deficiency, a timeline for resolution, the cost necessary for such resolution, the mitigation strategy the Department will employ until the resolution is in place, and any legislative remedies required.".

(b) CONFORMING AMENDMENTS.—Section 117 of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) in the subsection heading, by striking "QUARTERLY"and inserting "SEMI-ANNUAL"; and

(B) in paragraph (1)(A), by striking "quarterly" and inserting "semi-annual"; and

(2) in subsection (e), by striking "each quarter" and inserting "semi-annually".

SEC. 332. BIENNIAL REPORT ON CORE DEPOT-LEVEL MAINTENANCE AND REPAIR CAPABILITY.

Section 2464(d) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(4) Any workload shortfalls at any work breakdown structure category designated as a lower-level category pursuant to Department of Defense Instruction 4151.20, or any successor instruction.

"(5) A description of any workload executed at a category designated as a first-level category pursuant to such Instruction, or any successor instruction, that could be used to mitigate shortfalls in similar categories.

"(6) A description of any progress made on implementing mitigation plans developed pursuant to paragraph (3).

"(7) A description of core capability requirements and corresponding workloads at the first level category.

"(8) In the case of any shortfall that is identified, a description of the shortfall and an identification of the subcategory of the work breakdown structure in which the shortfall occurred.

"(9) In the case of any work breakdown structure category designated as a special interest item or other pursuant to such Instruction, or any successor instruction, an explanation for such designation.

"(10) Whether the core depot-level maintenance and repair capability requirements described in the report submitted under this subsection for the preceding fiscal year have been executed.".

SEC. 333. ANNUAL REPORT ON PERSONNEL, TRAINING, AND EQUIPMENT NEEDS OF NON-FEDERALIZED NATIONAL GUARD.

(a) ANNUAL REPORT REQUIRED.—Section 10504 of title 10, United States Code, as amended by section 1051, is further amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking "REPORT" and inserting "REPORT ON STATE OF THE NATIONAL GUARD"; and

(B) by striking "The report" and inserting the following:

"(2) The annual report required by paragraph (1)"; and

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

"(b) ANNUAL REPORT ON NON-FEDERALIZED SERVICE NATIONAL GUARD PERSONNEL, TRAINING, AND EQUIPMENT REQUIREMENTS.—(1) Not later than January 31 of each of calendar years 2018 through 2020, the Chief of the National Guard Bureau, in coordination with the Secretary of Defense, shall submit to the recipients described in paragraph (3) a report that identifies the personnel, training, and equipment required by the non-Federalized National Guard—

"(A) to support civilian authorities in connection with natural and man-made disasters during the covered period; and

"(B) to carry out prevention, protection, mitigation, response, and recovery activities relating to such disasters during the covered period.

"(2) In preparing each report under paragraph (1), the Chief of the National Guard Bureau shall—

"(A) consult with the chief executive of each State, the Council of Governors, and other appropriate civilian authorities;

"(B) collect and validate information from each State relating to the personnel, training, and equipment requirements described in paragraph (1);

"(C) set forth separately the personnel, training, and equipment requirements for—

"(i) each of the emergency support functions of the National Response Framework; and

"(ii) each of the Federal Emergency Management Agency regions;

"(D) assess core civilian capability gaps relating to natural and man-made disasters, as identified by States in submissions to the Department of Homeland Security;

"(E) take into account threat and hazard identifications and risk assessments of the Department of Defense, the Department of Homeland Security, and the States; and

"(F) assess the budgets of each State to support the personnel, training, and equipment requirements of the non-Federalized National Guard.

"(3) The annual report required by paragraph (1) shall be submitted to the following officials:

"(A) The congressional defense committees, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

"(B) The Secretary of Defense.

"(C) The Secretary of Homeland Security.

"(D) The Council of Governors.

"(E) The Secretary of the Army.

"(F) The Secretary of the Air Force.

"(G) The Commander of the United States Northern Command.

"(H) The Commander of the United States Pacific Command.

"(I) The Commander of the United States Cyber Command.

"(4) In this subsection, the term 'covered period' means the fiscal year beginning after the date on which a report is submitted under paragraph (1).".

(b) CLERICAL AMENDMENTS.—

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

"§ 10504. Chief of National Guard Bureau: annual reports".

10 USC prec. 10501.

(2) TABLE OF CONTENTS.—The table of sections at the beginning of chapter 1011 of title 10, United States Code, is amended by striking the item relating to section 10504 and inserting the following:

"10504. Chief of National Guard Bureau: annual reports.".

10 USC 2302 note.

SEC. 334. ANNUAL REPORT ON MILITARY WORKING DOGS USED BY THE DEPARTMENT OF DEFENSE.

(a) CAPACITY.—The Secretary of Defense, acting through the Executive Agent for Military Working Dogs (hereinafter in this section referred to as the "Executive Agent"), shall—

(1) identify the number of military working dogs required to fulfill the various missions of the Department of Defense for which such dogs are used, including force protection, facility and check point security, and explosives and drug detection;

(2) take such steps as are practicable to ensure an adequate number of military working dog teams are available to meet and sustain the mission requirements identified in paragraph (1);

(3) ensure that the Department's needs and performance standards with respect to military working dogs are readily available to dog breeders and trainers; and

(4) coordinate with other Federal, State, and local agencies, nonprofit organizations, universities, and private sector entities, as appropriate, to increase the training capacity for military working dog teams.

(b) MILITARY WORKING DOG PROCUREMENT.—The Secretary, acting through the Executive Agent, shall work to ensure that military working dogs are procured as efficiently as possible and at the best value to the Government, while maintaining the necessary level of quality and encouraging increased domestic breeding.

(c) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter until September 30, 2021, the Secretary, acting through the Executive Agent, shall submit to the congressional defense committees a report on the procurement and retirement of military working dogs for the fiscal year preceding the fiscal year during which the report is submitted. Each report under this subsection shall include the following for the fiscal year covered by the report:

(1) The number of military working dogs procured, by source, by each military department or Defense Agency.

(2) The cost of procuring military working dogs incurred by each military department or Defense Agency.

(3) The number of domestically-bred and sourced military working dogs procured by each military department or Defense Agency, including a list of vendors, their location, cost, and the quantity of dogs procured from each vendor.

(4) The number of non-domestically-bred military working dogs procured from non-domestic sources by each military department or Defense Agency, including a list of vendors, their location, cost, and the quantity of dogs procured from each vendor.

(5) The cost of procuring pre-trained and green dogs for force protection, facility and checkpoint security, and improvised explosive device, other explosives, and drug detection.

(6) An analysis of the procurement practices of each military department or Defense Agency that limit market access for domestic canine vendors and breeders.

(7) The total cost of procuring domestically-bred military working dogs versus the total cost of procuring dogs from non-domestic sources.

(8) The total number of domestically-bred dogs and the number of dogs from foreign sources procured by each military department or Defense Agency and the number and percentage of those dogs that are ultimately deployed for their intended use.

(9) An explanation for any significant difference in the cost of procuring military working dogs from different sources.

(10) An estimate of the number of military working dogs expected to retire annually and an identification of the primary cause of the retirement of such dogs.

(11) An identification of the final disposition of military working dogs no longer in service.

(d) MILITARY WORKING DOG DEFINED.—For purposes of this section, the term "military working dog" means a dog used in any official military capacity, as defined by the Secretary of Defense.

SEC. 335. REPORT ON EFFECTS OF CLIMATE CHANGE ON DEPARTMENT OF DEFENSE.

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

(1) Secretary of Defense James Mattis has stated: "It is appropriate for the Combatant Commands to incorporate drivers of instability that impact the security environment in their areas into their planning.".

(2) Secretary of Defense James Mattis has stated: "I agree that the effects of a changing climate — such as increased maritime access to the Arctic, rising sea levels, desertification, among others — impact our security situation.".

(3) Chairman of the Joint Chiefs of Staff Joseph Dunford has stated: "It's a question, once again, of being forward deployed, forward engaged, and be in a position to respond to the kinds of natural disasters that I think we see as a second or third order effect of climate change.".

(4) Former Secretary of Defense Robert Gates has stated: "Over the next 20 years and more, certain pressures-population, energy, climate, economic, environmental-could combine with rapid cultural, social, and technological change to produce new sources of deprivation, rage, and instability.".

(5) Former Chief of Staff of the U.S. Army Gordon Sullivan has stated: "Climate change is a national security issue. We found that climate instability will lead to instability in geopolitics and impact American military operations around the world.".

(6) The Office of the Director of National Intelligence (ODNI) has stated: "Many countries will encounter climate-induced disruptions—such as weather-related disasters, drought, famine, or damage to infrastructure—that stress their capacity to respond, cope with, or adapt. Climate-related impacts will also contribute to increased migration, which can

be particularly disruptive if, for example, demand for food and shelter outstrips the resources available to assist those in need.".

(7) The Government Accountability Office (GAO) has stated: "DOD links changes in precipitation patterns with potential climate change impacts such as changes in the number of consecutive days of high or low precipitation as well as increases in the extent and duration of droughts, with an associated increase in the risk of wildfire. . . this may result in mission vulnerabilities such as reduced live-fire training due to drought and increased wildfire risk.".

(8) A three-foot rise in sea levels will threaten the operations of more than 128 United States military sites, and it is possible that many of these at-risk bases could be submerged in the coming years.

(9) As global temperatures rise, droughts and famines can lead to more failed states, which are breeding grounds of extremist and terrorist organizations.

(10) In the Marshall Islands, an Air Force radar installation built on an atoll at a cost of $1,000,000,000 is projected to be underwater within two decades.

(11) In the western United States, drought has amplified the threat of wildfires, and floods have damaged roads, runways, and buildings on military bases.

(12) In the Arctic, the combination of melting sea ice, thawing permafrost, and sea-level rise is eroding shorelines, which is damaging radar and communication installations, runways, seawalls, and training areas.

(13) In the Yukon Training Area, units conducting artillery training accidentally started a wildfire despite observing the necessary practices during red flag warning conditions.

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

(1) climate change is a direct threat to the national security of the United States and is impacting stability in areas of the world both where the United States Armed Forces are operating today, and where strategic implications for future conflict exist;

(2) there are complexities in quantifying the cost of climate change on mission resiliency, but the Department of Defense must ensure that it is prepared to conduct operations both today and in the future and that it is prepared to address the effects of a changing climate on threat assessments, resources, and readiness; and

(3) military installations must be able to effectively prepare to mitigate climate damage in their master planning and infrastructure planning and design, so that they might best consider the weather and natural resources most pertinent to them.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on vulnerabilities to military installations and combatant commander requirements resulting from climate change over the next 20 years.

(2) ELEMENTS.—The report on vulnerabilities to military installations and combatant commander requirements required by paragraph (1) shall include the following:

(A) A list of the ten most vulnerable military installations within each service based on the effects of rising sea tides, increased flooding, drought, desertification, wildfires, thawing permafrost, and any other categories the Secretary determines necessary.

(B) An overview of mitigations that may be necessary to ensure the continued operational viability and to increase the resiliency of the identified vulnerable military installations and the cost of such mitigations.

(C) A discussion of the climate-change related effects on the Department, including the increase in the frequency of humanitarian assistance and disaster relief missions and the theater campaign plans, contingency plans, and global posture of the combatant commanders.

(D) An overview of mitigations that may be necessary to ensure mission resiliency and the cost of such mitigations.

(3) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 336. REPORT ON OPTIMIZATION OF TRAINING IN AND MANAGEMENT OF SPECIAL USE AIRSPACE.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of the Bases, Ranges, and Airspace Directorate of the Air Force and the Administrator of the Federal Aviation Administration shall submit to Congress a report on optimization of training in and management of special use airspace that includes the following:

(1) Best practices for the management of special use airspace, including practices that—

(A) result in cost savings relating to training;

(B) increase training opportunities for airmen;

(C) increase joint use of such airspace;

(D) improve coordination with respect to such airspace with—

(i) the Federal Aviation Administration;

(ii) Indian tribes;

(iii) airports, civilian aircraft operators, and local communities; and

(iv) private landowners and other stakeholders; or

(E) improve the coordination of large force exercises, including the use of waivers or other exceptional measures.

(2) An assessment of whether the capacity of ranges, including limitations on flight operations, is adequate to meet current and future training needs.

(3) An assessment of whether the establishment of a dedicated squadron for the purpose of coordinating the use of a special use airspace at the installation located in that airspace would improve the achievement of the objectives described in subparagraphs (A) through (E) of paragraph (1).

(4) An assessment of the processes in place to consider, evaluate, and mitigate special use airspace impacts to the public right of transit through navigable airspace and the safe and efficient use of the National Airspace System by commercial and general aviation.

(5) Recommendations for improving the management and utilization of special use airspace to meet the objectives described in subparagraphs (A) through (E) of paragraph (1) and to address any gaps in capacity identified under paragraph (2).

(b) SPECIAL USE AIRSPACE DEFINED.—In this section, the term "special use airspace" means special use airspace designated under part 73 of title 14, Code of Federal Regulations.

SEC. 337. PLAN FOR MODERNIZED, DEDICATED DEPARTMENT OF THE NAVY ADVERSARY AIR TRAINING ENTERPRISE.

(a) PLAN REQUIRED.—The Chief of Naval Operations and the Commandant of the Marine Corps shall develop a plan—

(1) to establish a modernized, dedicated adversary air training enterprise for the Department of the Navy in order to—

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

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

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

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

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

(c) SUBMITTAL OF PLAN AND BRIEFING.—Not later than March 1, 2018, the Chief of Naval Operations and Commandant of the Marine Corps shall provide to the Committees on Armed Services of the Senate and the House of Representatives a written plan and briefing on the plan required under subsection (a).

10 USC 2464 note.

SEC. 338. UPDATED GUIDANCE REGARDING BIENNIAL CORE REPORT.

To ensure that the biennial core reporting procedures of the Department of Defense align with the requirements of section 2464 of title 10, United States Code, and that each reporting agency provides accurate and complete information, the Secretary of Defense shall direct the Under Secretary of Defense for Acquisition, Technology and Logistics to update the Department of Defense Guidance, in particular Department of Defense Instruction 4151.20, to require future biennial core reports include instructions to the reporting agencies on how to—

(1) report additional depot workload performed that has not been identified as a core requirement;

(2) accurately capture inter-service workload;

(3) calculate shortfalls; and

(4) estimate the cost of planned workload.

Subtitle E—Other Matters

SEC. 341. EXPLOSIVE SAFETY BOARD.

(a) MODIFICATION AND IMPROVEMENT OF AMMUNITION STORAGE BOARD.—Section 172 of title 10, United States Code, is amended—

(1) by striking "The Secretaries of the military departments" and inserting "(a) IN GENERAL.—The Secretary of Defense";

(2) by inserting "that includes members" after "joint board";

(3) by striking "selected by them" and inserting "selected by the Secretaries of the military departments,";

(4) by inserting "military" before "officers";

(5) by inserting "designated as the chair and voting members of the board for each military department" after "officers";

(6) by inserting "and other" before "civilian officers";

(7) by striking "or both" and inserting "as necessary";

(8) by striking "keep informed on stored" and inserting "provide oversight on storage and transportation of"; and

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

"(b) OVERSIGHT BY SECRETARIES OF THE MILITARY DEPARTMENTS.—The Secretaries of the military departments shall provide research, development, test, evaluation, and manufacturing oversight for energetic materials supporting military requirements.".

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 172 of title 10, United States Code, is amended by striking "**Ammunition storage**" and inserting "**Explosive safety**".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 172 and inserting the following new item:

10 USC prec. 171.

"172. Explosive safety board.".

SEC. 342. SERVICEWOMEN'S COMMEMORATIVE PARTNERSHIPS.

10 USC 113 note.

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

(b) PURPOSES.—The contracts, partnerships, or grants shall be limited to serving the purposes of—

(1) preserving the history of the 3,000,000 women who have served in the United States Armed Forces;

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

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

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

SEC. 343. LIMITATION ON AVAILABILITY OF FUNDS FOR ADVANCED SKILLS MANAGEMENT SOFTWARE SYSTEM OF THE NAVY.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the Department of Defense may be obligated for the enhancement of the advanced skills management software system of the Navy until a period of 60 days has elapsed following the date on which Secretary of the Navy makes the submission required under subsection (b)(3).

(b) BRIEFING AND CERTIFICATION.—The Secretary of the Navy shall—

(1) provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on any enhancements that are needed for the advanced skills management software system of the Navy;

(2) after providing the briefing under paragraph (1), issue a request for information for such enhancements in accordance with part 15.2 of the Federal Acquisition Regulation; and

(3) submit to the Committees on Armed Services of the Senate and the House of Representatives—

(A) the results of the request for information issued under paragraph (2); and

(B) a written certification that—

(i) as part of the request for information, the Secretary solicited information on commercially available off-the-shelf software solutions that may be used to enhance the advanced skills management software system of the Navy; and

(ii) the Secretary has considered using such solutions.

(c) ADVANCED SKILLS MANAGEMENT SOFTWARE SYSTEM DEFINED.—In this section, the term "advanced skills management software system" means a software application designed to—

(1) identify job task requirements for Navy personnel;

(2) assist in determining the proficiencies of such personnel;

(3) document qualifications and certifications of such personnel; and

(4) track the technical training completed by Navy aviation maintenance personnel.

10 USC 2302 note.

SEC. 344. COST-BENEFIT ANALYSIS OF UNIFORM SPECIFICATIONS FOR AFGHAN MILITARY OR SECURITY FORCES.

Beginning on the date of the enactment of this Act, whenever the Secretary of Defense enters into a contract for the provision of uniforms for Afghan military or security forces, the Secretary shall conduct a cost-benefit analysis of the uniform specification for the Afghan military or security forces uniform. Such analysis shall determine—

(1) whether there is a more effective alternative uniform specification, considering both operational environment and cost, available to the Afghan military or security forces;

(2) the efficacy of the existing pattern compared to other alternatives (both proprietary and non-proprietary patterns); and

(3) the costs and feasibility of transitioning the uniforms of the Afghan military or security forces to a pattern owned by the United States, using existing excess inventory where available, and acquiring the rights to the Spec4ce Forest pattern.

SEC. 345. TEMPORARY INSTALLATION REUTILIZATION AUTHORITY FOR ARSENALS, DEPOTS, AND PLANTS.

10 USC 2667 note.

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

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

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

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

(b) DELEGATION AND REVIEW PROCESS.—

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

(2) NOTICE OF APPROVAL.—Upon any approval of a lease or contract by a commander pursuant to a delegation of authority under paragraph (1), the commander shall notify the Chief of the Army Corps of Engineers and Congress of the approval.

(3) REVIEW PERIOD.—Any lease or contract that is approved utilizing the delegation authority under paragraph (1) is subject to a 90-day hold period so that the Chief of the Army Corps of Engineers may review the lease or contract pursuant to paragraph (4).

(4) DISPOSITION OF REVIEW.—If the Chief of the Army Corps of Engineers disapproves of a contract or lease submitted for review under paragraph (3), the agreement shall be null and void upon transmittal by the Chief of the Army Corps of Engineers to the delegating authority of a written disapproval, including a justification for such disapproval, within the 90-day hold period. If no such disapproval is transmitted within the 90-day hold period, the agreement shall be deemed approved.

(5) APPROVAL OF REVISED AGREEMENT.—If, not later than 60 days after receiving a disapproval under paragraph (4), the delegating authority submits to the Chief of the Army Corps of Engineers a new contract or lease that addresses

the concerns of the Chief of the Army Corps of Engineers outlined in such disapproval, the new contract or lease shall be deemed approved unless the Chief of the Army Corps of Engineers transmits to the delegating authority a disapproval of the new contract or lease within 30 days of such submission.

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

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

SEC. 346. COMPREHENSIVE PLAN FOR SHARING DEPOT-LEVEL MAINTENANCE BEST PRACTICES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan for the sharing of best practices for depot-level maintenance among the military services.

(b) ELEMENTS.—The comprehensive plan required under subsection (a) shall cover the sharing of best practices with regard to—

(1) programing and scheduling;
(2) core capability requirements;
(3) workload;
(4) personnel management, development, and sustainment;
(5) induction, duration, efficiency, and completion metrics;
(6) parts, supply, tool, and equipment management;
(7) capital investment and manufacturing and production capability; and
(8) inspection and quality control.

SEC. 347. PILOT PROGRAM FOR OPERATION AND MAINTENANCE BUDGET PRESENTATION.

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

(1) For the Army:
  (A) SAG 111 – Maneuver Units.
  (B) SAG 123 – Land Forces Depot Maintenance.
  (C) SAG 131 – Base Operations Support.
  (D) SAG 322 – Flight Training.
(2) For the Navy:
  (A) SAG 1A5A – Aircraft Depot Maintenance.
  (B) SAG 1B1B – Mission and Other Ship Operations.
  (C) SAG 1B4B – Ship Depot Maintenance.
  (D) SAG BSS1 – Base Operating Support.
(3) For the Marine Corps:
  (A) SAG 1A1A – Operational Forces.
  (B) SAG 1A3A – Depot Maintenance.
  (C) SAG 1B1B – Field Logistics.

(D) SAG BSS1 – Base Operating Support.

(4) For the Air Force:

(A) SAG 011A – Primary Combat Forces.

(B) SAG 011Y – Flying Hour Program.

(C) SAG 011Z – Base Support.

(D) SAG 021M – Depot Maintenance.

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

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

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

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

(4) A rollup document by sub-activity group with accompanying program element funding with the PB–61 program element tags included.

(5) A summary of each depot maintenance facility with information on workload, work force, sources of funding, and expenses similar to the exhibit on Mission Funded Naval Shipyards included with the 2012 Navy Budget Justification.

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

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

SEC. 348. REPURPOSING AND REUSE OF SURPLUS ARMY FIREARMS.

10 USC note prec. 4681.

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

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

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

(2) force protection barriers and security bollards.

(c) ITEMS EXEMPT FROM TRANSFER.—M–1 Garand, caliber .45 M1911/M1911A1 pistols, caliber .22 rimfire rifles, and such additional items as designated by the Secretary in the annual report required under subsection (d) are not subject to the transfer requirement under subsection (a).

(d) ANNUAL REPORT.—Not later than 5 days after the budget of the President for a fiscal year is submitted to Congress under section 1105 of title 31, United States Code, the Secretary of the Army, in coordination with the Director of the Defense Logistics Agency, shall submit to the Committees on Armed Services of

the Senate and the House of Representatives a report specifying additional excess firearms, related spare parts and components, small arms ammunition, and ammunition components designated as no longer actively issued for military service and that are otherwise prohibited from commercial sale, or distribution, under Federal law. The Secretary of the Army shall designate these items to either be added to the transfer list for the purposes described under subsection (b) or the list of items exempted under subsection (c). The report may not include the redesignation or change in status of items previously designated for transfer or exemption pursuant to subsections (a) or (c).

(e) ACTIONS PURSUANT TO ANNUAL REPORT.—The Secretary of the Army may not take any action to transfer items designated in the report submitted under subsection (d) until the date of the enactment of the National Defense Authorization Act for the fiscal year following the year such report is submitted. Upon enactment of such Act, the Secretary shall transfer or exempt the items so designated.

SEC. 349. DEPARTMENT OF THE NAVY MARKSMANSHIP AWARDS.

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

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

"(2) The items specified for transfer under paragraph (1)—

"(A) shall be used as awards for competitors in marksmanship competitions held by the United States Marine Corps or the United States Navy and may not be resold; and

"(B) shall be rendered inoperable prior to award and transfer to marksmanship competitors.".

SEC. 350. CIVILIAN TRAINING FOR NATIONAL GUARD PILOTS AND SENSOR OPERATOR AIRCREWS OF MQ–9 UNMANNED AERIAL VEHICLES.

(a) CONTRACTS FOR TRAINING.—Subject to subsection (c), the Secretary of the Air Force may enter into one or more contracts with appropriate civilian entities in order to provide flying or operating training for Air National Guard pilots and sensor operator aircrew members in the MQ–9 unmanned aerial vehicle if the Secretary of the Air Force determines that—

(1) Air Force training units lack sufficient capacity to train such pilots or sensor operator aircrew members for initial qualification in the MQ–9 unmanned aerial vehicle;

(2) pilots or sensor operator aircrew members of Air National Guard units require continuation training in order to remain current and qualified in the MQ–9 unmanned aerial vehicle;

(3) non-combat continuation training in the MQ–9 unmanned aerial vehicle is necessary for such pilots or sensor operator aircrew members to achieve required levels of flying or operating proficiency; and

(4) such training for such pilots or sensor operator aircrew members is necessary in order to meet requirements for the Air National Guard to provide pilots and sensor operator aircrew members qualified in the MQ–9 unmanned aerial vehicle for operations on active duty and in State status.

(b) NATURE OF TRAINING UNDER CONTRACTS.—Any training provided pursuant to a contract under subsection (a) shall incorporate a level of instruction that is equivalent to the instruction in the MQ–9 unmanned aerial vehicle provided to pilots and sensor operator aircrew members at Air Force training units, as determined by the Secretary of the Air Force.

(c) AUTHORITY CONTINGENT ON CERTIFICATION AND NOTICE AND WAIT PERIOD.—The Secretary of the Air Force may not use the authority in subsection (a) unless and until the Secretary of the Air Force certifies to the congressional defense committees in writing, 90 days in advance of executing such authority provided in subsection (a), that the use of the authority is necessary to provide required flying or operating training for Air National Guard pilots and sensor operator aircrew members in the MQ–9 unmanned aerial vehicle.

SEC. 351. TRAINING FOR NATIONAL GUARD PERSONNEL ON WILDFIRE RESPONSE.

32 USC 501 note.

The Secretary of the Army and the Secretary of the Air Force may, in consultation with the Chief of the National Guard Bureau, provide support for training of appropriate personnel of the National Guard on wildfire response and prevention, with preference given to military installations with the highest wildfire suppression need.

SEC. 352. MODIFICATION OF THE SECOND DIVISION MEMORIAL.

40 USC 8903 note.

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

(b) APPLICATION OF COMMEMORATIVE WORKS ACT.—Chapter 89 of title 40, United States Code (commonly known as the "Commemorative Works Act"), shall apply to the design and placement of the commemorative elements or engravings authorized under subsection (a).

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

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Subtitle B—Reserve Forces

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2018, as follows:

(1) The Army, 483,500.
(2) The Navy, 327,900.
(3) The Marine Corps, 186,000.
(4) The Air Force, 325,100.

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

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

"(1) For the Army, 483,500.
"(2) For the Navy, 327,900.
"(3) For the Marine Corps, 186,000.
"(4) For the Air Force, 325,100.".

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2018, as follows:

(1) The Army National Guard of the United States, 343,500.
(2) The Army Reserve, 199,500.
(3) The Navy Reserve, 59,000.
(4) The Marine Corps Reserve, 38,500.
(5) The Air National Guard of the United States, 106,600.
(6) The Air Force Reserve, 69,800.
(7) The Coast Guard Reserve, 7,000.

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

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

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

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are

released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

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

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2018, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 30,155.
(2) The Army Reserve, 16,261.
(3) The Navy Reserve, 10,101.
(4) The Marine Corps Reserve, 2,261.
(5) The Air National Guard of the United States, 16,260.
(6) The Air Force Reserve, 3,588.

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

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

(1) For the Army National Guard of the United States, 22,294.
(2) For the Army Reserve, 6,492.
(3) For the Air National Guard of the United States, 19,135.
(4) For the Air Force Reserve, 8,880.

SEC. 414. FISCAL YEAR 2018 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

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

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

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

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

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

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

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

During fiscal year 2018, the maximum number of members of the reserve components of the Armed Forces who may be serving

at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

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

10 USC 10508 note.

SEC. 416. NUMBER OF MEMBERS OF THE NATIONAL GUARD ON FULL-TIME DUTY IN SUPPORT OF THE RESERVES WITHIN THE NATIONAL GUARD BUREAU.

(a) ARMY NATIONAL GUARD OF THE UNITED STATES.—As of the end of fiscal year 2019, and as of the end of each fiscal year thereafter, the number of members of the Army National Guard of the United States serving with the National Guard Bureau on full-time duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components may not exceed the number equal to six percent of the total number of members of the Army National Guard of the United States authorized for service on full-time duty for that purpose in that fiscal year.

(b) AIR NATIONAL GUARD OF THE UNITED STATES.—As of the end of fiscal year 2019, and as of the end of each fiscal year thereafter, the number of members of the Air National Guard of the United States serving with the National Guard Bureau on full-time duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components may not exceed the number equal to six percent of the total number of members of the Air National Guard of the United States authorized for service on full-time duty for that purpose in that fiscal year.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2018 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2018.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Subtitle A—Officer Personnel Policy

SEC. 501. MODIFICATION OF DEADLINE FOR SUBMITTAL BY OFFICERS OF WRITTEN COMMUNICATIONS TO PROMOTION SELECTION BOARDS ON MATTERS OF IMPORTANCE TO THEIR SELECTION.

(a) OFFICERS ON ACTIVE-DUTY LIST.—Section 614(b) of title 10, United States Code, is amended by striking "the day" and inserting "10 calendar days".

(b) OFFICERS IN RESERVE ACTIVE-STATUS.—Section 14106 of title 10, United States Code, is amended in the second sentence by striking "the day" and inserting "10 calendar days".

(c) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to promotion selection boards convened on or after the date of the enactment of this Act. 10 USC 614 note.

SEC. 502. CLARIFICATION TO EXCEPTION FOR REMOVAL OF OFFICERS FROM LIST OF OFFICERS RECOMMENDED FOR PROMOTION AFTER 18 MONTHS WITHOUT APPOINTMENT.

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

SEC. 503. MODIFICATION OF REQUIREMENT FOR SPECIFICATION OF NUMBER OF OFFICERS WHO MAY BE RECOMMENDED FOR EARLY RETIREMENT BY A SELECTIVE EARLY RETIREMENT BOARD.

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

(1) in subsection (c), by striking paragraph (1) and inserting the following new paragraph:

"(1) In the case of an action under subsection (b)(2), the total number of officers described in that subsection that a selection board convened under section 611(b) of this title pursuant to the authority of that subsection may recommend for early retirement may not be more than 30 percent of the number of officers considered in each grade in each competitive category."; and

(2) in subsection (d), by striking paragraph (2) and inserting the following new paragraph:

"(2) The total number of officers to be recommended for discharge by a selection board convened pursuant to subsection (b)(3) may not be more than 30 percent of the number of officers considered.".

SEC. 504. EXTENSION OF SERVICE-IN-GRADE WAIVER AUTHORITY FOR VOLUNTARY RETIREMENT OF CERTAIN GENERAL AND FLAG OFFICERS FOR PURPOSES OF ENHANCED FLEXIBILITY IN OFFICER PERSONNEL MANAGEMENT.

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

SEC. 505. INCLUSION OF PRINCIPAL MILITARY DEPUTY TO THE ASSISTANT SECRETARY OF THE ARMY FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS AMONG OFFICERS SUBJECT TO REPEAL OF STATUTORY SPECIFICATION OF GENERAL OFFICER GRADE.

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

SEC. 506. CLARIFICATION OF EFFECT OF REPEAL OF STATUTORY SPECIFICATION OF GENERAL OR FLAG OFFICER GRADE FOR VARIOUS POSITIONS IN THE ARMED FORCES.

(a) RETENTION OF GRADE OF INCUMBENTS IN POSITIONS ON EFFECTIVE DATE.—

(1) IN GENERAL.—Section 502 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2102) is amended by adding at the end the following new subsection:

10 USC 155a note.

"(tt) RETENTION OF GRADE OF INCUMBENTS IN POSITIONS ON EFFECTIVE DATE.—The grade of service of an officer serving as of the date of the enactment of this Act in a position whose statutory grade is affected by an amendment made by this section may not be reduced after that date by reason of such amendment as long as the officer remains in continuous service in such position after that date.".

10 USC 155a note.

(2) RETROACTIVE EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as of December 23, 2016, and be treated as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328).

(b) CLARIFYING AMENDMENT TO CHIEF OF VETERINARY CORPS OF THE ARMY REPEAL.—Section 3084 of title 10, United States Code, is amended by striking the last sentence.

SEC. 507. STANDARDIZATION OF AUTHORITIES IN CONNECTION WITH REPEAL OF STATUTORY SPECIFICATION OF GENERAL OFFICER GRADE FOR THE DEAN OF THE ACADEMIC BOARD OF THE UNITED STATES MILITARY ACADEMY AND THE DEAN OF THE FACULTY OF THE UNITED STATES AIR FORCE ACADEMY.

(a) DEAN OF ACADEMIC BOARD OF MILITARY ACADEMY.—Section 4335(c) of title 10, United States Code, is amended—

(1) by striking the first and third sentences; and

(2) in the remaining sentence, by striking "so appointed" and inserting "appointed as Dean of the Academic Board".

(b) DEAN OF FACULTY OF AIR FORCE ACADEMY.—Section 9335(b) of title 10, United States Code, is amended by striking "so appointed" and inserting "appointed as Dean of the Faculty".

SEC. 508. FLEXIBILITY IN PROMOTION OF OFFICERS TO POSITIONS OF STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS AND DEPUTY JUDGE ADVOCATE GENERAL OF THE NAVY OR AIR FORCE.

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

(1) by inserting "(1)" after "(b)"; and

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

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

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

"(B) waive section 619(a)(2) of this title if the Secretary determines that the needs of the Marine Corps require the waiver.".

(b) DEPUTY JUDGE ADVOCATE GENERAL OF THE NAVY.—Section 5149(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

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

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

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

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

(1) by inserting "(1)" after "(e)"; and

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

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

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

"(B) waive section 619(a)(2) of this title if the Secretary determines that the needs of the Air Force require the waiver.".

SEC. 509. GRANDFATHERING OF RETIRED GRADE OF ASSISTANT JUDGE ADVOCATES GENERAL OF THE NAVY AS OF REPEAL OF STATUTORY SPECIFICATION OF GENERAL AND FLAG OFFICERS GRADES IN THE ARMED FORCES.

10 USC 5149 note.

(a) IN GENERAL.—Notwithstanding the amendments made by section 502(gg)(2) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2105), an officer

selected to hold a position specified in subsection (b) as of December 23, 2016, may be retired after that date in the grade of rear admiral (lower half) or brigadier general, as applicable, with the retired pay of such grade (unless entitled to higher pay under another provision of law).

(b) SPECIFIED POSITIONS.—Subsection (a) applies with respect to the Assistant Judge Advocates General of the Navy provided for by subsections (b) and (c) of section 5149 of title 10, United States Code.

Subtitle B—Reserve Component Management

SEC. 511. EQUAL TREATMENT OF ORDERS TO SERVE ON ACTIVE DUTY UNDER SECTIONS 12304A AND 12304B OF TITLE 10, UNITED STATES CODE.

(a) ELIGIBILITY OF RESERVE COMPONENT MEMBERS FOR PRE-MOBILIZATION HEALTH CARE.—Section 1074(d)(2) of title 10, United States Code, is amended by striking "in support of a contingency operation under" and inserting "under section 12304b of this title or".

(b) ELIGIBILITY OF RESERVE COMPONENT MEMBERS FOR TRANSITIONAL HEALTH CARE.—Section 1145(a)(2)(B) of title 10, United States Code, is amended by striking "in support of a contingency operation" and inserting "under section 12304b of this title or a provision of law referred to in section 101(a)(13)(B) of this title".

SEC. 512. SERVICE CREDIT FOR CYBERSPACE EXPERIENCE OR ADVANCED EDUCATION UPON ORIGINAL APPOINTMENT AS A COMMISSIONED OFFICER.

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

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

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

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

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

"(A) Special experience or training in a particular cyberspace-related field if such experience or training is directly related to the operational needs of the armed force concerned.

"(B) Any period of advanced education in a cyberspace-related field beyond the baccalaureate degree level if such advanced education is directly related to the operational needs of the armed force concerned.

"(2) Constructive service credited an officer under this subsection shall not exceed one year for each year of special experience,

training, or advanced education, and not more than three years total constructive service may be credited.

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

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

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

(b) EXTENSION OF AUTHORITY IN CONNECTION WITH ORIGINAL APPOINTMENT OF REGULAR OFFICERS.—Section 533(g)(4) of title 10, United States Code, is amended by striking "December 31, 2018" and inserting "December 31, 2023".

SEC. 513. CONSOLIDATION OF AUTHORITIES TO ORDER MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES TO PERFORM DUTY.

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

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

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

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

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

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

"(B) a second duty category that shall—

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

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

"(C) a third duty category that shall—

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

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

"(D) a fourth duty category that shall—

"(i) generally reflect remote duty completed while not under direct military supervision; and

"(ii) include completion of correspondence courses and telework;

"(2) distinguishes among duty performed under titles 10, 14, and 32, United States Code, and ensures that the reasons

the members of the reserve components are utilized under the statutory authorities which exist prior to the alternate approach are preserved and can be tracked as separate and distinct purposes;

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

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

"(5) aligns Department of Defense programming and budgeting to the types of duty members perform.".

10 USC 3013 note.

SEC. 514. PILOT PROGRAM ON USE OF RETIRED SENIOR ENLISTED MEMBERS OF THE ARMY NATIONAL GUARD AS ARMY NATIONAL GUARD RECRUITERS.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of the Army may carry out a pilot program for the Army National Guard under which retired senior enlisted members of the Army National Guard would serve as contract recruiters for the Army National Guard.

(b) OBJECTIVES OF PILOT PROGRAM.—The Secretary of the Army shall design any pilot program conducted under this section to determine the following:

(1) The feasibility and effectiveness of hiring retired senior enlisted members of the Army National Guard who have retired within the previous two years to serve as recruiters.

(2) The merits of hiring such retired senior enlisted members as contractors or as employees of the Department of Defense.

(3) The best method of providing a competitive compensation package for such retired senior enlisted members.

(4) The merits of requiring such retired senior enlisted members to wear a military uniform while performing recruiting duties under the pilot program.

(c) CONSULTATION.—In developing a pilot program under this section, the Secretary of the Army shall consult with the operators of a previous pilot program carried out by the Army involving the use of contract recruiters.

(d) COMMENCEMENT AND DURATION.—The Secretary of the Army may commence a pilot program under this section on or after January 1, 2018, and all activities under such a pilot program shall terminate no later than December 31, 2020.

(e) FUNDING SOURCE.—If a pilot program is conducted under this section, the Secretary of the Army shall use funds otherwise available for the National Guard Bureau to carry out the program.

(f) REPORTING REQUIREMENT.—If a pilot program is conducted under this section, the Secretary of the Army shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing an evaluation of the success of the pilot program, including the determinations described in subsection (b). The report shall be submitted not later than January 1, 2019.

Subtitle C—General Service Authorities

PART I—MATTERS RELATING TO DISCHARGE AND CORRECTION OF MILITARY RECORDS

SEC. 520. CONSIDERATION OF ADDITIONAL MEDICAL EVIDENCE BY BOARDS FOR THE CORRECTION OF MILITARY RECORDS AND LIBERAL CONSIDERATION OF EVIDENCE RELATING TO POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—Section 1552 of title 10, United States Code, is amended—

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

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

"(h)(1) This subsection applies to a former member of the armed forces whose claim under this section for review of a discharge or dismissal is based in whole or in part on matters relating to post-traumatic stress disorder or traumatic brain injury as supporting rationale, or as justification for priority consideration, and whose post-traumatic stress disorder or traumatic brain injury is related to combat or military sexual trauma, as determined by the Secretary concerned.

"(2) In the case of a claimant described in paragraph (1), a board established under subsection (a)(1) shall—

"(A) review medical evidence of the Secretary of Veterans Affairs or a civilian health care provider that is presented by the claimant; and

"(B) review the claim with liberal consideration to the claimant that post-traumatic stress disorder or traumatic brain injury potentially contributed to the circumstances resulting in the discharge or dismissal or to the original characterization of the claimant's discharge or dismissal.".

(b) CONFORMING AMENDMENT.—Section 1553(d)(3)(A)(ii) of title 10, United States Code, is amended by striking "discharge of a lesser characterization" and inserting "discharge or dismissal or to the original characterization of the member's discharge or dismissal".

SEC. 521. PUBLIC AVAILABILITY OF INFORMATION RELATED TO DISPOSITION OF CLAIMS REGARDING DISCHARGE OR RELEASE OF MEMBERS OF THE ARMED FORCES WHEN THE CLAIMS INVOLVE SEXUAL ASSAULT.

(a) BOARDS FOR THE CORRECTION OF MILITARY RECORDS.—Subsection (i) of section 1552 of title 10, United States Code, as redesignated by section 520(a)(1), is amended by adding at the end the following new paragraph:

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

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

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

(c) CONFORMING AMENDMENTS.—

(1) BOARDS FOR THE CORRECTION OF MILITARY RECORDS.—Subsection (i) of section 1552 of title 10, United States Code, as redesignated by section 520(a)(1) and amended by subsection (a), is further amended—

(A) in paragraph (1), by striking "claimant" both places it appears and inserting "former member";

(B) in paragraph (2), by striking "claimant" and inserting "former member"; and

(C) in paragraph (3), by striking "claimants" and inserting "former members".

(2) DISCHARGE REVIEW BOARDS.—Section 1553(f)(2) of title 10, United States Code, is amended by striking "claimant" and inserting "former member".

SEC. 522. CONFIDENTIAL REVIEW OF CHARACTERIZATION OF TERMS OF DISCHARGE OF MEMBERS WHO ARE VICTIMS OF SEX-RELATED OFFENSES.

(a) CODIFICATION OF CURRENT CONFIDENTIAL PROCESS.—

(1) CODIFICATION.—Chapter 79 of title 10, United States Code, is amended by inserting after section 1554a a new section 1554b consisting of—

(A) a heading as follows:

10 USC 1554b.

"§ 1554b. Confidential review of characterization of terms of discharge of members of the armed forces who are victims of sex-related offenses"; and

(B) a text consisting of the text of section 547 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 1553 note).

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 79 of such title is amended by inserting after the item relating to section 1554a the following new item:

10 USC prec. 1551.

"1554b. Confidential review of characterization of terms of discharge of members of the armed forces who are victims of sex-related offenses.".

(3) CONFORMING REPEAL.—Section 547 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 1553 note) is repealed.

(b) CLARIFICATION OF APPLICABILITY TO INDIVIDUALS WHO ALLEGE SEX-RELATED OFFENSES DURING MILITARY SERVICE.—Subsection (a) of section 1554b of title 10, United States Code, as added by subsection (a) of this section, is amended by striking "sex-related offense" and inserting the following: "sex-related offense, or alleges that the individual was the victim of a sex-related offense,".

(c) CONFORMING AMENDMENTS.—Section 1554b of title 10, United States Code, as added by subsection (a), is further amended—

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

(2) in subsection (a)—

(A) by striking "boards for the correction of military records of the military department concerned" and inserting "boards of the military department concerned established in accordance with this chapter"; and

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

(3) in subsection (b), striking "boards for the correction of military records" in the matter preceding paragraph (1) and inserting "boards of the military department concerned established in accordance with this chapter"; and

(4) in subsection (d)—

(B) in paragraph (1), by striking "title 10, United States Code" and inserting "this title"; and

(C) in paragraphs (2) and (3), by striking "such title" and inserting "this title".

SEC. 523. TRAINING REQUIREMENTS FOR MEMBERS OF BOARDS FOR THE CORRECTION OF MILITARY RECORDS AND PERSONNEL WHO INVESTIGATE CLAIMS OF RETALIATION.

(a) MEMBERS OF BOARDS FOR THE CORRECTION OF MILITARY RECORDS.—Section 534(c)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 1552 note) is amended by adding at the end the following new sentence: "This curriculum shall also address the proper handling of claims in which a sex-related offense is alleged to have contributed to the original characterization of the discharge or release of the claimant, including guidelines for the consideration of evidence substantiating such allegations in accordance with the requirements of section 1554b(b) of title 10, United States Code, as added by section 522 of the National Defense Authorization Act for Fiscal Year 2018.".

(b) DEPARTMENT OF DEFENSE PERSONNEL WHO INVESTIGATE CLAIMS OF RETALIATION.—Section 546(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended by striking "section." and inserting "section, including guidelines for the consideration of evidence substantiating such allegations in accordance with the requirements of section 1554b(b) of title 10, United States Code, as added by section 522 of the National Defense Authorization Act for Fiscal Year 2018.". 10 USC 1561 note.

SEC. 524. PILOT PROGRAM ON USE OF VIDEO TELECONFERENCING TECHNOLOGY BY BOARDS FOR THE CORRECTION OF MILITARY RECORDS AND DISCHARGE REVIEW BOARDS. 10 USC 1552 note.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program under which boards for the correction of military records established under section 1552 of title 10, United States Code, and discharge review boards established under section 1553 of such title are authorized to utilize, in the performance of their duties, video teleconferencing technology, to the extent such technology is reasonably available and technically feasible.

(b) PURPOSE.—The purpose of the pilot program is to evaluate the feasibility and cost-effectiveness of utilizing video teleconferencing technology to allow persons who raise a claim before a board for the correction of military records, persons who request a review by a discharge review board, and witnesses who present evidence to such a board to appear before such a board without being physically present.

(c) IMPLEMENTATION.—As part of the pilot program, the Secretary of Defense shall make funds available to develop the capabilities of boards for the correction of military records and discharge review boards to effectively use video teleconferencing technology.

(d) NO EXPANSION OF ELIGIBILITY.—Nothing in the pilot program is intended to alter the eligibility criteria of persons who may raise a claim before a board for the correction of military records, request a review by a discharge review board, or present evidence to such a board.

(e) TERMINATION.—The authority of the Secretary of Defense to carry out the pilot program shall terminate on December 31, 2020.

PART II—OTHER GENERAL SERVICE AUTHORITIES

SEC. 526. MODIFICATION OF BASIS FOR EXTENSION OF PERIOD FOR ENLISTMENT IN THE ARMED FORCES UNDER THE DELAYED ENTRY PROGRAM.

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

(1) by redesignating paragraph (2) as paragraph (4) and, in such paragraph, by striking "paragraph (1)" and inserting "this subsection";

(2) by designating the second sentence of paragraph (1) as paragraph (2) and indenting the left margin of such paragraph (2) two ems to the right;

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

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

"(3)(A) The Secretary concerned may extend by up to an additional 365 days the period of extension under paragraph (2) for a person who enlisted before October 1, 2017, under section 504(b)(2) of this title if the Secretary determines that the period of extension under this paragraph is required for the performance of adequate background and security reviews of that person.

"(B) A person whose period of extension under paragraph (2) is extended under this paragraph shall undergo all security and suitability screening requirements and receive a favorable military security suitability determination before entering into service in a regular or reserve component. Screening priority shall be given to those persons who were enlisted for a military occupational specialty that requires specialized language or medical skills that are vital to the national interest.

"(C) The authority to make an extension under this paragraph shall expire one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018. The expiration of such authority shall not effect the validity of any extension made in accordance with this paragraph on or before that date.".

SEC. 527. REAUTHORIZATION OF AUTHORITY TO ORDER RETIRED MEMBERS TO ACTIVE DUTY IN HIGH-DEMAND, LOW-DENSITY ASSIGNMENTS.

Section 688a(f) of title 10, United States Code, is amended by striking "after December 31, 2011." and inserting "outside a period as follows:

"(1) The period beginning on December 2, 2002, and ending on December 31, 2011.

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

SEC. 528. NOTIFICATION OF MEMBERS OF THE ARMED FORCES UNDERGOING CERTAIN ADMINISTRATIVE SEPARATIONS OF POTENTIAL ELIGIBILITY FOR VETERANS BENEFITS.

10 USC 1142 note.

(a) NOTIFICATION REQUIRED.—A member of the Armed Forces who receives an administrative separation or mandatory discharge under conditions other than honorable shall be provided written notification that the member may petition the Veterans Benefits Administration of the Department of Veterans Affairs to receive, despite the characterization of the member's service, certain benefits under the laws administered by the Secretary of Veterans Affairs.

(b) DEADLINE FOR NOTIFICATION.—Notification under subsection (a) shall be provided to a member described in such subsection in conjunction with the member's notification of the administrative separation or mandatory discharge or as soon thereafter as practicable.

SEC. 529. EXTENSION OF AUTHORITY OF THE SECRETARY OF VETERANS AFFAIRS TO PROVIDE FOR THE CONDUCT OF MEDICAL DISABILITY EXAMINATIONS BY CONTRACT PHYSICIANS.

Section 704(c) of the Veterans Benefits Act of 2003 (Public Law 108–183; 38 U.S.C. 5101 note) is amended by striking "December 31, 2017" and inserting "December 31, 2018".

SEC. 530. PROVISION OF INFORMATION ON NATURALIZATION THROUGH MILITARY SERVICE.

10 USC 1781 note.

The Secretary of Defense shall ensure that members of the Army, Navy, Air Force, and Marine Corps who are aliens lawfully admitted to the United States for permanent residence are informed of the availability of naturalization through service in the Armed Forces under section 328 of the Immigration and Nationality Act (8 U.S.C. 1439) and the process by which to pursue naturalization. The Secretary shall ensure that resources are available to assist qualified members of the Armed Forces to navigate the application and naturalization process.

Subtitle D—Military Justice and Other Legal Issues

SEC. 531. CLARIFYING AMENDMENTS RELATED TO THE UNIFORM CODE OF MILITARY JUSTICE REFORM BY THE MILITARY JUSTICE ACT OF 2016.

(a) ENFORCEMENT OF RIGHTS OF VICTIMS OF OFFENSES UNDER UCMJ.—Section 806b(e)(3) of title 10, United States Code (article 6b(e)(3) of the Uniform Code of Military Justice), is amended—

(1) by inserting "(A)" after "(3)";

(2) by striking "President, and, to the extent practicable, shall have priority over all other proceedings before the court." and inserting the following; "President, subject to section 830a of this title (article 30a)."; and

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

"(B) To the extent practicable, a petition for a writ of mandamus described in this subsection shall have priority over all other proceedings before the Court of Criminal Appeals.

"(C) Review of any decision of the Court of Criminal Appeals on a petition for a writ of mandamus described in this subsection shall have priority in the Court of Appeals for the Armed Forces, as determined under the rules of the Court of Appeals for the Armed Forces.".

(b) REVIEW OF CERTAIN MATTERS BEFORE REFERRAL OF CHARGES AND SPECIFICATIONS.—Subsection (a)(1) of section 830a of title 10, United States Code (article 30a of the Uniform Code of Military Justice), as added by section 5202 of the Military Justice Act of 2016 (division E of Public Law 114–328; 130 Stat. 2904), is amended—

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

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

"(D) Pre-referral matters under subsection (c) or (e) of section 806b of this title (article 6b).".

(c) DEFENSE COUNSEL ASSISTANCE IN POST-TRIAL MATTERS FOR ACCUSED CONVICTED BY COURT-MARTIAL.—Section 838(c)(2) of title 10, United States Code (article 38(c)(2) of the Uniform Code of Military Justice), is amended by striking "section 860 of this title (article 60)" and inserting "section 860, 860a, or 860b of this title (article 60, 60a, or 60b)".

(d) LIMITATION ON ACCEPTANCE OF PLEA AGREEMENTS.—Section 853a of title 10, United States Code (article 53a of the Uniform Code of Military Justice), as added by section 5237 of the Military Justice Act of 2016 (division E of Public Law 114–328; 130 Stat. 2917), is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "or" after the semicolon;

(B) in paragraph (3), by striking the period and inserting a semicolon; and

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

"(4) is prohibited by law; or

"(5) is contrary to, or is inconsistent with, a regulation prescribed by the President with respect to terms, conditions, or other aspects of plea agreements."; and

(2) in subsection (d), by striking "shall bind the parties and the military judge" and inserting "shall bind the parties and the court-martial".

(e) APPLICABILITY OF STANDARDS AND PROCEDURES TO SENTENCE APPEAL BY THE UNITED STATES.—Subsection (d)(1) of section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), as added by section 5301 of the Military Justice Act of 2016 (division E of Public Law 114–328; 130 Stat. 2919), is amended—

(1) in the matter preceding subparagraph (A), by inserting after "concerned," the following: "and consistent with standards and procedures set forth in regulations prescribed by the President,"; and

(2) in subparagraph (B), by inserting before the period at the end the following: ", as determined in accordance with standards and procedures prescribed by the President".

(f) SENTENCE OF REDUCTION IN ENLISTED GRADE.—

(1) IN GENERAL.—Subsection (a) of section 858a of title 10, United States Code (article 58a of the Uniform Code of Military Justice), as amended by section 5303(1) of the Military Justice Act of 2016 (division E of Public Law 114–328; 130 Stat. 2923), is further amended in the matter after paragraph (3) by striking ", effective on the date" and inserting the following: ", if such a reduction is authorized by regulation prescribed by the President. The reduction in pay grade shall take effect on the date".

(2) SECTION HEADING.—The heading of section 858a of title 10, United States Code (article 58a of the Uniform Code of Military Justice), is amended to read as follows:

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

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VIII of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by striking the item relating to section 858a (article 58a) and inserting the following new item:

10 USC prec. 855.

"858a. 58a. Sentences: reduction in enlisted grade.".

(g) CONVENING AUTHORITY AUTHORITIES.—Section 858b(b) of title 10, United States Code (article 58b(b) of the Uniform Code of Military Justice), is amended in the first sentence by striking "section 860 of this title (article 60)" and inserting "section 860a or 860b of this title (article 60a or 60b)".

(h) APPEAL BY THE UNITED STATES.—Section 862(b) of title 10, United States Code (article 62(b) of the Uniform Code of Military Justice), is amended by striking ", notwithstanding section 866(c) of this title (article 66(c))".

(i) REHEARING AND SENTENCING.—Subsection (b) of section 863 of title 10, United States Code (article 63 of the Uniform Code of Military Justice), as added by section 5327 of the Military Justice Act of 2016 (division E of Public Law 114–328; 130 Stat. 2929), is amended by inserting before the period at the end the following: ", subject to such limitations as the President may prescribe by regulation".

(j) COURTS OF CRIMINAL APPEALS.—Section 866 of title 10, United States Code (article 66 of the Uniform Code of Military Justice), as amended by section 5330 of the Military Justice Act

of 2016 (division E of Public Law 114–328; 130 Stat. 2932), is further amended—

(1) in subsection (e)(2)(C), by inserting after "required" the following: "by regulation prescribed by the President or"; and

(2) in subsection (f)(3)—

(A) by inserting "of Criminal Appeals" after "Court" the first time it appears; and

(B) by adding at the end the following new sentence: "If the Court of Appeals for the Armed Forces determines that additional proceedings are warranted, the Court of Criminal Appeals shall order a hearing or other proceeding in accordance with the direction of the Court of Appeals for the Armed Forces.".

(k) MILITARY JUSTICE REVIEW PANEL.—Subsection (f) of section 946 of title 10, United States Code (article 146 of the Uniform Code of Military Justice), as added by section 5521 of the Military Justice Act of 2016 (division E of Public Law 114–328; 130 Stat. 2962), is amended—

(1) in paragraph (1), by striking "fiscal year 2020" in the first sentence and inserting "fiscal year 2021";

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

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

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

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

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

(l) TRANSITIONAL COMPENSATION FOR DEPENDENTS OF MEMBERS SEPARATED FOR DEPENDENT ABUSE.—Section 1059(e) of title 10, United States Code, is amended—

(1) in paragraph (1)(A)(ii), by striking "the approval of" and all that follows through "as approved," and inserting "entry of judgment under section 860c of this title (article 60c of the Uniform Code of Military Justice) if the sentence"; and

(2) in paragraph (3)(A), by striking "by a court-martial" the second place it appears and all that follows through "include any such punishment," and inserting "for a dependent-abuse offense and the conviction is disapproved or is otherwise not part of the judgment under section 860c of this title (article 60c of the Uniform Code of Military Justice) or the punishment is disapproved or is otherwise not part of the judgment under such section (article),".

(m) BENEFITS FOR DEPENDENTS WHO ARE VICTIMS OF ABUSE BY MEMBERS LOSING RIGHT TO RETIRED PAY.—Section 1408(h)(10)(A) of title 10, United States Code, is amended by striking "the approval" and all that follows through the end of the subparagraph and inserting "entry of judgment under section

860c of this title (article 60c of the Uniform Code of Military Justice).".

(n) TREATMENT OF CERTAIN OFFENSES PENDING EXECUTION OF MILITARY JUSTICE ACT OF 2016 AMENDMENTS.—

(1) APPLICABILITY TO CERTAIN CASES.—Section 5542(c)(1) of the Military Justice Act of 2016 (division E of Public Law 114–328; 130 Stat. 2967) is amended by inserting after "shall apply to a case in which" the following: "a specification alleges the commission, before the effective date of such amendments, of one or more offenses or to a case in which". 10 USC 801 note.

(2) CHILD ABUSE OFFENSES.—With respect to offenses committed before the date designated by the President under section 5542(a) of the Military Justice Act of 2016 (division E of Public Law 114–328; 130 Stat. 2967), subsection (b)(2)(B) of section 843 of title 10, United States Code (article 43 of the Uniform Code of Military Justice), shall be applied as in effect on December 22, 2016. 10 USC 843 note.

(3) FRAUDULENT ENLISTMENT OR APPOINTMENT OFFENSES.—With respect to the period beginning on December 23, 2016, and ending on the day before the date designated by the President under section 5542(a) of the Military Justice Act of 2016 (division E of Public Law 114–328; 130 Stat. 2967), in the application of subsection (h) of section 843 of title 10, United States Code (article 43 of the Uniform Code of Military Justice), as added by section 5225(b) of that Act (130 Stat. 2909), the reference in such subsection (h) to section 904a(1) of title 10, United States Code (article 104a(1) of the Uniform Code of Military Justice), shall be deemed to be a reference to section 883(1) of title 10, United States Code (article 83(1) of the Uniform Code of Military Justice). 10 USC 843 note.

(o) SENTENCING IN CERTAIN TRANSITIONAL CASES.— 10 USC 801 note.

(1) IN GENERAL.—In any transition-period court-martial, the relevant sentencing sections of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), shall be applied as follows:

(A) Except as provided in subparagraph (B), the relevant sentencing sections shall be applied as if the amendments to such sections made by the Military Justice Act of 2016 (division E of Public Law 114–328) and this section had not been enacted.

(B) If the accused so requests, the relevant sentencing sections shall be applied as amended by the Military Justice Act of 2016 (division E of Public Law 114–328) and this section.

(2) DEFINITIONS.—In this subsection:

(A) TRANSITION-PERIOD COURT-MARTIAL.—The term "transition-period court-martial" means a court-martial under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that consists of both of the following:

(i) A prosecution of one or more offenses committed before the date designated by the President under section 5542(a) of the Military Justice Act of 2016 (division E of Public Law 114–328; 130 Stat. 2967).

(ii) A prosecution of one or more offenses committed on or after that date.

(B) RELEVANT SENTENCING SECTIONS.—The term "relevant sentencing sections" means section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), and any other sections (articles) of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that, by regulation prescribed by the President, are designated as relevant to sentencing for the purposes of paragraph (1).

10 USC 801 note.

(p) EFFECTIVE DATE.—The amendments made by this section shall take effect immediately after the amendments made by the Military Justice Act of 2016 (division E of Public Law 114–328) take effect as provided for in section 5542 of that Act (130 Stat. 2967).

SEC. 532. ENHANCEMENT OF EFFECTIVE PROSECUTION AND DEFENSE IN COURTS-MARTIAL AND RELATED MATTERS.

(a) ADDITIONAL ELEMENT IN PROGRAM FOR EFFECTIVE PROSECUTION AND DEFENSE.—Section 542(a)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 827 note) is amended by inserting before the semicolon the following: "or there is adequate supervision and oversight of trial counsel and defense counsel so detailed to ensure effective prosecution and defense in the court-martial".

(b) USE OF CIVILIAN EMPLOYEES TO ADVISE LESS EXPERIENCED JUDGE ADVOCATES IN PROSECUTION AND DEFENSE.—Section 542 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 827 note) is further amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) USE OF CIVILIAN EMPLOYEES TO ADVISE LESS EXPERIENCED JUDGE ADVOCATES IN PROSECUTION AND DEFENSE.—The Secretary concerned may use highly qualified experts and other civilian employees who are under the jurisdiction of the Secretary concerned, are available, and are experienced in the prosecution or defense of complex criminal cases to provide assistance to, and consult with, less experienced judge advocates throughout the court-martial process.".

(c) PILOT PROGRAMS ON PROFESSIONAL DEVELOPMENTAL PROCESS FOR JUDGE ADVOCATES.—Subsection (d) of section 542 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 827 note), as redesignated by subsection (b)(1) of this section, is amended—

(1) in paragraph (1), by striking "establishing" and all that follows and inserting "a military justice career track for judge advocates under the jurisdiction of the Secretary.";

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) ELEMENTS.—Each pilot program shall include the following:

"(A) A military justice career track for judge advocates that leads to judge advocates with military justice expertise in the grade of colonel, or in the grade of captain in the case of judge advocates of the Navy.

"(B) The use of skill identifiers to identify judge advocates for participation in the pilot program from among judge advocates having appropriate skill and experience in military justice matters.

"(C) Guidance for promotion boards considering the selection for promotion of officers participating in the pilot program in order to ensure that judge advocates who are participating in the pilot program have the same opportunity for promotion as all other judge advocate officers being considered for promotion by such boards.

"(D) Such other matters as the Secretary concerned considers appropriate.".

SEC. 533. PUNITIVE ARTICLE UNDER THE UNIFORM CODE OF MILITARY JUSTICE ON WRONGFUL BROADCAST OR DISTRIBUTION OF INTIMATE VISUAL IMAGES OR VISUAL IMAGES OF SEXUALLY EXPLICIT CONDUCT.

(a) PROHIBITION.—Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 917 (article 117 of the Uniform Code of Military Justice) the following new section (article):

"§ 917a. Art. 117a. Wrongful broadcast or distribution of intimate visual images

10 USC 917a.

"(a) PROHIBITION.—Any person subject to this chapter—

"(1) who knowingly and wrongfully broadcasts or distributes an intimate visual image of another person or a visual image of sexually explicit conduct involving a person who—

"(A) is at least 18 years of age at the time the intimate visual image or visual image of sexually explicit conduct was created;

"(B) is identifiable from the intimate visual image or visual image of sexually explicit conduct itself, or from information displayed in connection with the intimate visual image or visual image of sexually explicit conduct; and

"(C) does not explicitly consent to the broadcast or distribution of the intimate visual image or visual image of sexually explicit conduct;

"(2) who knows or reasonably should have known that the intimate visual image or visual image of sexually explicit conduct was made under circumstances in which the person depicted in the intimate visual image or visual image of sexually explicit conduct retained a reasonable expectation of privacy regarding any broadcast or distribution of the intimate visual image or visual image of sexually explicit conduct;

"(3) who knows or reasonably should have known that the broadcast or distribution of the intimate visual image or visual image of sexually explicit conduct is likely—

"(A) to cause harm, harassment, intimidation, emotional distress, or financial loss for the person depicted in the intimate visual image or visual image of sexually explicit conduct; or

"(B) to harm substantially the depicted person with respect to that person's health, safety, business, calling, career, financial condition, reputation, or personal relationships; and

"(4) whose conduct, under the circumstances, had a reasonably direct and palpable connection to a military mission or military environment,

is guilty of wrongful distribution of intimate visual images or visual images of sexually explicit conduct and shall be punished as a court-martial may direct.

"(b) DEFINITIONS.—In this section:

"(1) BROADCAST.—The term 'broadcast' means to electronically transmit a visual image with the intent that it be viewed by a person or persons.

"(2) DISTRIBUTE.—The term 'distribute' means to deliver to the actual or constructive possession of another person, including transmission by mail or electronic means.

"(3) INTIMATE VISUAL IMAGE.—The term 'intimate visual image' means a visual image that depicts a private area of a person.

"(4) PRIVATE AREA.—The term 'private area' means the naked or underwear-clad genitalia, anus, buttocks, or female areola or nipple.

"(5) REASONABLE EXPECTATION OF PRIVACY.—The term 'reasonable expectation of privacy' means circumstances in which a reasonable person would believe that a private area of the person, or sexually explicit conduct involving the person, would not be visible to the public.

"(6) SEXUALLY EXPLICIT CONDUCT.—The term 'sexually explicit conduct' means actual or simulated genital-genital contact, oral-genital contact, anal-genital contact, or oral-anal contact, whether between persons of the same or opposite sex, bestiality, masturbation, or sadistic or masochistic abuse.

"(7) VISUAL IMAGE.—The term 'visual image' means the following:

"(A) Any developed or undeveloped photograph, picture, film, or video.

"(B) Any digital or computer image, picture, film, or video made by any means, including those transmitted by any means, including streaming media, even if not stored in a permanent format.

"(C) Any digital or electronic data capable of conversion into a visual image.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after the item relating to section 917 (article 117) the following new item:

10 USC prec. 877.

"917a. 117a. Wrongful broadcast or distribution of intimate visual images.".

SEC. 534. GARNISHMENT TO SATISFY JUDGMENT RENDERED FOR PHYSICALLY, SEXUALLY, OR EMOTIONALLY ABUSING A CHILD.

(a) GARNISHMENT AUTHORITY.—Section 1408 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(l) GARNISHMENT TO SATISFY A JUDGMENT RENDERED FOR PHYSICALLY, SEXUALLY, OR EMOTIONALLY ABUSING A CHILD.—(1) Subject to paragraph (2), any payment of retired pay that would otherwise be made to a member shall be paid (in whole or in part) by the Secretary concerned to another person if and to the

extent expressly provided for in the terms of a child abuse garnishment order.

"(2) A court order providing for the payment of child support or alimony or, with respect to a division of property, specifically providing for the payment of an amount of the disposable retired pay from a member to the spouse or a former spouse of the member, shall be given priority over a child abuse garnishment order. The total amount of the disposable retired pay of a member payable under a child abuse garnishment order shall not exceed 25 percent of the member's disposable retired pay.

"(3) In this subsection, the term 'court order' includes a child abuse garnishment order.

"(4) In this subsection, the term 'child abuse garnishment order' means a final decree issued by a court that—

"(A) is issued in accordance with the laws of the jurisdiction of that court; and

"(B) provides in the nature of garnishment for the enforcement of a judgment rendered against the member for physically, sexually, or emotionally abusing a child.

"(5) For purposes of this subsection, a judgment rendered for physically, sexually, or emotionally abusing a child is any legal claim perfected through a final enforceable judgment, which claim is based in whole or in part upon the physical, sexual, or emotional abuse of an individual under 18 years of age, whether or not that abuse is accompanied by other actionable wrongdoing, such as sexual exploitation or gross negligence.

"(6) If the Secretary concerned is served with more than one court order with respect to the retired pay of a member, the disposable retired pay of the member shall be available to satisfy such court orders on a first-come, first-served basis, subject to the order of precedence specified in paragraph (2), with any such process being satisfied out of such monies as remain after the satisfaction of all such processes which have been previously served.

"(7) The Secretary concerned shall not be required to vary normal pay and disbursement cycles for retired pay in order to comply with a child abuse garnishment order.".

(b) APPLICATION OF AMENDMENT.—Subsection (l) of section 1408 of title 10, United States Code, as added by subsection (a), shall apply with respect to a court order received by the Secretary concerned on or after the date of the enactment of this Act, regardless of the date of the court order. 10 USC 1408 note.

SEC. 535. SEXUAL ASSAULT PREVENTION AND RESPONSE TRAINING FOR ALL INDIVIDUALS ENLISTED IN THE ARMED FORCES UNDER A DELAYED ENTRY PROGRAM. 10 USC 1561 note.

(a) TRAINING REQUIRED.—Commencing not later than 180 days after the date of the enactment of this Act, each Secretary concerned shall, insofar as practicable, provide training on sexual assault prevention and response to each individual under the jurisdiction of such Secretary who is enlisted in the Armed Forces under a delayed entry program such that each such individual completes such training before the date of commencement of basic training or initial active duty for training in the Armed Forces.

(b) TRAINING ELEMENTS.—The training provided pursuant to subsection (a)—

(1) shall, to the extent practicable, be uniform across the Armed Forces;

(2) should be provided through in-person instruction, whenever possible;

(3) should include instruction on the proper use of social media; and

(4) shall meet such other requirements as the Secretary of Defense may establish.

(c) DEFINITIONS.—In this section:

(1) The term "delayed entry program" means the following:

(A) The Future Soldiers Program of the Army.

(B) The Delayed Entry Program of the Navy and the Marine Corps.

(C) The program of the Air Force for the delayed entry of enlistees into the Air Force.

(D) The program of the Coast Guard for the delayed entry of enlistees into the Coast Guard.

(E) Any successor program to a program referred to in subparagraphs (A) through (D).

(2) The term "Secretary concerned" has the meaning given that term in section 101(a)(9) of title 10, United States Code.

10 USC 1044e note.

SEC. 536. SPECIAL VICTIMS' COUNSEL TRAINING REGARDING THE UNIQUE CHALLENGES OFTEN FACED BY MALE VICTIMS OF SEXUAL ASSAULT.

The baseline Special Victims' Counsel training established under section 1044e(d)(2) of title 10, United States Code, shall include training for Special Victims' Counsel to recognize and deal with the unique challenges often faced by male victims of sexual assault.

SEC. 537. INCLUSION OF INFORMATION IN ANNUAL SAPRO REPORTS REGARDING MILITARY SEXUAL HARASSMENT AND INCIDENTS INVOLVING NONCONSENSUAL DISTRIBUTION OF PRIVATE SEXUAL IMAGES.

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

"(13) Information and data collected through formal and informal reports of sexual harassment involving members of the Armed Forces during the year covered by the report, as follows:

"(A) The number of substantiated and unsubstantiated reports.

"(B) A synopsis of each substantiated report.

"(C) The action taken in the case of each substantiated report, including the type of disciplinary or administrative sanction imposed, if any, such as—

"(i) conviction and sentence by court-martial;

"(ii) imposition of non-judicial punishment under section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice); or

"(iii) administrative separation or other type of administrative action imposed.

"(14) Information and data collected during the year covered by the report on each reported incident involving the nonconsensual distribution by a person subject to chapter 47 of title 10, United States Code (the Uniform Code of Military

Justice), of a private sexual image of another person, including the following:

"(A) The number of substantiated and unsubstantiated reports.

"(B) A synopsis of each substantiated report.

"(C) The action taken in the case of each substantiated report, including the type of disciplinary or administrative sanction imposed, if any, such as—

"(i) conviction and sentence by court-martial;

"(ii) imposition of non-judicial punishment under section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice); or

"(iii) administrative separation or other type of administrative action imposed.".

(b) APPLICATION OF AMENDMENT.—The amendment made by this section shall take effect on the date of the enactment of this Act and apply beginning with the reports required to be submitted by March 1, 2020, under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note). 10 USC 1561 note.

SEC. 538. INCLUSION OF INFORMATION IN ANNUAL SAPRO REPORTS REGARDING SEXUAL ASSAULTS COMMITTED BY A MEMBER OF THE ARMED FORCES AGAINST THE MEMBER'S SPOUSE OR OTHER FAMILY MEMBER. 10 USC 1561 note.

Beginning with the reports required to be submitted by March 1, 2019, under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note), information regarding a sexual assault committed by a member of the Armed Forces against the spouse or intimate partner of the member or another dependent of the member shall be included in such reports in addition to the annual Family Advocacy Program report. The information may be included as an annex to such reports.

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

SEC. 541. ELEMENT IN PRESEPARATION COUNSELING FOR MEMBERS OF THE ARMED FORCES ON ASSISTANCE AND SUPPORT SERVICES FOR CAREGIVERS OF CERTAIN VETERANS THROUGH THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 1142(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(18) A description, developed in consultation with the Secretary of Veterans Affairs, of the assistance and support services for family caregivers of eligible veterans under the program conducted by the Secretary of Veterans Affairs pursuant to section 1720G of title 38, including the veterans covered by the program, the caregivers eligible for assistance and support through the program, and the assistance and support available through the program.".

(b) PARTICIPATION OF POTENTIAL CAREGIVERS IN APPROPRIATE PRESEPARATION COUNSELING.— 10 USC 1142 note.

(1) IN GENERAL.—In accordance with procedures established by the Secretary of Defense, each Secretary of a military department shall take appropriate actions to achieve the following:

(A) To determine whether each member of the Armed Forces under the jurisdiction of such Secretary who is undergoing preseparation counseling pursuant to section 1142 of title 10, United States Code (as amended by subsection (a)), and who may require caregiver services after separation from the Armed Forces has identified an individual to provide such services after the member's separation.

(B) In the case of a member described in subparagraph (A) who has identified an individual to provide caregiver services after the member's separation, at the election of the member, to permit such individual to participate in appropriate sessions of the member's preseparation counseling in order to inform such individual of—

(i) the assistance and support services available to caregivers of members after separation from the Armed Forces; and

(ii) the manner in which the member's transition to civilian life after separation may likely affect such individual as a caregiver.

(2) CAREGIVERS.—For purposes of this subsection, individuals who provide caregiver services refers to individuals (including a spouse, partner, parent, sibling, adult child, other relative, or friend) who provide physical or emotional assistance to former members of the Armed Forces during and after their transition from military life to civilian life following separation from the Armed Forces.

(3) DEADLINE FOR COMMENCEMENT.—Each Secretary of a miliary department shall commence the actions required pursuant to this subsection by not later than 180 days after the date of the enactment of this Act.

SEC. 542. IMPROVED EMPLOYMENT ASSISTANCE FOR MEMBERS OF THE ARMY, NAVY, AIR FORCE, AND MARINE CORPS AND VETERANS.

(a) IMPROVED EMPLOYMENT SKILLS VERIFICATION.—Section 1143(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "The Secretary of Defense"; and

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

"(2) In order to improve the accuracy and completeness of a certification or verification of job skills and experience required by paragraph (1), the Secretary of Defense shall—

"(A) establish a database to record all training performed by members of the Army, Navy, Air Force, and Marine Corps that may have application to employment in the civilian sector; and

"(B) make unclassified information regarding such information available to States and other potential employers referred to in subsection (c) so that State and other entities may allow military training to satisfy licensing or certification requirements to engage in a civilian profession.".

(b) IMPROVED ACCURACY OF CERTIFICATES OF TRAINING AND SKILLS.—Section 1143(a) of title 10, United States Code, is further

amended by inserting after paragraph (2), as added by subsection (a), the following new paragraph:

"(3) The Secretary of Defense shall ensure that a certification or verification of job skills and experience required by paragraph (1) is rendered in such a way that States and other potential employers can confirm the accuracy and authenticity of the certification or verification.".

(c) IMPROVED RESPONSIVENESS TO CERTIFICATION REQUESTS.—Section 1143(c) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "For the purpose"; and

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

"(2)(A) A State may—

"(i) use a certification or verification of job skills and experience provided to a member of the armed forces under subsection (a); and

"(ii) in the case of members of the Army, Navy, Air Force, and Marine Corps, request the Department of Defense to confirm the accuracy and authenticity of the certification or verification.

"(B) A response confirming or denying the information shall be provided within five business days.".

(d) IMPROVED NOTICE TO MEMBERS.—Section 1142(b)(4)(A) of title 10, United States Code, is amended by inserting before the semicolon the following: ", including State-submitted and approved lists of military training and skills that satisfy occupational certifications and licenses".

SEC. 543. LIMITATION ON RELEASE OF MILITARY SERVICE ACADEMY GRADUATES TO PARTICIPATE IN PROFESSIONAL ATHLETICS.

(a) UNITED STATES MILITARY ACADEMY.—Section 4348(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) That the cadet—

"(A) will not seek release from the cadet's commissioned service obligation to obtain employment as a professional athlete following graduation until the cadet completes a period of at least two consecutive years of commissioned service; and

"(B) understands that the appointment alternative described in paragraph (3) will not be used to allow the cadet to obtain such employment until at least the end of that two-year period.".

(b) UNITED STATES NAVAL ACADEMY.—Section 6959(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) That the midshipman—

"(A) will not seek release from the midshipman's commissioned service obligation to obtain employment as a professional athlete following graduation until the midshipman completes a period of at least two consecutive years of commissioned service; and

"(B) understands that the appointment alternative described in paragraph (3) will not be used to allow the midshipman to obtain such employment until at least the end of that two-year period.".

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9348(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) That the cadet—

"(A) will not seek release from the cadet's commissioned service obligation to obtain employment as a professional athlete following graduation until the cadet completes a period of at least two consecutive years of commissioned service; and

"(B) understands that the appointment alternative described in paragraph (2) will not be used to allow the cadet to obtain such employment until at least the end of that two-year period.".

10 USC 4348 note.

(d) APPLICATION OF AMENDMENTS.—The Secretaries of the military departments shall promptly revise the cadet and midshipman service agreements under sections 4348, 6959, and 9348 of title 10, United States Code, to reflect the amendments made by this section. The revised agreement shall apply to cadets and midshipmen who are attending the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy on the date of the enactment of this Act and to persons who begin attendance at such military service academies on or after that date.

SEC. 544. TWO-YEAR EXTENSION OF SUICIDE PREVENTION AND RESILIENCE PROGRAM FOR THE NATIONAL GUARD AND RESERVES.

Section 10219(g) of title 10, United States Code, is amended by striking "October 1, 2018" and inserting "October 1, 2020".

10 USC note prec. 6931.

SEC. 545. ANNUAL CERTIFICATIONS RELATED TO READY, RELEVANT LEARNING INITIATIVE OF THE NAVY.

(a) ANNUAL CERTIFICATIONS REQUIRED.—Not later than March 1, 2018, and each year thereafter, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a certification on the status of implementation of the Ready, Relevant Learning initiative of the Navy for each applicable enlisted rating.

(b) ELEMENTS.—Each certification under subsection (a) shall include the following:

(1) A certification by the Commander of the United States Fleet Forces Command that the block learning and modernized delivery methods of the Ready, Relevant Learning initiative to be implemented during the fiscal year beginning in which such certification is submitted will meet or exceed the existing training delivery approach for all associated training requirements.

(2) A certification by the Secretary of the Navy that the content re-engineering necessary to meet all training objectives and transition from the traditional training curriculum to the modernized delivery format to be implemented during such fiscal year will be complete prior to such transition, including full functionality of all required course software and hardware.

(3) A detailed cost estimate of transitioning to the block learning and modernized delivery approaches to be implemented during such fiscal year with funding listed by purpose, amount, appropriations account, budget program element or line item, and end strength adjustments.

(4) A detailed phasing plan associated with transitioning to the block learning and modernized delivery approaches to be implemented during such fiscal year, including the current status, timing, and identification of reductions in "A" school and "C" school courses, curricula, funding, and personnel.

(5) A certification by the Secretary of the Navy that—

(A) the contracting strategy associated with transitioning to the modernized delivery approach to be implemented during such fiscal year has been completed; and

(B) contracting actions contain sufficient specification detail to enable a low risk approach to receiving the deliverable end item or items on-budget, on-schedule, and with satisfactory performance.

SEC. 546. AUTHORITY TO EXPAND ELIGIBILITY FOR THE UNITED STATES MILITARY APPRENTICESHIP PROGRAM.

10 USC 1143 note.

(a) EXPANSION AUTHORIZED.—The Secretary of Defense may expand eligibility for the United Services Military Apprenticeship Program to include any member of the uniformed services.

(b) DEFINITION.—In this section, the term "uniformed services" has the meaning given such term in section 101(a)(5) of title 10, United States Code.

SEC. 547. LIMITATION ON AVAILABILITY OF FUNDS FOR ATTENDANCE OF AIR FORCE ENLISTED PERSONNEL AT AIR FORCE OFFICER PROFESSIONAL MILITARY EDUCATION IN-RESIDENCE COURSES.

(a) LIMITATION.—None of the funds authorized to be appropriated or otherwise made available for the Department of the Air Force may be obligated or expended for the purpose of the attendance of Air Force enlisted personnel at Air Force officer professional military education (PME) in-residence courses until the later of—

(1) the date on which the Secretary of the Air Force submits to the Committees on Armed Services of the Senate and the House of Representatives, and to the Comptroller General of the United States, a report on the attendance of such personnel at such courses as described in subsection (b);

(2) the date on which the Comptroller General submits to such committees the report setting forth an assessment of the report under paragraph (1) as described in subsection (c); or

(3) 180 days after the date of the enactment of this Act.

(b) SECRETARY OF THE AIR FORCE REPORT.—The report of the Secretary described in subsection (a)(1) shall include the following:

(1) The purpose of the attendance of Air Force enlisted personnel at Air Force officer professional military education in-residence courses.

(2) The objectives for the attendance of such enlisted personnel at such officer professional military education courses.

(3) The required prerequisites for such enlisted personnel to attend such officer professional military education courses.

(4) The process for selecting such enlisted personnel to attend such officer professional military education courses.

(5) The impact of the attendance of such enlisted personnel at such officer professional military education courses on the

availability of officer allocations for the attendance of officers at such courses.

(6) The impact of the attendance of such enlisted personnel at such officer professional military education courses on the morale and retention of officers attending such courses.

(7) The resources required for such enlisted personnel to attend such officer professional military education courses.

(8) The impact on unit and overall Air Force manning levels of the attendance of such enlisted personnel at such officer professional military education courses, especially at the statutorily-limited end strengths of grades E–8 and E–9.

(9) The extent to which graduation by such enlisted personnel from such officer professional military education courses is a requirement for Air Force or joint assignments.

(10) The planned assignment utilization for Air Force enlisted graduates of such officer professional military education courses.

(11) Any other matters in connection with the attendance of such enlisted personnel at such officer professional military education courses that the Secretary considers appropriate.

(c) COMPTROLLER GENERAL OF THE UNITED STATES REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date the Secretary submits the report described in subsection (a)(1), the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a briefing on an assessment of the report by the Comptroller General. As soon as practicable after the briefing, the Comptroller General shall submit to such committees a report on such assessment for purposes of subsection (a)(2).

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

(A) An assessment of whether the conclusions and assertions included in the report of the Secretary under subsection (a) are comprehensive, fully supported, and sufficiently detailed.

(B) An identification of any shortcomings, limitations, or other reportable matters that affect the quality of the findings or conclusions of the report of the Secretary.

10 USC 2107 note.

SEC. 548. LIEUTENANT HENRY OSSIAN FLIPPER LEADERSHIP SCHOLARSHIPS.

(a) IN GENERAL.—The Secretary of the Army shall designate a number of scholarships under the Army Senior Reserve Officers' Training Corps (SROTC) program that are available to students at minority-serving institutions as "Lieutenant Henry Ossian Flipper Leadership Scholarships".

(b) NUMBER DESIGNATED.—The number of scholarships designated pursuant to subsection (a) shall be the number the Secretary determines appropriate to increase the number of Senior Reserve Officers' Training Corps scholarships at minority-serving institutions. In making the determination, the Secretary shall give appropriate consideration to the following:

(1) The number of Senior Reserve Officers' Training Corps scholarships available at all institutions participating in the Senior Reserve Officer's Training Corps program.

(2) The number of such minority-serving institutions that offer the Senior Reserve Officers' Training Corps program to their students.

(c) AMOUNT OF SCHOLARSHIP.—The Secretary may increase any scholarship designated pursuant to subsection (a) to an amount in excess of the amount of the Senior Reserve Officers' Training Corps program scholarship that would otherwise be offered at the minority-serving institution concerned if the Secretary considers that a scholarship of such increased amount is appropriate for the purpose of the scholarship.

(d) MINORITY-SERVING INSTITUTION DEFINED.—In this section, the term "minority-serving institution" means an institution of higher education described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

SEC. 549. PILOT PROGRAMS ON APPOINTMENT IN THE EXCEPTED SERVICE IN THE DEPARTMENT OF DEFENSE OF PHYSICALLY DISQUALIFIED FORMER CADETS AND MIDSHIPMEN.

10 USC note prec. 1580.

(a) PILOT PROGRAMS AUTHORIZED.—

(1) IN GENERAL.—Each Secretary of a military department may carry out a pilot program under which former cadets or midshipmen described in paragraph (2) (in this section referred to as "eligible individuals") under the jurisdiction of such Secretary may be appointed by the Secretary of Defense in the excepted service under section 3320 of title 5, United States Code, in the Department of Defense.

(2) CADETS AND MIDSHIPMEN.—Except as provided in paragraph (3), a former cadet or midshipman described in this paragraph is any former cadet at the United States Military Academy or the United States Air Force Academy, and any former midshipman at the United States Naval Academy, who—

(A) completed the prescribed course of instruction and graduated from the applicable service academy; and

(B) is determined to be medically disqualified to complete a period of active duty in the Armed Forces prescribed in an agreement signed by such cadet or midshipman in accordance with section 4348, 6959, or 9348 of title 10, United States Code.

(3) EXCEPTION.—A former cadet or midshipman whose medical disqualification as described in paragraph (2)(B) is the result of the gross negligence or misconduct of the former cadet or midshipman is not an eligible individual for purposes of appointment under a pilot program.

(b) PURPOSE.—The purpose of the pilot programs conducted under this section is to evaluate the feasibility and advisability of permitting eligible individuals who cannot accept a commission or complete a period of active duty in the Armed Forces prescribed by the Secretary of the military department concerned to fulfill an obligation for active duty service in the Armed Forces through service as a civilian employee of the Department of Defense.

(c) POSITIONS.—

(1) IN GENERAL.—The positions to which an eligible individual may be appointed under a pilot program conducted under this section are existing positions within the Department of Defense in grades up to GS–9 under the General Schedule

under section 5332 of title 5, United States Code (or equivalent). The authority in subsection (a) does not authorize the creation of additional positions, or create any vacancies to which eligible individuals may be appointed under a pilot program.

(2) TERM POSITIONS.—Any appointment under a pilot program shall be to a position having a term of five years or less.

(d) SCOPE OF AUTHORITY.—

(1) RECRUITMENT AND RETENTION OF ELIGIBLE INDIVIDUALS.—The authority in subsection (a) may be used only to the extent necessary to recruit and retain on a non-competitive basis cadets and midshipmen who are relieved of an obligation for active duty in the Armed Forces due to becoming medically disqualified from serving on active duty in the Armed Forces, and may not be used to appoint any other individuals in the excepted service.

(2) VOLUNTARY ACCEPTANCE OF APPOINTMENTS.—A pilot program conducted under this section may not be used as an implicit or explicit basis for compelling an eligible individual to accept an appointment in the excepted service in accordance with this section.

(e) RELATIONSHIP TO REPAYMENT PROVISIONS.—Completion of a term appointment pursuant to a pilot program conducted under this section shall relieve the eligible individual concerned of any repayment obligation under section 303a(e) or 373 of title 37, United States Code, with respect to the agreement of the individual described in subsection (a)(2)(B).

(f) TERMINATION.—

(1) IN GENERAL.—The authority to appoint eligible individuals in the excepted service under a pilot program conducted under this section shall expire on the date that is four years after the date of the enactment of this Act.

(2) EFFECT ON EXISTING APPOINTMENTS.—The termination by paragraph (1) of the authority in subsection (a) shall not affect any appointment made under that authority before the termination date specified in paragraph (1) in accordance with the terms of such appointment.

(g) REPORTING REQUIREMENT.—

(1) REPORT REQUIRED.—Not later than the date that is three years after the date of the enactment of this Act, each Secretary of a military department shall submit to the appropriate congressional committees a report containing an evaluation of the effectiveness of the pilot program conducted by such Secretary under this section, including the number of eligible individuals appointed as civilian employees of the Department of Defense under the program and the retention rate for such employees.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committee on Armed Services and the Committee on Homeland Security and Government Affairs of the Senate and the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

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

PART I—DEFENSE DEPENDENTS' EDUCATION MATTERS

SEC. 551. ASSISTANCE TO SCHOOLS WITH MILITARY DEPENDENT STUDENTS.

(a) IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2018 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $10,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (20 U.S.C. 7703a).

(2) USE OF CERTAIN AMOUNT.—Of the amount available under subsection (a) for payments as described in that subsection, $5,000,000 shall be available for such payments to local educational agencies determined by the Secretary of Defense, in the discretion of the Secretary, to have higher concentrations of military children with severe disabilities.

(b) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2018 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $40,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term "local educational agency" has the meaning given that term in section 7013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 552. TRANSITIONS OF MILITARY DEPENDENT STUDENTS FROM DEPARTMENT OF DEFENSE DEPENDENT SCHOOLS TO OTHER SCHOOLS AND AMONG SCHOOLS OF LOCAL EDUCATIONAL AGENCIES.

(a) PERMANENT SUPPORT AUTHORITY.—Section 574(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 20 U.S.C. 7703b note) is amended by striking paragraph (3).

(b) CONFORMING AMENDMENT.—Section 572(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 20 U.S.C. 7703b note) is amended by striking "that includes a request for the extension of section 574(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 shall include" and inserting "shall include, with respect to section 574(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 20 U.S.C. 7703b note),".

SEC. 553. REPORT ON EDUCATIONAL OPPORTUNITIES IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS FOR CHILDREN WHO ARE DEPENDENTS OF MEMBERS OF THE ARMED FORCES.

Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing a description and assessment of—

(1) current Department of Defense programs intended to improve educational opportunities and achievement in science, technology, engineering, and mathematics for children who are dependents of members of the Armed Forces; and

(2) Department of Defense efforts to increase opportunities and achievement in science, technology, engineering, and mathematics for children who are dependents of members of the Armed Forces.

PART II—MILITARY FAMILY READINESS MATTERS

SEC. 555. CODIFICATION OF AUTHORITY TO CONDUCT FAMILY SUPPORT PROGRAMS FOR IMMEDIATE FAMILY MEMBERS OF MEMBERS OF THE ARMED FORCES ASSIGNED TO SPECIAL OPERATIONS FORCES.

(a) CODIFICATION OF EXISTING AUTHORITY.—Chapter 88 of title 10, United States Code, is amended by inserting after section 1788 a new section 1788a consisting of—

(1) a heading as follows:

10 USC 1788a.

"§ 1788a. Family support programs: immediate family members of members of special operations forces"; and

(2) a text consisting of subsections (a), (b), (d), and (e) of section 554 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 1788 note).

(b) REPORTING REQUIREMENT.—Section 1788a of title 10, United States Code, as added by subsection (a) of this section, is further amended—

(1) by redesignating subsection (d), as so added, as subsection (c); and

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

"(d) ANNUAL REPORT.—

"(1) REPORT REQUIRED.—Not later than March 1, 2019, and each March 1 thereafter, the Commander, in coordination with the Under Secretary of Defense for Personnel and Readiness, shall submit to the congressional defense committees a report describing the progress made in achieving the goals of the family support programs conducted under this section.

"(2) ELEMENTS OF REPORTS.—Each report under this subsection shall include the following:

"(A) A detailed description of the programs conducted under this section to address family support requirements for family members of members of the armed forces assigned to special operations forces.

"(B) An assessment of the impact of the programs on military readiness and on family members of members of the armed forces assigned to special operations forces.

"(C) A description of the special operations-peculiar aspects of the programs and a comparison and differentiation of these programs with other programs conducted by the Secretaries of the military departments to provide family support services to immediate family members of members of the armed forces.

"(D) Recommendations for incorporating lessons learned into other family support programs.

"(E) Any other matters the Commander considers appropriate regarding the programs.".

(c) FUNDING.—Subsection (c) of section 1788a of title 10, United States Code, as added by subsection (a) of this section and redesignated by subsection (b)(1) of this section, is amended by striking "specified" and all that follows through the end of the subsection and inserting ", from funds available for Major Force Program 11, to carry out family support programs under this section.".

(d) ELIMINATION OF PILOT PROGRAM REFERENCES AND OTHER CONFORMING AMENDMENTS.—Section 1788a of title 10, United States Code, as added by subsection (a) of this section, is further amended—

(1) by striking "Armed Forces" each place it appears and inserting "armed forces";

(2) by striking "pilot" each place it appears;

(3) in subsection (a)—

(A) in the subsection heading, by striking "PILOT"; and

(B) by striking "up to three" and all that follows through "providing" and inserting "programs to provide"; and

(4) in subsection (e)—

(A) in paragraph (2), by striking "title 10, United States Code" and inserting "this title"; and

(B) in paragraph (3), by striking "such title" and inserting "this title".

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after the item relating to section 1788 the following new item:

10 USC prec. 1781.

"1788a. Family support programs: immediate family members of members of special operations forces.".

(f) CONFORMING REPEAL.—Section 554 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 1788 note) is repealed.

SEC. 556. REIMBURSEMENT FOR STATE LICENSURE AND CERTIFICATION COSTS OF A SPOUSE OF A MEMBER OF THE ARMED FORCES ARISING FROM RELOCATION TO ANOTHER STATE.

(a) REIMBURSEMENT AUTHORIZED.—Section 476 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(p)(1) From amounts otherwise made available for a fiscal year to provide travel and transportation allowances under this chapter, the Secretary concerned may reimburse a member of the

armed forces for qualified relicensing costs of the spouse of the member when—

"(A) the member is reassigned, either as a permanent change of station or permanent change of assignment, from a duty station in one State to a duty station in another State; and

"(B) the movement of the member's dependents is authorized at the expense of the United States under this section as part of the reassignment.

"(2) Reimbursement provided to a member under this subsection may not exceed $500 in connection with each reassignment described in paragraph (1).

"(3) Not later than December 31, 2021, the Secretary of Defense, in consultation with the Secretary of Homeland Security with respect to the Coast Guard, shall submit to the congressional defense committees, the Committee on Homeland Security and Government Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives a report—

"(A) describing the extent to which the reimbursement authority provided by this subsection has been used; and

"(B) containing a recommendation by the Secretaries regarding whether the authority should be extended beyond the date specified in paragraph (4).

"(4) No reimbursement may be provided under this subsection for qualified relicensing costs paid or incurred after December 31, 2022.

"(5) In this subsection, the term 'qualified relicensing costs' means costs, including exam and registration fees, that—

"(A) are imposed by the State of the new duty station to secure a license or certification to engage in the same profession that the spouse of the member engaged in while in the State of the original duty station; and

"(B) are paid or incurred by the member or spouse to secure the license or certification from the State of the new duty station after the date on which the orders directing the reassignment described in paragraph (1) are issued.".

(b) DEVELOPMENT OF RECOMMENDATIONS TO EXPEDITE LICENSE PORTABILITY FOR MILITARY SPOUSES.—

(1) CONSULTATION WITH STATES.—The Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard, shall consult with States—

(A) to identify barriers to the portability between States of a license, certification, or other grant of permission held by the spouse of a member of the Armed Forces to engage in an occupation when the spouse moves between States as part of a permanent change of station or permanent change of assignment of the member; and

(B) to develop recommendations for the Federal Government and the States, together or separately, to expedite the portability of such licenses, certifications, and other grants of permission for military spouses.

(2) SPECIFIC CONSIDERATIONS.—In conducting the consultation and preparing the recommendations under paragraph (1), the Secretaries shall consider the feasibility of—

(A) States accepting licenses, certifications, and other grants of permission described in paragraph (1) issued by another State and in good standing in that State;

(B) the issuance of a temporary license pending completion of State-specific requirements; and

(C) the establishment of an expedited review process for military spouses.

(3) REPORT REQUIRED.—Not later than March 15, 2018, the Secretaries shall submit to the appropriate congressional committees and the States a report containing the recommendations developed under this subsection.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means the congressional defense committees, the Committee on Homeland Security and Government Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives.

SEC. 557. TEMPORARY EXTENSION OF EXTENDED PERIOD OF PROTECTIONS FOR MEMBERS OF UNIFORMED SERVICES RELATING TO MORTGAGES, MORTGAGE FORECLOSURE, AND EVICTION.

Section 710(d) of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 (Public Law 112–154; 50 U.S.C. 3953 note) is amended—

(1) in paragraph (1), by striking "December 31, 2017" and inserting "December 31, 2019"; and

(2) in paragraph (3), by striking "January 1, 2018" and inserting "January 1, 2020".

SEC. 558. ENHANCING MILITARY CHILDCARE PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

10 USC 1791 note.

(a) HOURS OF OPERATION OF MILITARY CHILDCARE DEVELOPMENT CENTERS.—Each Secretary of a military department shall ensure, to the extent practicable, that the hours of operation of each childcare development center under the jurisdiction of the Secretary are established and maintained in manner that takes into account the demands and circumstances of members of the Armed Forces, including members of the reserve components, who use such center in facilitation of the performance of their military duties.

(b) MATTERS TO BE TAKEN INTO ACCOUNT.—The demands and circumstances to be taken into account under subsection (a) for purposes of setting and maintaining the hours of operation of a childcare development center shall include the following:

(1) Mission requirements of units whose members use the childcare development center.

(2) The unpredictability of work schedules, and fluctuations in day-to-day work hours, of such members.

(3) The potential for frequent and prolonged absences of such members for training, operations, and deployments.

(4) The location of the childcare development center on the military installation concerned, including the location in connection with duty locations of members and applicable military family housing.

(5) Such other matters as the Secretary of the military department concerned considers appropriate for purposes of this section.

(c) CHILDCARE COORDINATORS FOR MILITARY INSTALLATIONS.—Each Secretary of a military department may provide for a childcare coordinator at each military installation under the jurisdiction of

the Secretary at which are stationed significant numbers of members of the Armed Forces with accompanying dependent children, as determined by the Secretary. The childcare coordinator may work with the commander of the installation to ensure that childcare is available and responsive to the needs of members assigned to the installation.

10 USC 1792 note.

SEC. 559. DIRECT HIRE AUTHORITY FOR DEPARTMENT OF DEFENSE FOR CHILDCARE SERVICES PROVIDERS FOR DEPARTMENT CHILD DEVELOPMENT CENTERS.

(a) IN GENERAL.—The Secretary of Defense may appoint, without regard to any provision of subchapter I of chapter 33 of title 5, United States Code, qualified childcare services providers in the competitive service if the Secretary determines that—

(1) there is a critical hiring need for childcare services providers for Department of Defense child development centers; and

(2) there is a shortage of childcare services providers.

(b) REGULATIONS.—The Secretary shall carry out this section in accordance with regulations prescribed by the Secretary for purposes of this section.

(c) DEADLINE FOR IMPLEMENTATION.—The Secretary shall prescribe the regulations required by subsection (b), and commence implementation of subsection (a), by not later than May 1, 2018.

(d) BRIEFING.—Not later than 90 days after the end of each of fiscal years 2019 and 2021, the Secretary of Defense shall provide a briefing to the Committee on Armed Services of the House of Representatives, the Committee on Armed Services of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate on the use of the appointment authority provided by subsection (a).

(e) CHILDCARE SERVICES PROVIDER DEFINED.—In this section, the term "childcare services provider" means a person who provides childcare services for dependent children of members of the Armed Forces and civilian employees of the Department of Defense in child development centers on Department installations.

(f) EXPIRATION OF AUTHORITY.—The appointment authority provided by subsection (a) expires on September 30, 2021.

10 USC 1784 note.

SEC. 560. PILOT PROGRAM ON PUBLIC-PRIVATE PARTNERSHIPS FOR TELEWORK FACILITIES FOR MILITARY SPOUSES ON MILITARY INSTALLATIONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Commencing not later than one year after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program to assess the feasability and advisability of providing telework facilities for military spouses on military installations outside the United States. The Secretary shall consult with the host nation or nations concerned in carrying out the pilot program.

(b) NUMBER OF INSTALLATIONS.—The Secretary shall carry out the pilot program at not less than two military installations outside the United States selected by the Secretary for purposes of the pilot program.

(c) DURATION.—The duration of the pilot program shall be a period selected by the Secretary, but not more than three years.

(d) ELEMENTS.—The pilot program shall include the following elements:

(1) The pilot program shall be conducted as one or more public-private partnerships between the Department of Defense and a private corporation or partnership of private corporations.

(2) The corporation or corporations participating in the pilot program shall contribute to the carrying out of the pilot program an amount equal to the amount committed by the Secretary to the pilot program at the time of its commencement.

(3) The Secretary shall enter into one or more memoranda of understanding with the corporation or corporations participating in the pilot program for purposes of the pilot program, including the amounts to be contributed by such corporation or corporations pursuant to paragraph (2).

(4) The telework undertaken by military spouses under the pilot program may only be for United States companies.

(5) The pilot program shall permit military spouses to provide administrative, informational technology, professional, and other necessary support to companies through telework from Department installations outside the United States.

(e) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2018 by section 421 and available for military personnel as specified in the funding table in section 4401, up to $1,000,000 may be available to carry out the pilot program, including entry into memoranda of understanding pursuant to subsection (d)(3) and payment by the Secretary of the amount committed by the Secretary to the pilot program pursuant to subsection (d)(2).

Subtitle G—Decorations and Awards

SEC. 561. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO GARLIN M. CONNER FOR ACTS OF VALOR DURING WORLD WAR II.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 3741 of such title to Garlin M. Conner for the acts of valor during World War II described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Garlin M. Conner during combat on January 24, 1945, as a member of the United States Army in the grade of First Lieutenant in France while serving with Company K, 3d Battalion, 7th Infantry Regiment, 3d Infantry Division, for which he was previously awarded the Distinguished-Service Cross.

SEC. 562. AUTHORIZATION FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO SPECIALIST FRANK M. CRARY FOR ACTS OF VALOR IN VIETNAM.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Distinguished-Service Cross under section 3742 of such

title to Specialist Frank M. Crary for the acts of valor in Vietnam described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Frank M. Crary on April 7, 1966, as a member of the Army serving in the grade of Specialist in Vietnam while serving with Company D, 1st Battalion (Airborne), 12th Cavalry Regiment, 1st Cavalry Division.

Subtitle H—Miscellaneous Reporting Requirements

SEC. 571. ANALYSIS AND REPORT ON ACCOMPANIED AND UNACCOMPANIED TOURS OF DUTY IN REMOTE LOCATIONS WITH HIGH FAMILY SUPPORT COSTS.

(a) ANALYSIS REQUIRED.—The Secretary of Defense shall conduct a comparative analysis of accompanied tours of duty and unaccompanied tours of duty of members of the Armed Forces in remote locations with high family support costs (including facility construction and operation costs), including—

(1) the Azores;

(2) United States Naval Station, Guantanamo Bay, Cuba;

(3) Okinawa, Japan;

(4) the Republic of Korea;

(5) Kwajalein Atoll;

(6) Al Udeid Air Base, Qatar; and

(7) such other locations as the Secretary considers appropriate for purposes of the analysis.

(b) REPORTING REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the analysis conducted under subsection (a).

SEC. 572. REVIEW AND REPORTS ON POLICIES FOR REGULAR AND RESERVE OFFICER CAREER MANAGEMENT.

(a) REVIEW REQUIRED.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall conduct a review of the policies of the Department of Defense for the career management of regular and reserve officers of the Armed Forces pursuant to the Defense Officer Personnel Management Act (commonly referred to as "DOPMA") and the Reserve Officer Personnel Management Act (commonly referred to as "ROPMA").

(b) ELEMENTS OF REVIEW.—The review required by subsection (a) shall include the following:

(1) A statistical analysis, based on exit surveys and other data available to the military departments, on the impact that current personnel policies under the Defense Officer Personnel Management Act have on recruiting and retention of qualified regular and reserve officers of the Armed Forces. Specifically, the statistical analysis shall include an estimate of the number of officers who leave the Armed Forces each year because of dissatisfaction with the current personnel policies, including career progression, promotion policies, and a perceived lack of opportunity for schooling and broadening assignments.

(2) An analysis of the extent to which current personnel policies inhibit the professional development of officers.

(3) An analysis of the impact that increased flexibility in promotion, assignments, and career length would have on officer competency in their military occupational specialties.

(4) An analysis of the efficacy of officer talent management systems currently used by the military departments.

(5) An analysis of the benefits and limitations of the current promotion timelines and the "up-or-out" system required by policy and law.

(6) An analysis of the reasons and frequency with which officers in the grade of O–3 or above are passed over for promotion to the next higher grade, particularly those officers who have pursued advanced degrees, broadening assignments, and non-traditional career patterns.

(7) The utility and feasibility of creating new competitive categories or an independent career and promotion path for officers in low-density military occupational specialties.

(8) An analysis of how best to encourage and facilitate the recruitment and retention of officers with technical expertise.

(9) The utility and feasibility of encouraging officers to pursue careers of lengths that vary from the traditional 20-year military career and the mechanisms that could be employed to encourage officers to pursue these varying career lengths.

(10) An analysis of what actions have been or could be taken within current statutory authority to address officer management challenges.

(11) An analysis of what actions can be taken by the Armed Forces to change the institutional culture regarding commonly held perceptions on appropriate promotion timelines, career progression, and traditional career patterns.

(12) An analysis of how the Armed Forces can avoid an officer corps disproportionately weighted toward officers serving in the grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain, if statutory officer grade caps are relaxed.

(13) The utility and feasibility of allowing officers to repeatedly and seamlessly transition between active duty and reserve active-status throughout the course of their military careers.

(14) An analysis of the current officer force-shaping authorities and any changes needed to these authorities to improve recruiting, retention, and readiness.

(15) An analysis of any other matters the Secretary of Defense considers appropriate to improve the effective recruitment and retention of officers.

(c) REPORTING REQUIREMENTS.—

(1) INITIAL REPORT.—Not later than March 1, 2018, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the impact on officer retention of granting promotion boards the authority to recommend officers of particular merit be placed at the top of the promotion list.

(2) COMPLETE REPORT.—Not later than July 31, 2018, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of the review conducted under subsection (a).

(3) SCOPE OF REPORT.—If any recommendation of the Secretary of Defense in a report required by this subsection requires legislative or administrative action for implementation, the report shall include a proposal for legislative action, or a description of administrative action, as applicable, to implement such recommendation.

SEC. 573. REVIEW AND REPORT ON EFFECTS OF PERSONNEL REQUIREMENTS AND LIMITATIONS ON THE AVAILABILITY OF MEMBERS OF THE NATIONAL GUARD FOR THE PERFORMANCE OF FUNERAL HONORS DUTY FOR VETERANS.

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

(b) PERSONNEL REQUIREMENTS AND LIMITATIONS.—The personnel requirements and limitations described in this subsection are the following:

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

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

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

(1) A description of the review.

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

SEC. 574. REVIEW AND REPORT ON AUTHORITIES FOR THE EMPLOYMENT, USE, AND STATUS OF NATIONAL GUARD AND RESERVE TECHNICIANS.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review of the following:

(1) Authority for the employment, use, and status of National Guard technicians under section 709 of title 32, United States Code (commonly referred to as the National Guard Technicians Act of 1968).

(2) Authorities for the employment, use, and status of National Guard and Reserve technicians under sections 10216 through 10218 of title 10, United States Code.

(3) Any other authorities on the employment, use, and status of National Guard and Reserve technicians under law.

(b) PURPOSES.—The purposes of the review under subsection (a) shall be as follows:

(1) To define the mission and requirements of National Guard and Reserve technicians.

(2) To identify means to improve the management and administration of the National Guard and Reserve technician workforce.

(3) To identify means to enhance the capability of the Department of Defense to recruit and retain National Guard and Reserve technicians.

(4) To assess the current career progression tracks of National Guard and Reserve technicians.

(c) CONSULTATION.—In conducting the review under subsection (a), the Secretary of Defense shall consult with the Chief of the National Guard Bureau, the Chief of Army Reserve, the Chief of Air Force Reserve, and representatives of National Guard and Reserve technicians, including collective bargaining representatives of such technicians.

(d) INCLUSION OF RECENT AUTHORITIES IN REVIEW.—The Secretary of Defense shall ensure that the review conducted under subsection (a) takes into account authorities, and modifications of authorities, for the employment, use, and status of National Guard and Reserve technicians contained in the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) and the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328).

(e) REQUIRED REVIEW ELEMENTS.—In meeting the purposes of the review conducted under subsection (a), as set forth in subsection (b), the Secretary of Defense shall address, in particular, the following:

(1) The extent to which National Guard and Reserve technicians are assigned military duties inconsistent with, or of a different nature than, their civilian duties, the impact of such assignments on unit readiness, and the effect of such assignments on the career progression of technicians.

(2) The use by the Department of Defense (especially within the National Guard) of selective retention boards to separate National Guard and Reserve technicians from military service (with the effect of thereby separating them from civilian service) before they accrue a full, unreduced retirement annuity in connection with Federal civilian service, and whether that use is consistent with the authority in section 10216(f) of title 10, United States Code, that technicians be permitted to remain in service past their mandatory separation date until they qualify for an unreduced retirement annuity.

(3) The impact on recruitment and retention, and the budgetary impact, of permitting National Guard and Reserve technicians who receive an enlistment incentive before becoming a technician to retain such incentive upon becoming a technician.

(f) REPORTING REQUIREMENT.—Not later than April 1, 2018, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(1) the results of the review conducted under subsection (a), including a discussion of the matters set forth in subsections (b) and (e); and

(2) such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the review in order to improve and enhance the employment, use, and status of National Guard and Reserve technicians.

SEC. 575. ASSESSMENT AND REPORT ON EXPANDING AND CONTRACTING FOR CHILDCARE SERVICES OF THE DEPARTMENT OF DEFENSE.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall conduct an assessment of the feasibility and advisability of the following:

(1) Expanding the operating hours of childcare facilities of the Department of Defense in order to meet childcare services requirements for swing-shift, night-shift, and weekend workers.

(2) Using contracts with private-sector childcare services providers to expand the availability of childcare services for members of the Armed Forces at locations outside military installations at costs similar to the current costs for childcare services through child development centers on military installations.

(3) Contracting with private-sector childcare services providers to operate childcare facilities of the Department on military installations.

(4) Expanding childcare services as described in paragraphs (1) through (3) to members of the National Guard and Reserves in a manner that does not substantially raise costs of childcare services for the military departments or conflict with others who have a higher priority for space in childcare services programs, such as members of the Armed Forces on active duty.

(b) REPORTING REQUIREMENT.—Not later than September 1, 2018, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the assessment conducted under subsection (a).

SEC. 576. REVIEW AND REPORT ON COMPENSATION PROVIDED CHILDCARE SERVICES PROVIDERS OF THE DEPARTMENT OF DEFENSE.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review of the compensation provided for childcare services providers within the Department of Defense, including positions subject to General Schedule pay grades and positions occupied by nonappropriated fund instrumentality employees.

(b) ELEMENTS OF REVIEW.—The review conducted under subsection (a) shall include the following:

(1) A comparison of the compensation provided for childcare services provider positions within the Department with the compensation provided to childcare services providers in the private sector who provide similar childcare services.

(2) An assessment of the mix of General Schedule pay grades and compensation levels for nonappropriated fund instrumentality employees currently required by the Department to most effectively recruit and retain childcare services providers for dependents of members of the Armed Forces.

(3) A comparison of the budget implications of the current General Schedule pay grade mix and nonappropriated fund instrumentality compensation levels with the pay grade mix and compensation levels determined pursuant to paragraph

(2) to be required by the Department to most effectively recruit and retain childcare services providers for dependents of members of the Armed Forces.

(c) REPORTING REQUIREMENT.—Not later than September 1, 2018, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the review conducted under subsection (a).

SEC. 577. COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT AND REPORT ON THE OFFICE OF COMPLEX INVESTIGATIONS WITHIN THE NATIONAL GUARD BUREAU.

(a) ASSESSMENT REQUIRED.—The Comptroller General of the United States shall conduct an assessment on the purpose, structure, and effectiveness of the Office of Complex Investigations within the National Guard Bureau.

(b) ELEMENTS OF ASSESSMENT.—The assessment conducted under subsection (a) shall address the following:

(1) The purpose of the Office of Complex Investigations and the criteria used to determine which cases will be investigated by the office.

(2) The services provided by the Office of Complex Investigations.

(3) The authority under which the Office of Complex Investigations may investigate violations of State law.

(4) The structure of the Office of Complex Investigations, including—

(A) the number of individuals assigned, both permanently and temporarily, to the office;

(B) the organizational structure of the office; and

(C) the annual budget of the office, the source of funding, and the extent to which States are required to reimburse the Department of Defense for activities conducted by the office.

(5) The extent to which the investigations conducted by the Office of Complex Investigations could be conducted by another State or Federal entity.

(6) The policies governing the Office of Complex Investigations, and the extent to which the office adheres to these policies.

(7) The training provided to investigators and other employees of the Office of Complex Investigations.

(8) Any other matters the Comptroller General considers relevant to the assessment.

(c) REPORTING REQUIREMENT.—Not later than October 31, 2018, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the assessment conducted under subsection (a).

SEC. 578. MODIFICATION OF SUBMITTAL DATE OF COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON INTEGRITY OF THE DEPARTMENT OF DEFENSE WHISTLEBLOWER PROGRAM.

Section 536(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2124) is amended by striking "18 months after the date of the enactment of this Act" and inserting "December 31, 2018".

Subtitle I—Other Matters

SEC. 581. EXPANSION OF UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY ENROLLMENT AUTHORITY TO INCLUDE CIVILIAN EMPLOYEES OF THE HOMELAND SECURITY INDUSTRY.

(a) DEFINITION.—Subsection (b) of section 9314a of title 10, United States Code, is amended to read as follows:

"(b) COVERED PRIVATE SECTOR EMPLOYEE DEFINED.—(1) In this section, the term 'covered private sector employee' means—

"(A) an individual employed by a private firm that is engaged in providing to the Department of Defense significant and substantial defense-related systems, products, or services; or

"(B) an individual employed by a private firm in one of the critical infrastructure sectors identified in Presidential Policy Directive 21 (Critical Infrastructure Security and Resilience).

"(2) A covered private sector employee admitted for instruction at the United States Air Force Institute of Technology remains eligible for such instruction only so long as the person remains employed by the same firm.".

(b) USE OF DEFINED TERM.—Section 9314a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "defense industry employees described in subsection (b)" and inserting "a covered private sector employee"; and

(ii) by striking "Any such defense industry employee" and inserting "A covered private sector employee";

(B) in paragraph (2), by striking "defense industry employees" and inserting "covered private sector employees"; and

(C) in paragraph (3), by striking "defense industry employee" both places it appears and inserting "covered private sector employee";

(2) in subsection (c)—

(A) by striking "Defense industry employees" and inserting "A covered private sector employee"; and

(B) by striking "defense industry employees" and inserting "covered private sector employees";

(3) in subsection (d)(1), by striking "defense industry employees" and inserting "a covered private sector employee"; and

(4) in subsection (f), by striking "defense industry employees" and inserting "covered private sector employees".

(c) OTHER CONFORMING AMENDMENTS.—Section 9314a of title 10, United States Code, is further amended—

(1) in subsection (a)(1), by striking "a defense focused" and inserting "a defense-focused or homeland security-focused"; and

(2) in subsection (d)—

(A) in paragraph (1), by inserting "or homeland security" after "and defense"; and

(B) in paragraph (2), by inserting before the period at the end the following: "or the Department of Homeland Security, as applicable".

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 9314a of title 10, United States Code, is amended to read as follows:

"§ 9314a. United States Air Force Institute of Technology: admission of certain private sector civilians".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 901 of title 10, United States Code, is amended by striking the item relating to section 9314a and inserting the following new item: 10 USC prec. 9301.

"9314a. United States Air Force Institute of Technology: admission of certain private sector civilians.".

SEC. 582. CONDITIONAL DESIGNATION OF EXPLOSIVE ORDNANCE DISPOSAL CORPS AS A BASIC BRANCH OF THE ARMY.

(a) CONDITIONAL DESIGNATION.—Subject to subsection (b), section 3063(a) of title 10, United States Code, is amended—

(1) in paragraph (12), by striking "and";

(2) by redesignating paragraph (13) as paragraph (14); and

(3) by inserting after paragraph (12) the following new paragraph (13):

"(13) Explosive Ordnance Disposal Corps; and".

(b) DELAYED EFFECTIVE DATE AND CONDITION ON EXECUTION.— 10 USC 3063 note.

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2020, but only if the report required by paragraph (2) is not submitted before that date as required by such paragraph.

(2) REPORTING REQUIREMENT.—Not later than September 30, 2020, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing certifications that the following actions have occurred as of that date:

(A) The defense budget materials display funding requirements for explosive ordnance disposal separately and a program of record is established and maintained for explosive ordnance disposal.

(B) A process has been established to ensure that, by not later than five years after the date of the enactment of this Act, there is, and will continue to be, at least one general officer in the Army qualified regarding issues involving explosive ordnance disposal to ensure officer professional development and upward mobility.

(C) The Ordnance Personnel Proponency Office is, and will continue to be, manned with an explosive ordnance disposal officer to oversee explosive ordnance disposal officer and enlisted personnel proponency.

(D) Explosive ordnance disposal officer education has been included in a basic officer leadership course, a captains career course, and a policy and planning course specific to explosive ordnance disposal as part of intermediate level education and pre-command courses.

(E) The office of the Army Deputy Chief of Staff, G8, and the office of the Army Deputy Chief of Staff, G3,

have, and will continue to be, manned with explosive ordnance disposal officers responsible for the decision management decision packages, ammunition organizational integration, and force modernization related to explosive ordnance disposal.

(F) The Army has established and maintained explosive ordnance disposal cells at the Army Forces Command, Army Service Component Commands, Army Special Operations Command, Army Training and Doctrine Command, and the Army Capability and Integration Center.

(3) NOTICE OF REPORT.—The Secretary of the Army shall notify the Law Revision Counsel of the House of Representatives of the submission of the report under paragraph (2) so that the Law Revision Counsel does not execute the amendments made by subsection (a).

10 USC 131 note.

SEC. 583. DESIGNATION OF OFFICE WITHIN OFFICE OF THE SECRETARY OF DEFENSE TO OVERSEE USE OF FOOD ASSISTANCE PROGRAMS BY MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate an office or official within the Office of the Secretary of Defense for purposes as follows:

(1) To discharge responsibility for overseeing the efforts of the Department of Defense to collect, analyze, and monitor data on the use of food assistance programs by members of the Armed Forces on active duty.

(2) To establish and maintain relationships with other departments and agencies of the Federal Government to facilitate the discharge of the responsibility specified in paragraph (1).

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Subtitle B—Bonus and Special and Incentive Pays

Subtitle A—Pay and Allowances

SEC. 601. ANNUAL ADJUSTMENT OF BASIC MONTHLY PAY.

10 USC 1009 note.

The adjustment in the rates of monthly basic pay required by subsection (a) of section 1009 of title 37, United States Code, to be made on January 1, 2018, shall take effect, notwithstanding any determination made by the President under subsection (e) of such section with respect to an alternative pay adjustment to be made on such date.

SEC. 602. PROHIBITING COLLECTION OF ADDITIONAL AMOUNTS FROM MEMBERS LIVING IN UNITS UNDER MILITARY HOUSING PRIVATIZATION INITIATIVE.

(a) PROHIBITION.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2886. Prohibiting collection of amounts in addition to rent from members assigned to units

10 USC 2886.

"(a) PROHIBITION.—An agreement for acquiring or constructing a military family housing unit or military unaccompanied housing unit under this subchapter which is entered into between the Secretary and an eligible entity shall prohibit the entity from imposing on a member of the armed forces who occupies the unit a supplemental payment, such as an out-of-pocket fee, in addition to the amount of rent the eligible entity charges for a unit of similar size and composition, without regard to whether or not the amount of the member's basic allowance for housing is less than the amount of the rent.

"(b) PERMITTING CERTAIN ADDITIONAL PAYMENTS.—Nothing in this section shall be construed to prohibit an eligible entity from

imposing an additional payment for optional services provided to residents, such as access to a gym or a parking space, or an additional payment for non-essential utility services, as determined in accordance with regulations promulgated by the Secretary.

"(c) NO EFFECT ON RENTAL GUARANTEES OR DIFFERENTIAL LEASE PAYMENTS.—Nothing in this section shall be construed to limit or otherwise affect the authority of the Secretary to enter into rental guarantee agreements under section 2876 of this title or to make differential lease payments under section 2877 of this title, so long as such agreements or payments do not require a member of the armed forces who is assigned to a military family housing unit or military unaccompanied housing unit under this subchapter to pay an out-of-pocket fee or payment in addition to the member's basic housing allowance.".

10 USC prec. 2871.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter IV of chapter 169 of such title is amended by adding at the end the following new item:

"2886. Prohibiting collection of amounts in addition to rent from members assigned to units.".

SEC. 603. LIMITATION ON MODIFICATION OF PAYMENT AUTHORITY FOR MILITARY HOUSING PRIVATIZATION INITIATIVE HOUSING.

(a) IN GENERAL.—For each month during 2018, the Secretary of Defense shall pay to a lessor of covered housing 1 percent of the amount calculated under section 403(b)(3)(A)(i) of title 37, United States Code, for the area in which the covered housing exists.

(b) DEFINITION.—In this section, the term "covered housing" means a unit of housing—

(1) acquired or constructed under the alternative authority of subchapter IV of chapter 169 of title 10, United States Code (known as the Military Housing Privatization Initiative);

(2) that is leased to a member of a uniformed service who resides in such unit; and

(3) for which the lessor charges such member rent that equals or exceeds the amount calculated under section 403(b)(3)(A) of title 37, United States Code.

(c) GAO REVIEW.—Not later than March 1, 2018, the Comptroller General of the United States shall submit to the Committees on Armed Services of the House of Representatives and the Senate a review of the following:

(1) The management of the Military Housing Privatization Initiative to date.

(2) Plans for the Military Housing Privatization Initiative after March 1, 2018.

(3) The viability of the Military Housing Privatization Initiative after March 1, 2018.

(4) Alternatives to the Military Housing Privatization Initiative.

SEC. 604. HOUSING TREATMENT FOR CERTAIN MEMBERS OF THE ARMED FORCES, AND THEIR SPOUSES AND OTHER DEPENDENTS, UNDERGOING A PERMANENT CHANGE OF STATION WITHIN THE UNITED STATES.

(a) HOUSING TREATMENT.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 403 the following new section:

"§ 403a. Housing treatment for certain members of the armed forces, and their spouses and other dependents, undergoing a permanent change of station within the United States

10 USC 403a.

"(a) HOUSING TREATMENT FOR CERTAIN MEMBERS WHO HAVE A SPOUSE OR OTHER DEPENDENTS.—

"(1) HOUSING TREATMENT REGULATIONS.—The Secretary of Defense shall prescribe regulations that permit a member of the armed forces described in paragraph (2) who is undergoing a permanent change of station within the United States to request the housing treatment described in subsection (b) during the covered relocation period of the member.

"(2) ELIGIBLE MEMBERS.—A member described in this paragraph is any member who—

"(A) has a spouse who is gainfully employed or enrolled in a degree, certificate or license granting program at the beginning of the covered relocation period;

"(B) has one or more dependents attending an elementary or secondary school at the beginning of the covered relocation period;

"(C) has one or more dependents enrolled in the Exceptional Family Member Program; or

"(D) is caring for an immediate family member with a chronic or long-term illness at the beginning of the covered relocation period.

"(b) HOUSING TREATMENT.—

"(1) CONTINUATION OF HOUSING FOR THE SPOUSE AND OTHER DEPENDENTS.—If a spouse or other dependent of a member whose request under subsection (a) is approved resides in Government-owned or Government-leased housing at the beginning of the covered relocation period, the spouse or other dependent may continue to reside in such housing during a period determined in accordance with the regulations prescribed pursuant to this section.

"(2) EARLY HOUSING ELIGIBILITY.—If a spouse or other dependent of a member whose request under subsection (a) is approved is eligible to reside in Government-owned or Government-leased housing following the member's permanent change of station within the United States, the spouse or other dependent may commence residing in such housing at any time during the covered relocation period.

"(3) TEMPORARY USE OF GOVERNMENT-OWNED OR GOVERNMENT-LEASED HOUSING INTENDED FOR MEMBERS WITHOUT A SPOUSE OR DEPENDENT.—If a spouse or other dependent of a member relocates at a time different from the member in accordance with a request approved under subsection (a), the member may be assigned to Government-owned or Government-leased housing intended for the permanent housing of members without a spouse or dependent until the member's detachment date or the spouse or other dependent's arrival date, but only if such Government-owned or Government-leased housing is available without displacing a member without a spouse or dependent at such housing.

"(4) EQUITABLE BASIC ALLOWANCE FOR HOUSING.—If a spouse or other dependent of a member relocates at a time different from the member in accordance with a request approved under subsection (a), the amount of basic allowance for housing payable may be based on whichever of the following areas the Secretary concerned determines to be the most equitable:

"(A) The area of the duty station to which the member is reassigned.

"(B) The area in which the spouse or other dependent resides, but only if the spouse or other dependent resides in that area when the member departs for the duty station to which the member is reassigned, and only for the period during which the spouse or other dependent resides in that area.

"(C) The area of the former duty station of the member, but only if that area is different from the area in which the spouse or other dependent resides.

"(c) RULE OF CONSTRUCTION RELATED TO CERTAIN BASIC ALLOWANCE FOR HOUSING PAYMENTS.—Nothing in this section shall be construed to limit the payment or the amount of basic allowance for housing payable under section 403(d)(3)(A) of this title to a member whose request under subsection (a) is approved.

"(d) HOUSING TREATMENT EDUCATION.—The regulations prescribed pursuant to this section shall ensure the relocation assistance programs under section 1056 of title 10 include, as part of the assistance normally provided under such section, education about the housing treatment available under this section.

"(e) DEFINITIONS.—In this section:

"(1) COVERED RELOCATION PERIOD.—(A) Subject to subparagraph (B), the term 'covered relocation period', when used with respect to a permanent change of station of a member of the armed forces, means the period that—

"(i) begins 180 days before the date of the permanent change of station; and

"(ii) ends 180 days after the date of the permanent change of station.

"(B) The regulations prescribed pursuant to this section may provide for a shortening or lengthening of the covered relocation period of a member for purposes of this section.

"(2) DEPENDENT.—The term 'dependent' has the meaning given that term in section 401 of this title.

"(3) PERMANENT CHANGE OF STATION.—The term 'permanent change of station' means a permanent change of station described in section 452(b)(2) of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 such title is amended by inserting after the item relating to section 403 the following new item:

37 USC prec. 401.

"403a. Housing treatment for certain members of the armed forces, and their spouses and other dependents, undergoing a permanent change of station within the United States.".

37 USC 403a note.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2018.

SEC. 605. EXTENSION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking "December 31, 2017" and inserting "December 31, 2018".

SEC. 606. REEVALUATION OF BAH FOR THE MILITARY HOUSING AREA INCLUDING STATEN ISLAND.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, using the most recent data available to the Secretary, shall reevaluate the basic housing allowance prescribed under section 403(b) of title 37, United States Code, for the military housing area that includes Staten Island, New York.

Subtitle B—Bonus and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking "December 31, 2017" and inserting "December 31, 2018":

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 478a(e), relating to reimbursement of travel expenses for inactive-duty training outside of normal commuting distance.

(8) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking "December 31, 2017" and inserting "December 31, 2018":

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking "December 31, 2017" and inserting "December 31, 2018":

(1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking "December 31, 2017" and inserting "December 31, 2018":

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking "December 31, 2017" and inserting "December 31, 2018":

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 336(g), relating to contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers' Training Corps.

(7) Section 351(h), relating to hazardous duty pay.

(8) Section 352(g), relating to assignment pay or special duty pay.

(9) Section 353(i), relating to skill incentive pay or proficiency bonus.

(10) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

The following sections of title 37, United States Code, are amended by striking "December 31, 2017" and inserting "December 31, 2018":

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 316a(g), relating to incentive pay for members of precommissioning programs pursuing foreign language proficiency.

(6) Section 324(g), relating to accession bonus for new officers in critical skills.

(7) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(8) Section 327(h), relating to incentive bonus for transfer between Armed Forces.

(9) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. REPORT REGARDING THE NATIONAL PILOT SHORTAGE.

(a) IN GENERAL.—Not later than April 30, 2018, the Comptroller General of the United States shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report regarding the extent of the national pilot shortage and the impact that such shortage has on the ability of the Department of Defense to retain pilots.

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

(1) The severity of the national pilot shortage, including which of the following are most acutely affected by such shortage—

(A) geographic areas of the United States; and

(B) sectors of the commercial aviation industry;

(2) Compensation practices within the commercial aviation industry, including whether and how such practices affect the ability of the Department of Defense to retain pilots.

(3) The annual business case of the Secretary of the Air Force for aviation bonus payments under section 334(c)(2) of title 37, United States Code, specifically—

(A) whether the business case meets the requirements under such section of title 37;

(B) whether the business case justifies the bonus amount for each aircraft type category; and

(C) whether projections indicate that the business case will reduce the pilot shortage, and, if so, how quickly for each aircraft type category.

(4) Non-monetary incentives the Secretary of the Air Force has used to retain pilots.

(5) Other incentives available under current law and policies of the Department of Defense to increase retention of pilots.

(6) Such other matters as the Comptroller General considers appropriate.

SEC. 617. SPECIAL AVIATION INCENTIVE PAY AND BONUS AUTHORITIES FOR ENLISTED MEMBERS WHO OPERATE REMOTELY PILOTED AIRCRAFT.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 334 the following new section:

37 USC 334a.

"§ 334a. Special aviation incentive pay and bonus authorities: enlisted members who operate remotely piloted aircraft

"(a) AVIATION INCENTIVE PAY.—

"(1) INCENTIVE PAY AUTHORIZED.—The Secretary concerned may pay aviation incentive pay under this section to an enlisted member in a regular or reserve component of a uniformed service who—

"(A) is entitled to basic pay under section 204 of this title or compensation under 206 of this title;

"(B) is designated as a remotely piloted aircraft pilot, or is in training leading to such a designation;

"(C) engages in, or is in training leading to, frequent and regular performance of operational flying duty or proficiency flying duty;

"(D) engages in or remains in aviation service for a specified period; and

"(E) meets such other criteria as the Secretary concerned determines appropriate.

"(2) ENLISTED MEMBERS NOT CURRENTLY ENGAGED IN FLYING DUTY.—The Secretary concerned may pay aviation incentive pay under this section to an enlisted member who is otherwise qualified for such pay but who is not currently engaged in the performance of operational flying duty or proficiency flying duty if the Secretary determines, under regulations prescribed under section 374 of this title, that payment of aviation pay to that enlisted member is in the best interests of the service.

"(b) AVIATION BONUS.—The Secretary concerned may pay an aviation bonus under this section to an enlisted member in a regular or reserve component of a uniformed service who—

"(1) is entitled to aviation incentive pay under subsection (a);

"(2) is within one year of completing the enlistment of the member;

"(3) reenlists or voluntarily extends the enlistment of the member—

"(A) for a period of at least one year; or

"(B) in the case of an enlisted member serving pursuant to an indefinite reenlistment, executes a written agreement—

"(i) to remain on active duty for a period of at least one year; or

"(ii) to remain in an active status in a reserve component for a period of at least one year; and

"(4) meets such other criteria as the Secretary concerned determines appropriate.

"(c) MAXIMUM AMOUNT AND METHOD OF PAYMENT.—

"(1) MAXIMUM AMOUNT.—The Secretary concerned shall determine the amount of a bonus or incentive pay to be paid under this section, except that—

"(A) aviation incentive pay under subsection (a) shall be paid at a monthly rate not to exceed $1,000 per month; and

"(B) an aviation bonus under subsection (b) may not exceed $35,000 for each 12-month period of obligated service agreed to under subsection (d).

"(2) LUMP SUM OR INSTALLMENTS.—A bonus under this section may be paid in a lump sum or in periodic installments, as determined by the Secretary concerned.

"(3) FIXING BONUS AMOUNT.—Upon acceptance by the Secretary concerned of the written agreement required by subsection (d), the total amount of the bonus to be paid under the agreement shall be fixed.

"(d) WRITTEN AGREEMENT FOR BONUS.—To receive an aviation bonus under this section, an enlisted member determined to be eligible for the bonus shall enter into a written agreement with the Secretary concerned that specifies—

"(1) the amount of the bonus;

"(2) the method of payment of the bonus under subsection (c)(2);

"(3) the period of obligated service; and

"(4) the type or conditions of the service.

"(e) RESERVE COMPONENT ENLISTED MEMBERS PERFORMING INACTIVE DUTY TRAINING.—An enlisted member of reserve component who is entitled to compensation under section 206 of this title and who is authorized aviation incentive pay under this section may be paid an amount of incentive pay that is proportionate to the compensation received under section 206 of this title for inactive-duty training.

"(f) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—

"(1) AVIATION INCENTIVE PAY.—Aviation incentive pay paid to an enlisted member under subsection (a) shall be in addition to any other pay and allowance to which the enlisted member is entitled, except that an enlisted member may not receive a payment under such subsection and section 351(a)(2) or 353(a) of this title for the same skill and period of service.

"(2) AVIATION BONUS.—An aviation bonus paid to an enlisted member under subsection (b) shall be in addition to any other pay and allowance to which the enlisted member is entitled, except that an enlisted member may not receive a bonus payment under such subsection and section 331 or 353(b) of this title for the same skill and period of service.

"(g) REPAYMENT.—An enlisted member who receives aviation incentive pay or an aviation bonus under this section and who fails to fulfill the eligibility requirements for the receipt of the incentive pay or bonus or complete the period of service for which the incentive pay or bonus is paid, as specified in the written agreement under subsection (d) in the case of a bonus, shall be subject to the repayment provisions of section 373 of this title.

"(h) DEFINITIONS.—In this section:

"(1) AVIATION SERVICE.—The term 'aviation service' means participation in aerial flight performed, under regulations prescribed by the Secretary concerned, by an eligible enlisted member who is a remotely piloted aircraft pilot.

"(2) OPERATIONAL FLYING DUTY.—The term 'operational flying duty' means flying performed under competent orders by enlisted members of the regular or reserve components

while serving in assignments in which basic flying skills are normally maintained in the performance of assigned duties as determined by the Secretary concerned, and flying duty performed by members in training that leads to designation as a remotely piloted aircraft pilot by the Secretary concerned.

"(3) PROFICIENCY FLYING DUTY.—The term 'proficiency flying duty' means flying performed under competent orders by enlisted members of the regular or reserve components while serving in assignments in which such skills would normally not be maintained in the performance of assigned duties.

"(i) TERMINATION OF AUTHORITY.—No agreement may be entered into under this section after December 31, 2018.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 334 the following new item:

37 USC prec. 301.

"334a. Special aviation incentive pay and bonus authorities: enlisted members who operate remotely piloted aircraft.".

SEC. 618. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO 2008 CONSOLIDATION OF SPECIAL PAY AUTHORITIES.

(a) REPAYMENT PROVISIONS.—

(1) TITLE 10.—The following provisions of title 10, United States Code, are each amended by inserting "or 373" before "of title 37":

(A) Section 510(i).
(B) Subsections (a)(3) and (c) of section 2005.
(C) Paragraphs (1) and (2) of section 2007(e).
(D) Section 2105.
(E) Section 2123(e)(1)(C).
(F) Section 2128(c).
(G) Section 2130a(d).
(H) Section 2171(g).
(I) Section 2173(g)(2).
(J) Paragraphs (1) and (2) of section 2200a(e).
(K) Section 4348(f).
(L) Section 6959(f).
(M) Section 9348(f).
(N) Subsections (a)(2) and (b) of section 16135.
(O) Section 16203(a)(1)(B).
(P) Section 16301(h).
(Q) Section 16303(d).
(R) Paragraphs (1) and (2) of section 16401(f).

(2) TITLE 14.—Section 182(g) of title 14, United States Code, is amended by inserting "or 373" before "of title 37".

(b) OFFICERS APPOINTED PURSUANT TO AN AGREEMENT UNDER SECTION 329 OF TITLE 37.—Section 641 of title 10, United States Code, is amended by striking paragraph (6).

(c) REENLISTMENT LEAVE.—The matter preceding paragraph (1) of section 703(b) of title 10, United States Code, is amended by inserting "or paragraph (1) or (3) of section 351(a)" after "section 310(a)(2)".

(d) REST AND RECUPERATION ABSENCE FOR QUALIFIED MEMBERS EXTENDING DUTY AT DESIGNATED LOCATION OVERSEAS.—The matter following paragraph (4) of section 705(a) of title 10, United States Code, is amended by inserting "or 352" after "section 314".

(e) REST AND RECUPERATION ABSENCE FOR CERTAIN MEMBERS UNDERGOING EXTENDED DEPLOYMENT TO COMBAT ZONE.—Section

705a(b)(1)(B) of title 10, United States Code, is amended by inserting "or 352(a)" after "section 305".

(f) ADDITIONAL INCENTIVES FOR HEALTH PROFESSIONALS OF THE INDIAN HEALTH SERVICE.—Section 116(a) of the Indian Health Care Improvement Act (25 U.S.C. 1616i(a)) is amended by inserting "or 335(b)" after "section 302(b)".

(g) MILITARY PAY AND ALLOWANCES CONTINUANCE WHILE IN A MISSING STATUS.—Section 552(a)(2) of title 37, United States Code, is amended by inserting "or section 351(a)(2)" after "section 301".

(h) MILITARY PAY AND ALLOWANCES.—Section 907(d) of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting "or 351" after "section 301";

(B) in subparagraph (B), by inserting "or 352" after "section 301c";

(C) in subparagraph (C), by inserting "or 353(a)" after "section 304";

(D) in subparagraph (D), by inserting "or 352" after "section 305";

(E) in subparagraph (E), by inserting "or 352" after "section 305a";

(F) in subparagraph (F), by inserting "or 352" after "section 305b";

(G) in subparagraph (G), by inserting "or 352" after "section 307a";

(H) in subparagraph (I), by inserting "or 352" after "section 314";

(I) in subparagraph (J), by striking "316" and inserting "353(b)"; and

(J) in subparagraph (K), by striking "323" and inserting "section 355"; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting "or 352" after "section 307";

(B) in subparagraph (B), by striking "308" and inserting "331";

(C) in subparagraph (C), by striking "309" and inserting "331"; and

(D) in subparagraph (D), by inserting "or 353" after "section 320".

(i) PAY AND ALLOWANCES OF OFFICERS OF THE PUBLIC HEALTH SERVICE.—Section 208(a)(2) of the Public Health Service Act (42 U.S.C. 210(a)(2)) is amended by inserting "or 373" after "303a(b)".

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

SEC. 621. PERMANENT EXTENSION AND COST-OF-LIVING ADJUSTMENTS OF SPECIAL SURVIVOR INDEMNITY ALLOWANCES UNDER THE SURVIVOR BENEFIT PLAN.

Section 1450(m) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (H), by striking "and" at the end; and

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

"(I) for months from October 2016 through December 2018, $310; and

"(J) for months during any calendar year after 2018, the amount determined in accordance with paragraph (6).";

and

(2) by striking paragraph (6) and inserting the following new paragraph (6):

"(6) COST-OF-LIVING ADJUSTMENTS AFTER 2018.—

"(A) IN GENERAL.—The amount of the allowance payable under paragraph (1) for months during any calendar year beginning after 2018 shall be—

"(i) the amount payable pursuant to paragraph (2) for months during the preceding calendar year, plus

"(ii) an amount equal to the percentage of the amount determined pursuant to clause (i) which percentage is equal to the percentage increase in retired pay of members and former members of the armed forces for such calendar year under section 1401a of this title.

"(B) PUBLIC NOTICE ON AMOUNT OF ALLOWANCE PAYABLE.—The Secretary of Defense shall publish in the Federal Register each year the amount of the allowance payable under paragraph (1) for months in such year by reason of the operation of this paragraph.".

SEC. 622. ADJUSTMENTS TO SURVIVOR BENEFIT PLAN FOR MEMBERS ELECTING LUMP SUM PAYMENTS OF RETIRED PAY UNDER THE MODERNIZED RETIREMENT SYSTEM FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) DEFINITION OF BASE AMOUNT.—Section 1447(6)(A) of title 10, United States Code, is amended in the matter preceding clause (i) by inserting "or 1415(b)(1)(B)" after "section 1409(b)(2)".

(b) COORDINATION WITH REDUCTIONS IN RETIRED PAY.—Section 1452 of such title is amended—

(1) in subsection (a)(1), by inserting ", other than retired pay received as a lump sum under section 1415(b)(1)(A) of this title," in the matter preceding subparagraph (A) after ", the retired pay";

(2) in subsection (b)(1), by inserting ", other than retired pay received as a lump sum under section 1415(b)(1)(A) of this title," after "The retired pay"; and

(3) in subsection (c)—

(A) in paragraph (1), by inserting ", other than retired pay received as a lump sum under section 1415(b)(1)(A) of this title," after "The retired pay"; and

(B) in paragraph (4), by inserting "or 1415(b)(1)(B)" after "section 1409(b)(2)".

SEC. 623. TECHNICAL CORRECTION REGARDING ELECTION TO PARTICIPATE IN MODERNIZED RETIREMENT SYSTEM FOR RESERVE COMPONENT MEMBERS EXPERIENCING A BREAK IN SERVICE.

(a) PERSONS EXPERIENCING A BREAK IN SERVICE.—Section 12739(f)(2)(B)(iii) of title 10, United States Code, is amended by

striking "on the date of the reentry" and inserting "within 30 days after the date of the reentry".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2018, immediately after the coming into effect of the amendment made by section 631(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 843), to which the amendment made by subsection (a) relates. 10 USC 12739 note.

SEC. 624. TECHNICAL CORRECTIONS TO USE OF MEMBER'S CURRENT PAY GRADE AND YEARS OF SERVICE IN A DIVISION OF PROPERTY INVOLVING DISPOSABLE RETIRED PAY.

(a) IN GENERAL.—Section 1408 of title 10, United States Code, is amended—

(1) in subsection (a)(4)—

(A) in the matter preceding clause (i) of subparagraph (A), by striking "(as determined pursuant to subparagraph (B)"; and

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

"(B) For purposes of subparagraph (A), in the case of a division of property as part of a final decree of divorce, dissolution, annulment, or legal separation that becomes final prior to the date of a member's retirement, the total monthly retired pay to which the member is entitled shall be—

"(i) in the case of a member not described in clause (ii), the amount of retired pay to which the member would have been entitled using the member's retired pay base and years of service on the date of the decree of divorce, dissolution, annulment, or legal separation, as computed under section 1406 or 1407 of this title, whichever is applicable, increased by the sum of the cost-of-living adjustments that—

"(I) would have occurred under section 1401a(b) of this title between the date of the decree of divorce, dissolution, annulment, or legal separation and the time of the member's retirement using the adjustment provisions under section 1401a of this title applicable to the member upon retirement; and

"(II) occur under 1401a of this title after the member's retirement; or

"(ii) in the case of a member who becomes entitled to retired pay pursuant to chapter 1223 of this title, the amount of retired pay to which the member would have been entitled using the member's retired pay base and creditable service points on the date of the decree of divorce, dissolution, annulment, or legal separation, as computer under chapter 1223 of this title, increased by the sum of the cost-of-living adjustments as described in clause (i) that apply with respect to the member."; and

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

"(8) A division of property award computed as a percentage of a member's disposable retired pay shall be increased by the same percentage as any cost-of-living adjustment made under section 1401a after the member's retirement.".

10 USC 1408 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on December 23, 2016, as if enacted immediately following the enactment of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) to which such amendments relate.

10 USC 1408 note.

(c) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to any division of property as part of a final decree of divorce, dissolution, annulment, or legal separation involving a member of the Armed Forces to which section 1408 of title 10, United States Code, applies that becomes final after December 23, 2016.

SEC. 625. CONTINUATION PAY FOR THE COAST GUARD.

For providing continuation pay for the United States Coast Guard under section 356 of title 37, United States Code, funds are hereby authorized to be appropriated for fiscal year 2018 in the amount of $3,286,277.

Subtitle D—Other Matters

SEC. 631. LAND CONVEYANCE AUTHORITY, ARMY AND AIR FORCE EXCHANGE SERVICE PROPERTY, DALLAS, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Army and Air Force Exchange Service may convey, by sale, exchange, or a combination thereof, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that—

(1) is located at 8901 Autobahn Drive in Dallas, Texas; and

(2) was purchased using nonappropriated funds of the Army and Air Force Exchange Service.

(b) CONSIDERATION.—

(1) IN GENERAL.—Consideration for the real property conveyed under subsection (a) shall be at least equal to the fair market value of the property, as determined by the Army and Air Force Exchange Service.

(2) TREATMENT OF CASH CONSIDERATION.—Notwithstanding section 574 of title 40, United States Code, any cash consideration received from the conveyance of the property under subsection (a) may be retained by the Army and Air Force Exchange Service because the property was acquired using nonappropriated funds.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Army and Air Force Exchange Service. The recipient of the property shall be required to cover the cost of the survey.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Army and Air Force Exchange Service may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Army and Air Force Exchange Service considers appropriate to protect the interests of the United States.

(e) INAPPLICABILITY OF CERTAIN PROVISIONS OF LAW.—Section 2696 of title 10, United States Code, shall not apply to a conveyance of property under this section.

SEC. 632. AUTHORITY FOR THE SECRETARIES OF THE MILITARY DEPARTMENTS TO PROVIDE FOR CARE OF REMAINS OF THOSE WHO DIE ON ACTIVE DUTY AND ARE INTERRED IN A FOREIGN CEMETERY.

Section 1482(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(10) In the case of a decedent under the jurisdiction of a Secretary of a military department at the time of death, enduring care of remains interred in a foreign cemetery if the burial location was designated by such Secretary.".

SEC. 633. CONSTRUCTION OF DOMESTIC SOURCE REQUIREMENT FOR FOOTWEAR FURNISHED TO ENLISTED MEMBERS OF THE ARMED FORCES ON INITIAL ENTRY INTO THE ARMED FORCES.

Section 418(d) of title 37, United States Code, is amended by adding at the end the following new paragraphs:

"(4) This subsection does not apply to the furnishing of athletic footwear to members of the Army, the Navy, the Air Force, or the Marine Corps upon their initial entry into the armed forces, or prohibit the provision of a cash allowance to such members for such purpose, if the Secretary of Defense determines that compliance with paragraph (2) would result in a sole source contract for procurement of athletic footwear for the purpose stated in paragraph (1) because there would be only a sole certified source of supply for such footwear.

"(5) The Secretary of Defense shall ensure that all procurements of athletic footwear to which this subsection applies are made using firm fixed price contracts.".

SEC. 634. REVIEW AND UPDATE OF REGULATIONS GOVERNING DEBT COLLECTORS INTERACTIONS WITH UNIT COMMANDERS OF MEMBERS OF THE ARMED FORCES.

5 USC 5520a note.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall review and update Department of Defense Directive 1344.09 and any associated regulations to ensure that such regulations comply with Federal consumer protection laws with respect to the collection of debt.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

Subtitle A—TRICARE and Other Health Care Benefits

SEC. 701. CONTINUED ACCESS TO MEDICAL CARE AT FACILITIES OF THE UNIFORMED SERVICES FOR CERTAIN MEMBERS OF THE RESERVE COMPONENTS.

(a) TRICARE RESERVE SELECT.—Paragraph (2) of section 1076d(f) of title 10, United States Code, is amended to read as follows:

"(2) The term 'TRICARE Reserve Select' means—

"(A) medical care at facilities of the uniformed services to which a dependent described in section 1076(a)(2) of this title is entitled; and

"(B) health benefits under the TRICARE Select self-managed, preferred provider network option under section 1075 of this title made available to beneficiaries by reason of this section and subject to the cost-sharing requirements set forth in such section 1075.".

(b) TRICARE RETIRED RESERVE.—Section 1076e is amended—

(1) In subsection (b), in the subsection heading, by striking "RETIRED RESERVE";

(2) In subsection (c), by striking "Retired Reserve" the last place it appears; and

(3) in subsection (f), by striking paragraph (2) and inserting the following:

"(2) The term 'TRICARE Retired Reserve' means—

"(A) medical care at facilities of the uniformed services to which a dependent described in section 1076(a)(2) of this title is entitled; and

"(B) health benefits under the TRICARE Select self-managed, preferred provider network option under section 1075 of this title made available to beneficiaries by reason of this section and subject to the cost-sharing requirements set forth in such section 1075.".

SEC. 702. MODIFICATIONS OF COST-SHARING REQUIREMENTS FOR THE TRICARE PHARMACY BENEFITS PROGRAM AND TREATMENT OF CERTAIN PHARMACEUTICAL AGENTS.

(a) IN GENERAL.—Paragraph (6) of section 1074g(a) of title 10, United States Code, is amended to read as follows:

"(6)(A) In the case of any of the years 2018 through 2027, the cost-sharing amounts under this subsection for eligible covered beneficiaries shall be determined in accordance with the following table:

"For:	The cost-sharing amount for a 30-day supply of a retail generic is:	The cost-sharing amount for a 30-day supply of a retail formulary is:	The cost-sharing amount for a 90-day supply of a mail order generic is:	The cost-sharing amount for a 90-day supply of a mail order formulary is:	The cost-sharing amount for a 90-day supply of a mail order non-formulary is:
2018	$11	$28	$7	$24	$53
2019	$11	$28	$7	$24	$53
2020	$13	$33	$10	$29	$60
2021	$13	$33	$10	$29	$60
2022	$14	$38	$12	$34	$68
2023	$14	$38	$12	$34	$68
2024	$16	$43	$13	$38	$76
2025	$16	$43	$13	$38	$76
2026	$16	$48	$14	$44	$85
2027	$16	$48	$14	$44	$85

"(B) For any year after 2027, the cost-sharing amounts under this subsection for eligible covered beneficiaries shall be equal to the cost-sharing amounts for the previous year adjusted by an amount, if any, determined by the Secretary to reflect changes in the costs of pharmaceutical agents and prescription dispensing, rounded to the nearest dollar.

"(C) Notwithstanding subparagraphs (A) and (B), the cost-sharing amounts under this subsection for a dependent of a member

of the uniformed services who dies while on active duty, a member retired under chapter 61 of this title, or a dependent of a member retired under such chapter shall be equal to the cost-sharing amounts, if any, for 2017.".

(b) TREATMENT OF CERTAIN PHARMACEUTICAL AGENTS.—

(1) PHARMACY BENEFITS PROGRAM.—Such section is amended by adding at the end the following new paragraph:

"(10) Notwithstanding paragraphs (2), (5), and (6), in order to encourage the use by covered beneficiaries of pharmaceutical agents that provide the best clinical effectiveness to covered beneficiaries and the Department of Defense (as determined by the Secretary, including considerations of better care, healthier people, and smarter spending), the Secretary may, upon the recommendation of the Pharmacy and Therapeutics Committee established under subsection (b) and review by the Uniform Formulary Beneficiary Advisory Panel established under subsection (c)—

"(A) exclude from the pharmacy benefits program any pharmaceutical agent that the Secretary determines provides very little or no clinical effectiveness to covered beneficiaries and the Department under the program; and

"(B) give preferential status to any non-generic pharmaceutical agent on the uniform formulary by treating it, for purposes of cost-sharing under paragraph (6), as a generic product under the TRICARE retail pharmacy program and mail order pharmacy program.".

(2) MEDICAL CONTRACTS.—Section 1079 of such title is amended by adding at the end the following new subsection:

"(q) In the case of any pharmaceutical agent (as defined in section 1074g(g) of this title) provided under a contract entered into under this section by a physician, in an outpatient department of a hospital, or otherwise as part of any medical services provided under such a contract, the Secretary of Defense may, under regulations prescribed by the Secretary, adopt special reimbursement methods, amounts, and procedures to encourage the use of high-value products and discourage the use of low-value products, as determined by the Secretary.".

10 USC 1074g note.

(3) REGULATIONS.—In order to implement expeditiously the reforms authorized by the amendments made by paragraphs (1) and (2), the Secretary of Defense may prescribe such changes to the regulations implementing the TRICARE program (as defined in section 1072 of title 10, United States Code) as the Secretary considers appropriate—

(A) by prescribing an interim final rule; and

(B) not later than one year after prescribing such interim final rule and considering public comments with respect to such interim final rule, by prescribing a final rule.

SEC. 703. PROVISION OF HYPERBARIC OXYGEN THERAPY FOR CERTAIN MEMBERS OF THE ARMED FORCES.

(a) HBOT TREATMENT.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074n the following new section:

"§ 1074o. Provision of hyperbaric oxygen therapy for certain members

10 USC 1074o.

"(a) IN GENERAL.—The Secretary may furnish hyperbaric oxygen therapy available at a military medical treatment facility to a covered member if such therapy is prescribed by a physician to treat post-traumatic stress disorder or traumatic brain injury.

"(b) COVERED MEMBER DEFINED.—In this section, the term 'covered member' means a member of the armed forces who is—

"(1) serving on active duty; and

"(2) diagnosed with post-traumatic stress disorder or traumatic brain injury.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074n the following new item:

10 USC prec. 1071.

"1074o. Provision of hyperbaric oxygen therapy for certain members.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

10 USC 1074o note.

SEC. 704. SPECIFICATION THAT INDIVIDUALS UNDER THE AGE OF 21 ARE ELIGIBLE FOR HOSPICE CARE SERVICES UNDER THE TRICARE PROGRAM.

Section 1079(a)(15) of title 10, United States Code, is amended by inserting before the period at the end the following: ", except that hospice care may be provided to an individual under the age of 21 concurrently with health care services or hospitalization for the same condition".

SEC. 705. PHYSICAL EXAMINATIONS FOR MEMBERS OF A RESERVE COMPONENT WHO ARE SEPARATING FROM THE ARMED FORCES.

Section 1145 of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

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

"(d) PHYSICAL EXAMINATIONS FOR CERTAIN MEMBERS OF A RESERVE COMPONENT.—(1) The Secretary concerned shall provide a physical examination pursuant to subsection (a)(5) to each member of a reserve component who—

"(A) during the two-year period before the date on which the member is scheduled to be separated from the armed forces served on active duty in support of a contingency operation for a period of more than 30 days;

"(B) will not otherwise receive such an examination under such subsection; and

"(C) elects to receive such a physical examination.

"(2) The Secretary concerned shall—

"(A) provide the physical examination under paragraph (1) to a member during the 90-day period before the date on which the member is scheduled to be separated from the armed forces; and

"(B) issue orders to such a member to receive such physical examination.

"(3) A member may not be entitled to health care benefits pursuant to subsection (a), (b), or (c) solely by reason of being provided a physical examination under paragraph (1).

"(4) In providing to a member a physical examination under paragraph (1), the Secretary concerned shall provide to the member a record of the physical examination.".

SEC. 706. MENTAL HEALTH ASSESSMENTS BEFORE MEMBERS SEPARATE FROM THE ARMED FORCES.

(a) IN GENERAL.—Section 1145(a)(5)(A) of title 10, United States Code, is amended by inserting "and a mental health assessment conducted pursuant to section 1074n of this title" after "a physical examination".

(b) CONFORMING AMENDMENT.—Section 1074n(a) of such title is amended by inserting "(and before separation from active duty pursuant to section 1145(a)(5)(A) of this title)" after "each calendar year".

SEC. 707. EXPANSION OF SEXUAL TRAUMA COUNSELING AND TREATMENT FOR MEMBERS OF THE RESERVE COMPONENTS.

Section 1720D(a)(2)(A) of title 38, United States Code, is amended—

(1) by striking "on active duty"; and

(2) by inserting before the period at the end the following: "that was suffered by the member while serving on active duty, active duty for training, or inactive duty training".

10 USC 1074d note.

SEC. 708. EXPEDITED EVALUATION AND TREATMENT FOR PRENATAL SURGERY UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall implement processes and procedures to ensure that a covered beneficiary under the TRICARE program whose pregnancy is complicated with (or suspected of complication with) a fetal condition may elect to receive expedited evaluation, nondirective counseling, and medical treatment from a perinatal or pediatric specialist capable of providing surgical management and intervention in utero.

(b) DEFINITIONS.—In this section, the terms "covered beneficiary" and "TRICARE program" have the meanings given those terms in section 1072 of title 10, United States Code.

Subtitle B—Health Care Administration

SEC. 711. MAINTENANCE OF INPATIENT CAPABILITIES OF MILITARY MEDICAL TREATMENT FACILITIES LOCATED OUTSIDE THE UNITED STATES.

Section 1073d of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) MAINTENANCE OF INPATIENT CAPABILITIES AT MILITARY MEDICAL TREATMENT FACILITIES LOCATED OUTSIDE THE UNITED STATES.—(1) In carrying out subsection (a), the Secretary of Defense shall ensure that each covered facility maintains, at a minimum, inpatient capabilities that the Secretary determines are similar to the inpatient capabilities of such facility on September 30, 2016.

"(2) The Secretary may not eliminate the inpatient capabilities of a covered facility until the day that is 180 days after the Secretary provides a briefing to the Committees on Armed Services of the Senate and the House of Representatives regarding the proposed

elimination. During any such briefing, the Secretary shall certify the following:

"(A) The Secretary has entered into agreements with hospitals or medical centers in the host nation of such covered facility that—

"(i) replace the inpatient capabilities the Secretary proposes to eliminate; and

"(ii) ensure members of the armed forces and covered beneficiaries who receive health care from such covered facility, have, within a distance the Secretary determines is reasonable, access to quality health care, including case management and translation services.

"(B) The Secretary has consulted with the commander of the geographic combatant command in which such covered facility is located to ensure that the proposed elimination would have no impact on the operational plan for such geographic combatant command.

"(C) Before the Secretary eliminates the inpatient capabilities of such covered facility, the Secretary shall provide each member of the armed forces or covered beneficiary who receives health care from the covered facility with—

"(i) a transition plan for continuity of health care for such member or covered beneficiary; and

"(ii) a public forum to discuss the concerns of the member or covered beneficiary regarding the proposed reduction.

"(3) In this subsection, the term 'covered facility' means a military medical treatment facility located outside the United States.".

SEC. 712. MODIFICATION OF PRIORITY FOR EVALUATION AND TREATMENT OF INDIVIDUALS AT MILITARY TREATMENT FACILITIES.

Subsection (b) of section 717 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended to read as follows: 10 USC 1071 note.

"(b) PRIORITY OF COVERED BENEFICIARIES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the evaluation and treatment of covered beneficiaries at military treatment facilities shall be prioritized ahead of the evaluation and treatment of veterans and civilians at such facilities under subsection (a).

"(2) WAIVER.—The Secretary may waive the requirement under paragraph (1) in order to provide timely evaluation and treatment for individuals who are—

"(A) severely wounded or injured by acts of terror that occur in the United States; or

"(B) residents of the United States who are severely wounded or injured by acts of terror outside the United States.".

SEC. 713. CLARIFICATION OF ADMINISTRATION OF MILITARY MEDICAL TREATMENT FACILITIES.

Section 1073c(a) of title 10, United States Code, is amended—

(1) in paragraph (1)(E), by striking "miliary" and inserting "military";

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking "commander" and inserting "military commander or director"; and

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

"(4) If the Secretary of Defense determines it appropriate, a military director (or any other senior military officer or officers) of a military medical treatment facility may be a commanding officer for purposes of chapter 47 of this title (the Uniform Code of Military Justice) with respect to military personnel assigned to the military medical treatment facility.".

SEC. 714. REGULAR UPDATE OF PRESCRIPTION DRUG PRICING STANDARD UNDER TRICARE RETAIL PHARMACY PROGRAM.

Section 1074g(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) With respect to the TRICARE retail pharmacy program described in subsection (a)(2)(E)(ii), the Secretary shall ensure that a contract entered into with a TRICARE pharmacy program contractor includes requirements described in section 1860D–12(b)(6) of the Social Security Act (42 U.S.C. 1395w–112(b)(6)) to ensure the provision of information regarding the pricing standard for prescription drugs.".

SEC. 715. MODIFICATION OF EXECUTION OF TRICARE CONTRACTING RESPONSIBILITIES.

10 USC 1073a note.

Subsection (b) of section 705 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended to read as follows:

"(b) EXECUTION OF CONTRACTING RESPONSIBILITY.—With respect to any acquisition of managed care support services under the TRICARE program initiated after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018, the Under Secretary of Defense for Acquisition and Sustainment shall be responsible for—

"(1) decisions relating to such acquisition;

"(2) approving the acquisition strategy; and

"(3) conducting pre-solicitation, pre-award, and post-award acquisition reviews.".

SEC. 716. ADDITIONAL EMERGENCY USES FOR MEDICAL PRODUCTS TO REDUCE DEATHS AND SEVERITY OF INJURIES CAUSED BY AGENTS OF WAR.

Section 1107a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) ADDITIONAL AUTHORITY TO REDUCE DEATHS AND SEVERITY OF INJURIES CAUSED BY AGENTS OF WAR.—(1) In a case in which an emergency use of an unapproved product or an emergency unapproved use of an approved product cannot be authorized under section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3) because the emergency does not involve an actual or threatened attack with a biological, chemical, radiological, or nuclear agent or agents, the Secretary of Defense may authorize an emergency use outside the United States of the product to reduce the number of deaths or the severity of harm to members of the armed forces (or individuals associated with deployed members of the armed forces) caused by a risk or agent of war.

"(2) Except as otherwise provided in this subsection, an authorization by the Secretary under paragraph (1) shall have the same effect with respect to the armed forces as an emergency use authorization under section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3).

"(3) The Secretary may issue an authorization under paragraph (1) with respect to the emergency use of an unapproved product or the emergency unapproved use of an approved product only if—

"(A) the committee established under paragraph (5) has recommended that the Secretary issue the authorization; and

"(B) the Assistant Secretary of Defense for Health Affairs makes a written determination, after consultation with the Commissioner of Food and Drugs, that, based on the totality of scientific evidence available to the Assistant Secretary, criteria comparable to those specified in section 564(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3(c)) have been met.

"(4) With respect to the emergency use of an unapproved product or the emergency unapproved use of an approved product under this subsection, the Secretary of Defense shall establish such scope, conditions, and terms under this subsection as the Secretary considers appropriate, including scope, conditions, and terms comparable to those specified in section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3).

"(5)(A) There is established in the Department of Defense a Department of Defense Emergency Use Authorization Committee (in this paragraph referred to as the 'Committee') to advise the Assistant Secretary of Defense for Health Affairs on proposed authorizations under this subsection.

"(B) Members of the Committee shall be appointed by the Secretary of Defense and shall consist of prominent health care professionals who are not employees of the Department of Defense (other than for purposes of serving as a member of the Committee).

"(C) The Committee may be established as a subcommittee of another Federal advisory committee.

"(6) In this subsection:

"(A) The term 'biological product' has the meaning given that term in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)).

"(B) The terms 'device' and 'drug' have the meanings given those terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

"(C) The term 'product' means a drug, device, or biological product.

"(D) The terms 'unapproved product' and 'unapproved use of an approved product' have the meanings given those terms in section 564(a)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3(a)(4)).".

SEC. 717. MODIFICATION OF DETERMINATION OF AVERAGE WAIT TIMES AT URGENT CARE CLINICS AND PHARMACIES AT MILITARY MEDICAL TREATMENT FACILITIES UNDER PILOT PROGRAM.

10 USC 1092 note.

(a) URGENT CARE CLINICS.—Subsection (c)(2) of section 744 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended to read as follows:

"(2) DETERMINATION.—In carrying out paragraph (1), the Secretary shall determine the average wait time to display under such paragraph by using a formula derived from best practices in the health care industry.".

(b) PHARMACIES.—Subsection (d)(2) of such section is amended to read as follows:

"(2) DETERMINATION.—In carrying out paragraph (1), the Secretary shall determine the average wait time to display under such paragraph by using a formula derived from best practices in the health care industry.".

SEC. 718. REQUIREMENT FOR REIMBURSEMENT BY DEPARTMENT OF DEFENSE TO ENTITIES CARRYING OUT STATE VACCINATION PROGRAMS FOR COSTS OF VACCINES PROVIDED TO COVERED BENEFICIARIES.

Section 719 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 1074g note) is amended—

(1) in the section heading, by striking "**AUTHORIZATION OF REIMBURSEMENT**" and inserting "**REIMBURSEMENT**"; and

(2) in subsection (a)(1), by striking "may" and inserting "shall".

SEC. 719. EXTENSION OF AUTHORITY FOR JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND.

Section 1704(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2573), as amended by section 722 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291), section 723 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), and section 741(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), is further amended by striking "September 30, 2018" and inserting "September 30, 2019".

10 USC 1073 note.

SEC. 720. RESIDENCY REQUIREMENTS FOR PODIATRISTS.

(a) REQUIREMENT.—In addition to any other qualification required by law or regulation, the Secretary of Defense shall ensure that to serve as a podiatrist in the Armed Forces, an individual must have successfully completed a three-year podiatric medicine and surgical residency.

(b) APPLICATION.—Subsection (a) shall apply with respect to an individual who is commissioned as an officer in the Armed Forces on or after the date that is one year after the date of the enactment of this Act.

10 USC 1073 note.

SEC. 721. AUTHORIZATION OF PHYSICAL THERAPIST ASSISTANTS AND OCCUPATIONAL THERAPY ASSISTANTS TO PROVIDE SERVICES UNDER THE TRICARE PROGRAM.

(a) ADDITION TO LIST OF AUTHORIZED PROFESSIONAL PROVIDERS OF CARE.—The Secretary of Defense shall revise section 199.6(c) of title 32, Code of Federal Regulations, as in effect on the date of the enactment of this Act, to add to the list of individual professional providers of care who are authorized to provide services to beneficiaries under the TRICARE program, as defined in section 1072 of title 10, United States Code, the following types of health care practitioners:

(1) Licensed or certified physical therapist assistants who meet the qualifications for physical therapist assistants specified in section 484.4 of title 42, Code of Federal Regulations, or any successor regulation, to furnish services under the supervision of a physical therapist.

(2) Licensed or certified occupational therapy assistants who meet the qualifications for occupational therapy assistants specified in such section 484.4, or any successor regulation, to furnish services under the supervision of an occupational therapist.

(b) SUPERVISION.—The Secretary of Defense shall establish in regulations requirements for the supervision of physical therapist assistants and occupational therapy assistants, respectively, by physical therapists and occupational therapists, respectively.

(c) MANUALS AND OTHER GUIDANCE.—The Secretary of Defense shall update the CHAMPVA Policy Manual and other relevant manuals and subregulatory guidance of the Department of Defense to carry out the revisions and requirements of this section.

SEC. 722. SELECTION OF MILITARY COMMANDERS AND DIRECTORS OF MILITARY MEDICAL TREATMENT FACILITIES.

10 USC 1073c note.

(a) IN GENERAL.—Not later than January 1, 2019, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall establish the common qualifications and core competencies required for an individual to serve as a military commander or director of a military medical treatment facility.

(b) OBJECTIVE.—The objective of the Secretary under this section shall be to ensure that each individual selected to serve as a military commander or director of a military medical treatment facility is highly qualified to serve as health system executive.

(c) STANDARDS.—In establishing common qualifications and core competencies under subsection (a), the Secretary shall include standards with respect to the following:

(1) Professional competence.

(2) Moral and ethical integrity and character.

(3) Formal education in health care executive leadership and in health care management.

(4) Such other matters the Secretary determines to be appropriate.

Subtitle C—Reports and Other Matters

SEC. 731. PILOT PROGRAM ON HEALTH CARE ASSISTANCE SYSTEM.

10 USC 1075 note.

(a) PILOT PROGRAM.—The Secretary of Defense shall carry out a pilot program to provide a health care assistance service to certain covered beneficiaries enrolled in TRICARE Select using purchased care to improve the health outcomes and patient experience for covered beneficiaries with complex medical conditions.

(b) ELEMENTS.—The pilot program under subsection (a) may include the following elements:

(1) Assisting beneficiaries with complex medical conditions to understand and use the health benefits under the TRICARE program.

(2) Supporting such beneficiaries in accessing and navigating the purchased care health care delivery system.

(3) Providing such beneficiaries with information to allow the beneficiaries to make informed decisions regarding the quality, safety, and cost of available health care services.

(4) Improving the health outcomes for such beneficiaries.

(c) DURATION.—The Secretary shall carry out the pilot program for an amount of time determined appropriate by the Secretary during the five-year period beginning 180 days after the date of the enactment of this Act.

(d) REPORT.—Not later than January 1, 2021, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing an evaluation of the success of the pilot program under subsection (a), including—

(1) an analysis of the implementation of the elements under subsection (b); and

(2) the feasibility of incorporating such elements into TRICARE support contracts.

(e) DEFINITIONS.—In this section, the terms "covered beneficiary", "TRICARE program", and "TRICARE Select" have the meaning given those terms in section 1072 of title 10, United States Code.

SEC. 732. FEASIBILITY STUDY ON CONDUCT OF PILOT PROGRAM ON MENTAL HEALTH READINESS OF PART-TIME MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall conduct a feasibility study and cost estimate for a pilot program that uses predictive analytics and screening to identify mental health risk and provide early, targeted intervention for part-time members of the reserve components of the Armed Forces to improve readiness and mission success.

(b) ELEMENTS.—The feasibility study conducted under subsection (a) shall include elements to assess the following with respect to the pilot program studied under such subsection:

(1) The anticipated improvement in quality of behavioral health services for part-time members of the reserve components of the Armed Forces and the impact of such improvement in quality of behavioral health services on their families and employers.

(2) The anticipated impact on the culture surrounding behavioral health treatment and help-seeking behavior.

(3) The feasibility of embedding mental health professionals with units that—

(A) perform core mission sets and capabilities; and

(B) carry out high-risk and high-demand missions.

(4) The particular preventative mental health needs of units at different states of their operational readiness cycle.

(5) The need for additional personnel of the Department of Defense to implement the pilot program.

(6) The cost of implementing the pilot program throughout the reserve components of the Armed Forces.

(7) The benefits of an integrated operational support team for the Air National Guard and Army National Guard units.

(c) COMPARISON TO FULL-TIME MEMBERS OF RESERVE COMPONENTS.—As part of the feasibility study conducted under subsection (a), the Secretary shall assess the mental health risk of part-time members of the reserve components of the Armed Forces

as compared to full-time members of the reserve components of the Armed Forces.

(d) USE OF EXISTING MODELS.—In conducting the feasibility study under subsection (a), the Secretary, to the extent practicable, shall make use of existing models for preventative mental health care.

SEC. 733. REPORT ON PLAN TO IMPROVE PEDIATRIC CARE AND RELATED SERVICES FOR CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a plan of the Department of Defense to improve pediatric care and related services for children of members of the Armed Forces.

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

(1) In order to ensure that children receive developmentally appropriate and age-appropriate health care services from the Department, a plan to align preventive pediatric care under the TRICARE program with—

(A) standards for such care as required by the Patient Protection and Affordable Care Act (Public Law 111–148);

(B) guidelines established for such care by the Early and Periodic Screening, Diagnosis, and Treatment program under the Medicaid program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(C) recommendations by organizations that specialize in pediatrics.

(2) A plan to develop a uniform definition of "pediatric medical necessity" for the Department that aligns with recommendations of organizations that specialize in pediatrics in order to ensure that a consistent definition of such term is used in providing health care in military treatment facilities and by health care providers under the TRICARE program.

(3) A plan to develop measures to evaluate and improve access to pediatric care, coordination of pediatric care, and health outcomes for such children.

(4) A plan to include an assessment of access to pediatric specialty care in the annual report to Congress on the effectiveness of the TRICARE program.

(5) A plan to improve the quality of and access to behavioral health care under the TRICARE program for children of members of the Armed Forces, including intensive outpatient and partial hospitalization services.

(6) A plan to mitigate the impact of permanent changes of station and other service-related relocations of members of the Armed Forces on the continuity of health care services received by such children who have special medical or behavioral health needs.

(7) A plan to mitigate deficiencies in data collection, data utilization, and data analysis to improve pediatric care and related services for children of members of the Armed Forces.

(c) TRICARE PROGRAM DEFINED.—In this section, the term "TRICARE program" has the meaning given such term in section 1072 of title 10, United States Code.

SEC. 734. LONGITUDINAL MEDICAL STUDY ON BLAST PRESSURE EXPOSURE OF MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—The Secretary of Defense shall conduct a longitudinal medical study on blast pressure exposure of members of the Armed Forces during combat and training, including members who train with any high overpressure weapon system, such as anti-tank recoilless rifles or heavy-caliber sniper rifles.

(b) ELEMENTS.—The study required under subsection (a) shall—

(1) monitor, record, and analyze data on blast pressure exposure for any member of the Armed Forces who is likely to be exposed to a blast in training or combat;

(2) assess the feasibility and advisability of including blast exposure history as part of the service record of a member, as a blast exposure log, in order to ensure that, if medical issues arise later, the member receives care for any service-connected injuries; and

(3) review the safety precautions surrounding heavy weapons training to account for emerging research on blast exposure and the effects of such exposure on cognitive performance of members of the Armed Forces.

(c) REPORTS.—

(1) INTERIM REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives an interim report on the study methods and action plan for the study under subsection (a).

(2) FINAL REPORT.—Not later than four years after the date the Secretary begins the study under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of such study.

SEC. 735. STUDY ON SAFE OPIOID PRESCRIBING PRACTICES.

(a) STUDY.—The Secretary of Defense shall conduct a study on the effectiveness of the training provided to military health care providers regarding opioid prescribing practices, initiatives in opioid safety, the use of the VA/DOD Clinical Practice Guideline for Management of Opioid Therapy for Chronic Pain, and other related training.

(b) ELEMENTS.—The study under subsection (a) shall address the effectiveness of training with respect to the following:

(1) Identifying and treating individuals with chronic pain.

(2) Reducing the total number of prescription opioids dispensed by the Department of Defense to beneficiaries of health care furnished by the Department.

(3) Prescribing practices for opioid analgesic therapy, including—

(A) reducing average dosage sizes;

(B) reducing the average number of dosages;

(C) reducing initial and average durations of opioid analgesic therapy;

(D) reducing dose escalation when opioid analgesic therapy results in adequate pain reduction; and

(E) reducing the average number of prescription opioid analgesics dispensed by the Department of Defense.

(4) Reducing the number of overdoses due to prescription opioids for patients with acute pain and patients undergoing opioid therapy for chronic pain.

(5) Providing counseling and referrals to treatment alternatives to opioid analgesics.

(6) Providing education on the risks of opioid medications to individuals for whom such medications are prescribed, and to their families, with special consideration given to raising awareness among adolescents on such risks.

(7) Effectiveness in communicating to military health care providers changes in policies of the Department of Defense regarding opioid safety and prescribing practices.

(c) ASSESSMENT.—The Secretary of Defense shall also consider the feasibility and advisability of further strengthening opioid prescribing practices by means of the following:

(1) Developing and implementing a physician advisory committee of the Department of Defense regarding education programs for prescribers of opioid analgesics.

(2) Developing methods to encourage health care providers of the Department to use physical therapy or alternative methods to treat acute or chronic pain.

(3) Developing curricula regarding pain management and safe opioid analgesic prescription practices that incorporate opioid analgesic prescribing guidelines issued by the Centers for Disease Control and Prevention.

(d) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on the results of the study under subsection (a) and the assessment under subsection (c).

SEC. 736. REPORT ON IMPLEMENTATION OF GAO RECOMMENDATIONS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit a report to the congressional defense committees on the implementation by the Department of Defense of the recommendations from the Government Accountability Office report entitled "Actions Needed to Ensure Post-Traumatic Stress Disorder and Traumatic Brain Injury Are Considered in Misconduct Separations" and published May 16, 2017.

SEC. 737. DECLASSIFICATION BY DEPARTMENT OF DEFENSE OF CERTAIN INCIDENTS OF EXPOSURE OF MEMBERS OF THE ARMED FORCES TO TOXIC SUBSTANCES.

10 USC 1074 note.

(a) IN GENERAL.—The Secretary of Defense shall conduct a declassification review of documents related to any known incident in which not fewer than 100 members of the Armed Forces were intentionally exposed to a toxic substance that resulted in at least one case of a disability that a member of the medical profession has determined to be associated with that toxic substance.

(b) LIMITATION.—The declassification required by subsection (a) shall be limited to information necessary for an individual who was potentially exposed to a toxic substance to determine the following:

(1) Whether that individual was exposed to that toxic substance.

(2) The potential severity of the exposure of that individual to that toxic substance.

(3) Any potential health conditions that may have resulted from exposure to that toxic substance.

(c) EXCEPTION.—The Secretary of Defense is not required to declassify documents under subsection (a) if the Secretary determines that declassification of those documents would materially and immediately threaten the security of the United States.

(d) DEFINITIONS.—In this section:

(1) ARMED FORCES.—The term "Armed Forces" has the meaning given that term in section 101 of title 10, United States Code.

(2) EXPOSED.—The term "exposed" means, with respect to a toxic substance, that an individual came into contact with that toxic substance in a manner that could be hazardous to the health of that individual, that may include if that toxic substance was inhaled, ingested, or touched the skin or eyes.

(3) EXPOSURE.—The term "exposure" means, with respect to a toxic substance, an event during which an individual was exposed to that toxic substance.

(4) TOXIC SUBSTANCE.—The term "toxic substance" means any substance determined by the Administrator of the Environmental Protection Agency to be harmful to the environment or hazardous to the health of an individual if inhaled or ingested by or absorbed through the skin of that individual.

38 USC 527 note.

SEC. 738. COORDINATION BY VETERANS HEALTH ADMINISTRATION OF EFFORTS TO UNDERSTAND EFFECTS OF BURN PITS.

The Under Secretary for Health of the Department of Veterans Affairs, acting through the Office of Public Health of the Veterans Health Administration, shall coordinate efforts related to furthering understanding of burn pits, the effect of burn pits on veterans, and effective treatments relating to such effects, including with respect to research efforts and training of clinical staff on related matters.

SEC. 739. TRICARE TECHNICAL AMENDMENTS.

(a) DEFINITION OF TRICARE STANDARD.—Paragraph (15) of section 1072 of title 10, United States Code, is amended to read as follows:

"(15) The term 'TRICARE Standard' means the TRICARE program made available prior to January 1, 2018, covering health benefits contracted for under the authority of section 1079(a) or 1086(a) of this title and subject to the same rates and conditions as apply to persons covered under those sections.".

(b) COST-SHARING AMOUNTS.—

(1) TRICARE SELECT.—

(A) ALLOWANCE OF COST-SHARING AMOUNTS AS DETERMINED BY THE SECRETARY.—Subsection (d) of section 1075 of such title is amended by adding at the end the following new paragraph:

"(4) The cost-sharing requirements applicable to services not specifically addressed in the table set forth in paragraph (1) shall be established by the Secretary.".

(B) MODIFICATION OF REFERENCE TO AMBULANCE CIVILIAN NETWORK.—Paragraph (1) of such subsection is amended, in the first column of the table, by striking "Ambulance civilian network" and inserting "Ground ambulance civilian network".

(2) TRICARE PRIME.—

(A) ALLOWANCE OF COST-SHARING AMOUNTS AS DETERMINED BY THE SECRETARY.—Subsection (b) of section 1075a of such title is amended by adding at the end the following new paragraph:

"(4) The cost-sharing requirements applicable to services not specifically addressed in the table set forth in paragraph (1) shall be established by the Secretary.".

(B) MODIFICATION OF REFERENCE TO AMBULANCE CIVILIAN NETWORK.—Paragraph (1) of such section is amended, in the first column of the table, by striking "Ambulance civilian network" and inserting "Ground ambulance civilian network".

(c) MEDICAL CARE FOR DEPENDENTS.—

(1) REFERENCE TO MEDICALLY NECESSARY VITAMINS.—Paragraphs (3) and (18) of section 1077(a) of such title are amended by striking "subsection (g)" each place it appears and inserting "subsection (h)".

(2) ELIGIBILITY OF DEPENDENTS TO PURCHASE HEARING AIDS.—Section 1077(g) of such title is amended by striking "of former members of the uniformed services" and inserting "eligible for care under this section".

(d) MODIFICATION OF REFERENCE TO FISCAL YEAR.—

(1) CONTRACTS FOR MEDICAL CARE FOR SPOUSES AND CHILDREN.—Section 1079(b) such title is amended by striking "fiscal year" each place it appears and inserting "calendar year".

(2) CONTRACTS FOR HEALTH BENEFITS FOR CERTAIN MEMBERS, FORMER MEMBERS, AND THEIR DEPENDENTS.—Section 1086(b) of such title is amended by striking "fiscal year" each place it appears and inserting "calendar year".

(e) REFERRALS AND PREAUTHORIZATIONS FOR TRICARE PRIME.—

(1) PREAUTHORIZATION FOR CARE AT RESIDENTIAL TREATMENT CENTERS.—Section 1095f(b) of such title is amended by adding at the end the following new paragraph:

"(4) Inpatient care at a residential treatment center.".

(2) REFERENCE.—Section 1075a(c) of such title is amended by striking "section 1075f(a)" and inserting "section 1095f(a)".

(f) APPLICABILITY OF PREMIUM FOR DEPENDENT COVERAGE.—Section 1110b(c)(1) of such title is amended by striking "section 1075 of this section" and inserting "section 1075 or 1075a of this title, as appropriate".

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Subtitle A—Acquisition Policy and Management

SEC. 801. STATEMENTS OF PURPOSE FOR DEPARTMENT OF DEFENSE ACQUISITION.

10 USC 2302 note.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Defense Federal Acquisition Regulation Supplement to include the following statements of purpose:

(1) The defense acquisition system (as defined in section 2545 of title 10, United States Code) exists to manage the investments of the United States in technologies, programs, and product support necessary to achieve the national security strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 3043) and to support the United States Armed Forces.

(2) The investment strategy of the Department of Defense shall be postured to support not only the current United States Armed Forces, but also future Armed Forces of the United States.

(3) The primary objective of Department of Defense acquisition is to acquire quality products that satisfy user needs with measurable improvements to mission capability and operational support, in a timely manner, and at a fair and reasonable price.

SEC. 802. MANAGEMENT OF INTELLECTUAL PROPERTY MATTERS WITHIN THE DEPARTMENT OF DEFENSE.

(a) MANAGEMENT OF INTELLECTUAL PROPERTY.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2321 the following new section:

10 USC 2322.

"§ 2322. Management of intellectual property matters within the Department of Defense

"(a) POLICY REQUIRED.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment, shall develop policy on the acquisition or licensing of intellectual property—

"(1) to enable coordination and consistency across the military departments and the Department of Defense in strategies for acquiring or licensing intellectual property and communicating with industry;

"(2) to ensure that program managers are aware of the rights afforded the Federal Government and contractors in intellectual property and that program managers fully consider and use all available techniques and best practices for acquiring or licensing intellectual property early in the acquisition process; and

"(3) to encourage customized intellectual property strategies for each system based on, at a minimum, the unique characteristics of the system and its components, the product support strategy for the system, the organic industrial base strategy of the military department concerned, and the commercial market.

"(b) CADRE OF INTELLECTUAL PROPERTY EXPERTS.—(1) The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition and Sustainment, shall establish a cadre of personnel who are experts in intellectual property matters. The purpose of the cadre is to ensure a consistent, strategic, and highly knowledgeable approach to acquiring or licensing intellectual property by providing expert advice, assistance, and resources to the acquisition workforce on intellectual property matters, including acquiring or licensing intellectual property.

"(2) The Under Secretary shall establish an appropriate leadership structure and office within which the cadre shall be managed, and shall determine the appropriate official to whom members of the cadre shall report.

"(3) The cadre of experts shall be assigned to a program office or an acquisition command within a military department to advise, assist, and provide resources to a program manager or program executive officer on intellectual property matters at various stages of the life cycle of a system. In performing such duties, the experts shall—

"(A) interpret and provide counsel on laws, regulations, and policies relating to intellectual property;

"(B) advise and assist in the development of an acquisition strategy, product support strategy, and intellectual property strategy for a system;

"(C) conduct or assist with financial analysis and valuation of intellectual property;

"(D) assist in the drafting of a solicitation, contract, or other transaction;

"(E) interact with or assist in interactions with contractors, including communications and negotiations with contractors on solicitations and awards; and

"(F) conduct or assist with mediation if technical data delivered pursuant to a contract is incomplete or does not comply with the terms of agreements.

"(4)(A) In order to achieve the purpose set forth in paragraph (1), the Under Secretary shall ensure the cadre has the appropriate number of staff and such staff possesses the necessary skills, knowledge, and experience to carry out the duties under paragraph (2), including in relevant areas of law, contracting, acquisition, logistics, engineering, financial analysis, and valuation. The Under Secretary, in coordination with the Defense Acquisition University and in consultation with academia and industry, shall develop a career path, including development opportunities, exchanges, talent management programs, and training, for the cadre. The Under Secretary may use existing authorities to staff the cadre, including those in subparagraphs (B), (C), (D), and (F).

"(B) Civilian personnel from within the Office of the Secretary of Defense, Joint Staff, military departments, Defense Agencies, and combatant commands may be assigned to serve as members of the cadre, upon request of the Director.

"(C) The Under Secretary may use the authorities for highly qualified experts under section 9903 of title 5, to hire experts as members of the cadre who are skilled professionals in intellectual property and related matters.

"(D) The Under Secretary may enter into a contract with a private-sector entity for specialized expertise to support the cadre. Such entity may be considered a covered Government support contractor, as defined in section 2320 of this title.

"(E) In establishing the cadre, the Under Secretary shall give preference to civilian employees of the Department of Defense, rather than members of the armed forces, to maintain continuity in the cadre.

"(F) The Under Secretary is authorized to use amounts in the Defense Acquisition Workforce Development Fund for the purpose of recruitment, training, and retention of the cadre, including paying salaries of newly hired members of the cadre for up to three years.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: 10 USC prec. 2301.

"2322. Management of intellectual property matters within the Department of Defense.".

(b) ADDITIONAL ACQUISITION POSITION.—Subsection 1721(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(12) Intellectual property.".

SEC. 803. PERFORMANCE OF INCURRED COST AUDITS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2313a the following new section:

"§ 2313b. Performance of incurred cost audits 10 USC 2313b.

"(a) COMPLIANCE WITH STANDARDS OF RISK AND MATERIALITY.—Not later than October 1, 2020, the Secretary of Defense shall

comply with commercially accepted standards of risk and materiality in the performance of each incurred cost audit of costs associated with a contract of the Department of Defense.

"(b) CONDITIONS FOR THE USE OF QUALIFIED AUDITORS TO PERFORM INCURRED COST AUDITS.—(1) To support the need of the Department of Defense for timely and effective incurred cost audits, and to ensure that the Defense Contract Audit Agency is able to allocate resources to higher-risk and more complex audits, the Secretary of Defense shall use qualified private auditors to perform a sufficient number of incurred cost audits of contracts of the Department of Defense to—

"(A) eliminate, by October 1, 2020, any backlog of incurred cost audits of the Defense Contract Audit Agency;

"(B) ensure that incurred cost audits are completed not later than one year after the date of receipt of a qualified incurred cost submission;

"(C) maintain an appropriate mix of Government and private sector capacity to meet the current and future needs of the Department of Defense for the performance of incurred cost audits;

"(D) ensure that qualified private auditors perform incurred cost audits on an ongoing basis to improve the efficiency and effectiveness of the performance of incurred cost audits; and

"(E) limit multiyear auditing to ensure that multiyear auditing is conducted only—

"(A) to address outstanding incurred cost audits for which a qualified incurred cost submission was submitted to the Defense Contract Audit Agency more than 12 months before the date of the enactment of this section; or

"(B) when the contractor being audited submits a written request, including a justification for the use of multiyear auditing, to the Under Secretary of Defense (Comptroller).

"(2) The Secretary of Defense shall consult with Federal agencies that have awarded contracts or task orders to qualified private auditors to ensure that the Department of Defense is using, as appropriate, best practices relating to contracting with qualified private auditors.

"(3) The Secretary of Defense shall ensure that a qualified private auditor performing an incurred cost audit under this section—

"(A) has no conflict of interest in performing such an audit, as defined by generally accepted government auditing standards;

"(B) possesses the necessary independence to perform such an audit, as defined by generally accepted government auditing standards;

"(C) signs a nondisclosure agreement, as appropriate, to protect proprietary or nonpublic data;

"(D) accesses and uses proprietary or nonpublic data furnished to the qualified private auditor only for the purposes stated in the contract;

"(E) takes all reasonable steps to protect proprietary and nonpublic data furnished during the audit; and

"(F) does not use proprietary or nonpublic data provided to the qualified private auditor under the authority of this section to compete for Government or nongovernment contracts.

"(c) PROCEDURES FOR THE USE OF QUALIFIED PRIVATE AUDITORS.—(1) Not later than October 1, 2018, the Secretary of Defense shall submit to the congressional defense committees a plan to implement the requirements of subsection (b). Such plan shall include, at a minimum—

"(A) a description of the incurred cost audits that the Secretary determines are appropriate to be conducted by qualified private auditors, including the approximate number and dollar value of such incurred cost audits;

"(B) an estimate of the number and dollar value of incurred cost audits to be conducted by qualified private auditors for each of the fiscal years 2019 through 2025 necessary to meet the requirements of subsection (b); and

"(C) all other elements of an acquisition plan as required by the Federal Acquisition Regulation.

"(2) Not later than April 1, 2019, the Secretary of Defense or a Federal department or agency authorized by the Secretary shall award a contract or issue a task order under an existing contract to two or more qualified private auditors to perform incurred cost audits of costs associated with contracts of the Department of Defense. The Defense Contract Management Agency or a contract administration office of a military department shall use a contract or a task order awarded or issued pursuant to this paragraph for the performance of an incurred cost audit, if doing so will assist the Secretary in meeting the requirements in subsection (b).

"(3) To improve the quality of incurred cost audits and reduce duplication of performance of such audits, the Secretary of Defense may provide a qualified private auditor with information on past or ongoing audit results or other relevant information on the entities the qualified private auditor is auditing.

"(4) The Secretary of Defense shall consider the results of an incurred cost audit performed under this section without regard to whether the Defense Contract Audit Agency or a qualified private auditor performed the audit.

"(5) The contracting officer for a contract that is the subject of an incurred cost audit shall have the sole discretion to determine what action should be taken based on an audit finding on direct costs of the contract.

"(d) QUALIFIED PRIVATE AUDITOR REQUIREMENTS.—(1) A qualified private auditor awarded a contract or issued an task order under subsection (c)(2) shall conduct an incurred cost audit in accordance with the generally accepted government auditing standards.

"(2) A qualified private auditor awarded a contract or issued an task order under subsection (c)(2) shall develop and maintain complete and accurate working papers on each incurred cost audit. All working papers and reports on the incurred cost audit prepared by such qualified private auditor shall be the property of the Department of Defense, except that the qualified private auditor may retain a complete copy of all working papers to support such reports made pursuant to this section.

"(3) A breach of contract by a qualified private auditor with respect to use of proprietary or nonpublic data may subject the qualified private auditor to—

"(A) criminal, civil, administrative, and contractual actions for penalties, damages, and other appropriate remedies by the United States; and

"(B) civil actions for damages and other appropriate remedies by the contractor or subcontractor whose data are affected by the breach.

"(e) PEER REVIEW.—(1) Effective October 1, 2022, the Defense Contract Audit Agency may issue unqualified audit findings for an incurred cost audit only if the Defense Contract Audit Agency is peer reviewed by a commercial auditor and passes such peer review. Such peer review shall be conducted in accordance with the peer review requirements of generally accepted government auditing standards, including the requirements related to frequency of peer reviews, and shall be deemed to meet the requirements of the Defense Contract Audit Agency for a peer review under such standards.

"(2) Not later than October 1, 2019, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives an update on the process of securing a commercial auditor to perform the peer review referred to in paragraph (1).

"(f) NUMERIC MATERIALITY STANDARDS FOR INCURRED COST AUDITS.—(1) Not later than October 1, 2020, the Department of Defense shall implement numeric materiality standards for incurred cost audits to be used by auditors that are consistent with commercially accepted standards of risk and materiality.

"(2) Not later than October 1, 2019, the Secretary of Defense shall submit to the congressional defense committees a report containing proposed numeric materiality standards required under paragraph (1). In developing such standards, the Secretary shall consult with commercial auditors that conduct incurred cost audits, the advisory panel authorized under section 809 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 889), and other governmental and nongovernmental entities with relevant expertise.

"(g) TIMELINESS OF INCURRED COST AUDITS.—(1) The Secretary of Defense shall ensure that all incurred cost audits performed by qualified private auditors or the Defense Contract Audit Agency are performed in a timely manner.

"(2) The Secretary of Defense shall notify a contractor of the Department of Defense within 60 days after receipt of an incurred cost submission from the contractor whether the submission is a qualified incurred cost submission.

"(3) With respect to qualified incurred cost submissions received on or after the date of the enactment of this section, audit findings shall be issued for an incurred cost audit not later than one year after the date of receipt of such qualified incurred cost submission.

"(4) Not later than October 1, 2020, and subject to paragraph (5), if audit findings are not issued within one year after the date of receipt of a qualified incurred cost submission, the audit shall be considered to be complete and no additional audit work shall be conducted.

"(5) The Under Secretary of Defense (Comptroller) may waive the requirements of paragraph (4) on a case-by-case basis if the Director of the Defense Contract Audit Agency submits a written request. The Director of the Defense Contract Audit Agency shall include in the report required under section 2313a of this title

the total number of waivers issued and the reasons for issuing each such waiver.

"(h) REVIEW OF AUDIT PERFORMANCE.—Not later than April 1, 2025, the Comptroller General of the United States shall submit to the congressional defense committees a report that evaluates for the period beginning on October 1, 2019, and ending on August 31, 2023—

"(1) the timeliness, individual cost, and quality of incurred cost audits, set forth separately by incurred cost audits performed by the Defense Contract Audit Agency and by qualified private auditors;

"(2) the cost to contractors of the Department of Defense for incurred cost audits, set forth separately by incurred cost audits performed by the Defense Contract Audit Agency and by qualified private auditors;

"(3) the effect, if any, on other types of audits conducted by the Defense Contract Audit Agency that results from incurred cost audits conducted by qualified private auditors; and

"(4) the capability and capacity of qualified private auditors to conduct incurred cost audits for the Department of Defense.

"(i) DEFINITIONS.—In this section:

"(1) The term 'commercial auditor' means a private entity engaged in the business of performing audits.

"(2) The term 'incurred cost audit' means an audit of charges to the Government by a contractor under a flexibly priced contract.

"(3) The term 'flexibly priced contract' has the meaning given the term 'flexibly-priced contracts and subcontracts' in part 30 of the Federal Acquisition Regulation (section 30.001 of title 48, Code of Federal Regulations).

"(4) The term 'generally accepted government auditing standards' means the generally accepted government auditing standards of the Comptroller General of the United States.

"(5) The term 'numeric materiality standard' means a dollar amount of misstatements, including omissions, contained in an incurred cost audit that would be material if the misstatements, individually or in the aggregate, could reasonably be expected to influence the economic decisions of the Government made on the basis of the incurred cost audit.

"(6) The term 'qualified incurred cost submission' means a submission by a contractor of costs incurred under a flexibly priced contract that has been qualified by the Department of Defense as sufficient to conduct an incurred cost audit.

"(7) The term 'qualified private auditor' means a commercial auditor—

"(A) that performs audits in accordance with generally accepted government auditing standards; and

"(B) that has received a passing peer review rating, as defined by generally accepted government auditing standards.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2313a the following new item:

10 USC prec. 2301.

"2313b. Performance of incurred cost audits.".

(c) AMENDMENT TO DUTIES OF THE ADVISORY PANEL ON STREAMLINING AND CODIFYING ACQUISITION REGULATIONS.—Subsection (c)(2) of section 809 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 889), as amended by section 863(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2303), is amended—

(1) in subparagraph (D) by striking "and" at the end;

(2) by redesignating subparagraph (E) as subparagraph (F);

(3) by adding after subparagraph (D) the following new subparagraph:

"(E) improve the efficiency of the contract auditing process, including through the development of risk-based materiality standards; and"; and

(4) in subparagraph (F) (as so redesignated), by striking "subparagraphs (A) through (D)" and inserting "subparagraphs (A) through (E)".

SEC. 804. REPEAL OF CERTAIN AUDITING REQUIREMENTS.

Section 190 of title 10, United States Code, as proposed to be added by section 820(b)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2274), is amended by striking subsection (f).

SEC. 805. INCREASED SIMPLIFIED ACQUISITION THRESHOLD.

Section 134 of title 41, United States Code, is amended by striking "$100,000" and inserting "$250,000".

SEC. 806. REQUIREMENTS RELATED TO THE MICRO-PURCHASE THRESHOLD.

(a) INCREASE IN THRESHOLD.—Section 1902(a)(1) of title 41, United States Code, is amended by striking "$3,000" and inserting "$10,000".

41 USC 1902 note.

(b) CONVENIENCE CHECKS.—A convenience check may not be used for an amount in excess of one half of the micro-purchase threshold under section 1902(a) of title 41, United States Code, or a lower amount established by the head of the agency.

10 USC 2302 note.

SEC. 807. PROCESS FOR ENHANCED SUPPLY CHAIN SCRUTINY.

(a) PROCESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish a process for enhancing scrutiny of acquisition decisions in order to improve the integration of supply chain risk management into the overall acquisition decision cycle.

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

(1) Designation of a senior official responsible for overseeing the development and implementation of the process.

(2) Development or integration of tools to support commercial due-diligence, business intelligence, or otherwise analyze and monitor commercial activity to understand business relationships with entities determined to be threats to the United States.

(3) Development of risk profiles of products or services based on commercial due-diligence tools and data services.

(4) Development of education and training curricula for the acquisition workforce that supports the process.

(5) Integration, as needed, with intelligence sources to develop threat profiles of entities determined to be threats to the United States.

(6) Periodic review and assessment of software products and services on computer networks of the Department of Defense to remove prohibited products or services.

(7) Synchronization of the use of current authorities for making supply chain decisions, including section 806 of Public Law 111–383 (10 U.S.C. 2304 note) or improved use of suspension and debarment officials.

(8) Coordination with interagency, industrial, and international partners, as appropriate, to share information, develop Government-wide strategies for dealing with significant entities determined to be significant threats to the United States, and effectively use authorities in other departments and agencies to provide consistent, Government-wide approaches to supply chain threats.

(9) Other matters as the Secretary considers necessary.

(c) NOTIFICATION.—Not later than 90 days after establishing the process required by subsection (a), the Secretary shall provide a written notification to the Committees on Armed Services of the Senate and House of Representatives that the process has been established. The notification also shall include the following:

(1) Identification of the official designated under subsection (b)(1).

(2) Identification of tools and services currently available to the Department of Defense under subsection (b)(2).

(3) Assessment of additional tools and services available under subsection (b)(2) that the Department of Defense should evaluate.

(4) Identification of, or recommendations for, any statutory changes needed to improve the effectiveness of the process.

(5) Projected resource needs for implementing any recommendations made by the Secretary.

SEC. 808. DEFENSE POLICY ADVISORY COMMITTEE ON TECHNOLOGY.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Chief Management Officer, shall form a committee of senior executives from United States firms in the national technology and industrial base to meet with the Secretary, the Secretaries of the military departments, and members of the Joint Chiefs of Staff to exchange information, including, as appropriate, classified information, on technology threats to the national security of the United States and on the emerging technologies from the national technology and industrial base that may become available to counter such threats in a timely manner.

(b) MEETINGS.—The defense policy advisory committee on technology formed pursuant to subsection (a) shall meet with the Secretary and the other Department of Defense officials specified in such subsection collectively at least once annually in each of fiscal years 2018 through 2022. The Secretary of Defense shall provide the congressional defense committees annual briefings on the meetings.

(c) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the defense policy

advisory committee on technology established pursuant to this section.

SEC. 809. REPORT ON EXTENSION OF DEVELOPMENT, ACQUISITION, AND SUSTAINMENT AUTHORITIES OF THE MILITARY DEPARTMENTS TO THE UNITED STATES SPECIAL OPERATIONS COMMAND.

(a) REVIEW.—The Secretary of Defense shall carry out a review of the authorities available to the Secretaries of the military departments and the acquisition executives of the military departments for the development, acquisition, and sustainment of technology, equipment, and services for the military departments in order to determine the feasibility and advisability of the provision of such authorities to the Commander of the United States Special Operations Command and the acquisition executive of the Command for the development, acquisition, and sustainment of special operations-peculiar technology, equipment, and services.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review required by subsection (a). The report shall include the following:

(1) A description of the review.

(2) An identification of the authorities the Secretary recommends for provision to the Commander of the United States Special Operations Command and the acquisition executive of the Command as described in subsection (a), and recommendations for any modifications of such authorities that the Secretary considers appropriate for purposes of the United States Special Operations Command.

(3) Such recommendations for legislative or administrative action as the Secretary considers appropriate for the provision of authorities identified pursuant to paragraph (2) as described in subsection (a).

(4) Such other matters as the Secretary considers appropriate in light of the review.

SEC. 810. TECHNICAL AND CONFORMING AMENDMENTS RELATED TO PROGRAM MANAGEMENT PROVISIONS.

(a) REPEAL OF DUPLICATIVE PROVISION RELATED TO PROGRAM AND PROJECT MANAGEMENT.—Subsection (c) of section 503 of title 31, United States Code, as added by section 861(a)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2298), is repealed.

(b) REPEAL OF DUPLICATIVE PROVISION RELATED TO PROGRAM MANAGEMENT OFFICERS AND PROGRAM MANAGEMENT POLICY COUNCIL.—Section 1126 of title 31, United States Code, as added by section 861(b)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2299), is repealed.

(c) REPEAL OF OBSOLETE PROVISIONS.—Section 861 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2299) is repealed.

130 Stat. 2298; 31 USC 503 note, 1126 note.

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

SEC. 811. MODIFICATIONS TO COST OR PRICING DATA AND REPORTING REQUIREMENTS.

(a) MODIFICATIONS TO SUBMISSIONS OF COST OR PRICING DATA.—

(1) TITLE 10.—Subsection (a) of section 2306a of title 10, United States Code, is amended—

(A) by striking "December 5, 1990" each place it appears and inserting "June 30, 2018";

(B) by striking "December 5, 1991" each place it appears and inserting "July 1, 2018";

(C) by striking "$100,000" each place it appears and inserting "$750,000";

(D) in paragraph (1)—

(i) in subparagraphs (A)(i), (B)(i), (C)(i), (C)(ii), and (D)(i), by striking "$500,000" and inserting "$2,000,000"; and

(ii) in subparagraph (B)(ii), by striking "$500,000" and inserting "$750,000";

(E) in paragraph (6), by striking "December 5, 1990" and inserting "June 30, 2018"; and

(F) in paragraph (7), by striking "to the amount" and all that follows through "higher multiple of $50,000." and inserting "in accordance with section 1908 of title 41.".

(2) TITLE 41.—Section 3502 of title 41, United States Code, is amended—

(A) in subsection (a)—

(i) by striking "October 13, 1994" each place it appears and inserting "June 30, 2018";

(ii) by striking "$100,000" each place it appears and inserting "$750,000";

(iii) in paragraphs (1)(A), (2)(A), (3)(A), (3)(B), and (4)(A), by striking "$500,000" and inserting "$2,000,000"; and

(iv) in paragraph (2)(B), by striking "$500,000" and inserting "$750,000";

(B) in subsection (f), by striking "October 13, 1994" and inserting "June 30, 2018"; and

(C) in subsection (g), by striking "to the amount" and all that follows through "higher multiple of $50,000." and inserting "in accordance with section 1908.".

(b) MODIFICATION TO AUTHORITY TO REQUIRE SUBMISSION.—Paragraph (1) of section 2306a(d) of title 10, United States Code, is amended by striking "the contracting officer shall require submission of" and all the follows through "to the extent necessary" and inserting "the offeror shall be required to submit to the contracting officer data other than certified cost or pricing data (if requested by the contracting officer), to the extent necessary".

(c) COMPTROLLER GENERAL REVIEW OF MODIFICATIONS TO COST OR PRICING DATA SUBMISSION REQUIREMENTS.—Not later than March 1, 2022, the Comptroller General of the United States shall submit to the congressional defense committees a report on the

implementation and effect of the amendments made by subsections (a) and (b).

(d) REQUIREMENTS FOR DEFENSE CONTRACT AUDIT AGENCY REPORT.—

(1) IN GENERAL.—Section 2313a of title 10, United States Code, is amended—

(A) in subsection (a)(2)—

(i) in subparagraph (A)—

(I) by inserting "and dollar value" after "number"; and

(II) by inserting ", set forth separately by type of audit" after "pending";

(ii) in subparagraph (C), by inserting ", both from the date of receipt of a qualified incurred cost submission and from the date the audit begins" after "audit";

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

"(D) the sustained questioned costs, set forth separately by type of audit, both as a total value and as a percentage of the total questioned costs for the audit;";

(iv) by striking subparagraph (E); and

(v) by inserting after subparagraph (D) the following new subparagraphs:

"(E) the total number and dollar value of incurred cost audits completed, and the method by which such incurred cost audits were completed;

"(F) the aggregate cost of performing audits, set forth separately by type of audit;

"(G) the ratio of sustained questioned costs to the aggregate costs of performing audits, set forth separately by type of audit; and

"(H) the total number and dollar value of audits that are pending for a period longer than one year as of the end of the fiscal year covered by the report, and the fiscal year in which the qualified submission was received, set forth separately by type of audit;"; and

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

"(d) DEFINITIONS.—

"(1) The terms 'incurred cost audit' and 'qualified incurred cost submission' have the meaning given those terms in section 2313b of this title.

"(2) The term 'sustained questioned costs' means questioned costs that were recovered by the Federal Government as a result of contract negotiations related to such questioned costs.".

10 USC 111 note.

(2) EXEMPTION TO REPORT TERMINATION REQUIREMENTS.—Section 1080(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note), as amended by section 1061(j) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2405; 10 U.S.C. 111 note), does not apply to the report required to be submitted to Congress under section 2313a of title 10, United States Code.

(e) ADJUSTMENT TO VALUE OF COVERED CONTRACTS FOR REQUIREMENTS RELATING TO ALLOWABLE COSTS.—Subparagraph (B) of section 2324(l)(1) of title 10, United States Code, is amended by striking "to the equivalent" and all that follows through "higher

multiple of $50,000." and inserting "in accordance with section 1908 of title 41.".

SEC. 812. APPLICABILITY OF COST AND PRICING DATA CERTIFICATION REQUIREMENTS.

22 USC 2762 note.

Section 830(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2286) is amended—

(1) in paragraph (1)(A), by striking "same product" and inserting "same or similar product";

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

(3) by inserting after paragraph (1) the following new paragraphs:

"(2) DETERMINATION OF SAME OR SIMILAR PRODUCT.—The Secretary of Defense and the Secretary of State shall jointly determine whether a product is considered to be a similar product for the purposes of this pilot program.

"(3) WAIVER OF COST OR PRICING CERTIFICATION.—The Secretary of Defense may waive the certification requirement under section 2306a(a)(2) of title 10, United States Code, if the Secretary determines that the Federal Government has sufficient data and information regarding the reasonableness of the price.".

SEC. 813. SUNSET OF CERTAIN PROVISIONS RELATING TO THE PROCUREMENT OF GOODS OTHER THAN UNITED STATES GOODS.

(a) CHEMICAL WEAPONS ANTIDOTE.—Section 2534(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) CHEMICAL WEAPONS ANTIDOTE.—Subsections (a)(2) and (b)(2) shall cease to be effective on October 1, 2018.".

(b) PHOTOVOLTAIC DEVICES.—Effective October 1, 2018, section 858 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 2534 note) is repealed.

10 USC 2534 note.

SEC. 814. COMPTROLLER GENERAL REPORT ON HEALTH AND SAFETY RECORDS.

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Secretary of Defense and the congressional defense committees a report on the safety and health records of Department of Defense contractors.

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

(A) A description of the existing procedures of the Department of Defense to evaluate the safety and health records of current and prospective contractors.

(B) An evaluation of the adherence of the Department of Defense to such procedures.

(C) An assessment of the current incidence of safety and health violations by Department of Defense contractors.

(D) An assessment of whether the Secretary of Labor has the resources to investigate and identify safety and health violations by Department of Defense contractors.

(E) An assessment of whether the Secretary of Labor should consider assuming an expanded investigatory role

or a targeted enforcement program for ensuring the safety and health of individuals working under Department of Defense contracts.

SEC. 815. LIMITATION ON UNILATERAL DEFINITIZATION.

(a) LIMITATION.—Section 2326 of title 10, United States Code, is amended—

(1) by redesignating subsections (c), (d), (e), (f), (g), (h), and (i) as subsections (d), (e), (f), (g), (h), (i), and (j) respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) LIMITATION ON UNILATERAL DEFINITIZATION BY CONTRACTING OFFICER.—With respect to any undefinitized contractual action with a value greater than $50,000,000, if agreement is not reached on contractual terms, specifications, and price within the period or by the date provided in subsection (b)(1), the contracting officer may not unilaterally definitize those terms, specifications, or price over the objection of the contractor until—

"(1) the service acquisition executive for the military department that awarded the contract, or the Under Secretary of Defense for Acquisition and Sustainment if the contract was awarded by a Defense Agency or other component of the Department of Defense, approves the definitization in writing;

"(2) the contracting officer provides a copy of the written approval to the contractor; and

"(3) a period of 30 calendar days has elapsed after the written approval is provided to the contractor.".

(b) CONFORMING AMENDMENT.—Section 2326(b)(3) of such title is amended by striking "subsection (g)" and inserting "subsection (h)".

10 USC 2326 note.

(c) CONFORMING REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to implement section 2326 of title 10, United States Code, as amended by this section.

SEC. 816. AMENDMENT TO SUSTAINMENT REVIEWS.

Section 2441(a) of title 10, United States Code, is amended by adding at the end the following: "The Secretary concerned shall make the memorandum and supporting documentation for each sustainment review available to the Under Secretary of Defense for Acquisition and Sustainment within 30 days after the review is completed.".

SEC. 817. USE OF PROGRAM INCOME BY ELIGIBLE ENTITIES THAT CARRY OUT PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

Section 2414 of title 10, United States Code, is amended—

(1) in the section heading, by striking "**LIMITATION**" and inserting "**FUNDING**"; and

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

"(d) USE OF PROGRAM INCOME.—

"(1) An eligible entity that earned income in a specified fiscal year from activities carried out pursuant to a procurement technical assistance program funded under this chapter may expend an amount of such income, not to exceed 25 percent of the cost of furnishing procurement technical assistance in

such specified fiscal year, during the fiscal year following such specified fiscal year, to carry out a procurement technical assistance program funded under this chapter.

"(2) An eligible entity that does not enter into a cooperative agreement with the Secretary for a fiscal year—

"(A) shall notify the Secretary of the amount of any income the eligible entity carried over from the previous fiscal year; and

"(B) may retain an amount of such income equal to 10 percent of the value of assistance furnished by the Secretary under this section during the previous fiscal year.

"(3) In determining the value of assistance furnished by the Secretary under this section for any fiscal year, the Secretary shall account for the amount of any income the eligible entity carried over from the previous fiscal year.".

SEC. 818. ENHANCED POST-AWARD DEBRIEFING RIGHTS.

10 USC 2305 note.

(a) RELEASE OF CONTRACT AWARD INFORMATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to require that all required post-award debriefings, while protecting the confidential and proprietary information of other offerors, include, at a minimum, the following:

(1) In the case of a contract award in excess of $100,000,000, a requirement for disclosure of the agency's written source selection award determination, redacted to protect the confidential and proprietary information of other offerors for the contract award, and, in the case of a contract award in excess of $10,000,000 and not in excess of $100,000,000 with a small business or nontraditional contractor, an option for the small business or nontraditional contractor to request such disclosure.

(2) A requirement for a written or oral debriefing for all contract awards and task or delivery orders valued at $10,000,000 or higher.

(3) Provisions ensuring that both unsuccessful and winning offerors are entitled to the disclosure described in paragraph (1) and the debriefing described in paragraph (2).

(4) Robust procedures, consistent with section 2305(b)(5)(D) of title 10, United States Code, and provisions implementing that section in the Federal Acquisition Regulation, to protect the confidential and proprietary information of other offerors.

(b) OPPORTUNITY FOR FOLLOW-UP QUESTIONS.—Section 2305(b)(5) of title 10, United States Code, is amended—

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

(2) in subparagraph (B)—

(A) in clause (v), by striking "; and" and inserting a semicolon;

(B) in clause (vi), by striking the period at the end and inserting "; and"; and

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

"(vii) an opportunity for a disappointed offeror to submit, within two business days after receiving a post-award debriefing, additional questions related to the debriefing."; and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) The agency shall respond in writing to any additional question submitted under subparagraph (B)(vii) within five business days after receipt of the question. The agency shall not consider the debriefing to be concluded until the agency delivers its written responses to the disappointed offeror.".

(c) COMMENCEMENT OF POST-BRIEFING PERIOD.—Section 3553(d)(4) of title 31, United States Code, is amended—

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

(2) by striking "The period" and inserting "(A) The period"; and

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

"(B) For procurements conducted by any component of the Department of Defense, the 5-day period described in subparagraph (A)(ii) does not commence until the day the Government delivers to a disappointed offeror the written responses to any questions submitted pursuant to section 2305(b)(5)(B)(vii) of title 10.".

SEC. 819. AMENDMENTS RELATING TO INFORMATION TECHNOLOGY.

(a) ELIMINATION OF SUNSET RELATING TO TRANSPARENCY AND RISK MANAGEMENT OF MAJOR INFORMATION TECHNOLOGY INVESTMENTS.—Subsection (c) of section 11302 of title 40, United States Code, is amended by striking the first paragraph (5).

(b) ELIMINATION OF SUNSET RELATING TO INFORMATION TECHNOLOGY PORTFOLIO, PROGRAM, AND RESOURCE REVIEWS.—Section 11319 of title 40, United States Code, is amended—

(1) by redesignating the second subsection (c) as subsection (d); and

(2) in subsection (d), as so redesignated, by striking paragraph (6).

(c) EXTENSION OF SUNSET RELATING TO FEDERAL DATA CENTER CONSOLIDATION INITIATIVE.—Subsection (e) of section 834 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 44 U.S.C. 3601 note) is amended by striking "2018" and inserting "2020".

SEC. 820. CHANGE TO DEFINITION OF SUBCONTRACT IN CERTAIN CIRCUMSTANCES.

Section 1906(c)(1) of title 41, United States Code, is amended by adding at the end the following: "The term does not include agreements entered into by a contractor for the supply of commodities that are intended for use in the performance of multiple contracts with the Federal Government and other parties and are not identifiable to any particular contract.".

SEC. 821. AMENDMENT RELATING TO APPLICABILITY OF INFLATION ADJUSTMENTS.

Section 1908(d) of title 41, United States Code, is amended by inserting before the period at the end the following: "and shall apply, in the case of the procurement of property or services by contract, to a contract, and any subcontract at any tier under the contract, in effect on that date without regard to the date of award of the contract or subcontract.".

SEC. 822. USE OF LOWEST PRICE TECHNICALLY ACCEPTABLE SOURCE SELECTION PROCESS.

(a) ADDITIONAL REQUIREMENTS.—Subsection (b) of section 813 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat 2270; 10 U.S.C. 2305 note) is amended—

(1) in paragraph (5), by striking "; and" and inserting a semicolon;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

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

"(7) the Department of Defense would realize no, or minimal, additional innovation or future technological advantage by using a different methodology; and

"(8) with respect to a contract for procurement of goods, the goods procured are predominantly expendable in nature, nontechnical, or have a short life expectancy or short shelf life.".

(b) REPORTING REQUIREMENT.—

(1) IN GENERAL.—Subsection (d) of such section is amended by striking "contract exceeding $10,000,000" and inserting "contract exceeding $5,000,000".

(2) APPLICABILITY.—The amendment made by this subsection shall apply with respect to the second, third, and fourth reports submitted under subsection (d) of section 813 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat 2271; 10 U.S.C. 2305 note). 10 USC 2305 note.

SEC. 823. EXEMPTION FROM DESIGN-BUILD SELECTION PROCEDURES.

Subsection (d) of section 2305a of title 10, United States Code, is amended by striking the second and third sentences and inserting the following: "If the contract value exceeds $4,000,000, the maximum number specified in the solicitation shall not exceed 5 unless—

"(1) the solicitation is issued pursuant to a indefinite delivery-indefinite quantity contract for design-build construction; or

"(2)(A) the head of the contracting activity, delegable to a level no lower than the senior contracting official within the contracting activity, approves the contracting officer's justification with respect to an individual solicitation that a maximum number greater than 5 is in the interest of the Federal Government; and

"(B) the contracting officer provides written documentation of how a maximum number greater than 5 is consistent with the purposes and objectives of the two-phase selection procedures.".

SEC. 824. CONTRACT CLOSEOUT AUTHORITY.

Section 836(b)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2286) is amended by striking "entered into prior to fiscal year 2000" and inserting "entered into on a date that is at least 17 fiscal years before the current fiscal year". 10 USC 2302 note.

SEC. 825. ELIMINATION OF COST UNDERRUNS AS FACTOR IN CALCULATION OF PENALTIES FOR COST OVERRUNS.

(a) IN GENERAL.—Section 828 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2430 note) is amended—

(1) in subsection (a), by striking "each fiscal year beginning with fiscal year 2015" and inserting "each of fiscal years 2018 through 2022";

(2) in subsection (b)—

(A) in paragraph (1), by striking "or underrun";

(B) in paragraph (2)—

(i) by striking "or underruns"; and

(ii) by striking ",Technology, and Logistics" and inserting "and Sustainment";

(C) in paragraph (3)—

(i) by striking "and cost underruns"; and

(ii) by striking "or underruns"; and

(D) in paragraph (4), by striking ", except that the cost overrun penalty may not be a negative amount";

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(4) by inserting after subsection (b) the following new subsection:

"(c) TOTAL COST OVERRUN PENALTY.—Notwithstanding the amount of a cost overrun penalty determined in (b), the total cost overrun penalty for a military department (including any cost overrun penalty for joint programs of military departments) for a fiscal year may not exceed $50,000,000."; and

(5) in subsection (d) (as so redesignated)—

(A) in paragraph (1)—

(i) in the paragraph heading, by inserting "OR PROCUREMENT" after "EVALUATION";

(ii) by striking "each fiscal year beginning with fiscal year 2015" and inserting "each of fiscal years 2018 through 2022";

(iii) by striking "each research" and inserting "the research";

(iv) by striking "evaluation account" and inserting "evaluation or procurement accounts"; and

(v) by striking "percentage" and inserting "amount"; and

(B) in paragraph (2)—

(i) in the paragraph heading, by striking "AMOUNT" and inserting "AMOUNTS";

(ii) by striking "percentage reduction" and inserting "reductions";

(iii) by striking "evaluation accounts" and inserting "evaluation or procurement accounts";

(iv) by striking "paragraph (1) is the percentage reduction" and inserting "paragraph (1) are the reductions"; and

(v) by inserting ", when combined," after "equal".

10 USC 2430 note.

(b) PRIOR FISCAL YEARS.—The requirements of section 828 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2430 note), as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to fiscal years beginning on or before October 1, 2016.

SEC. 826. MODIFICATION TO ANNUAL MEETING REQUIREMENT OF CONFIGURATION STEERING BOARDS.

Section 814(c)(4) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4529; 10 U.S.C. 2430 note) is amended—

(1) by striking "The Secretary" and inserting

"(A) ANNUAL MEETING.—Except as provided in subparagraph (B), the Secretary"; and

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

"(B) EXCEPTION.—If the service acquisition executive of the military department concerned determines, in writing, that there have been no changes to the program requirements of a major defense acquisition program during the preceding year, the Configuration Steering Board for such major defense acquisition program is not required to meet as described in subparagraph (A).".

SEC. 827. PILOT PROGRAM ON PAYMENT OF COSTS FOR DENIED GOVERNMENT ACCOUNTABILITY OFFICE BID PROTESTS.

10 USC 2304 note.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall carry out a pilot program to determine the effectiveness of requiring contractors to reimburse the Department of Defense for costs incurred in processing covered protests.

(b) DURATION.—The pilot program shall—

(1) begin on the date that is two years after the date of the enactment of this Act; and

(2) end on the date that is five years after the date of the enactment of this Act.

(c) REPORT.—Not later than 90 days after the date on which the pilot program under subsection (a) ends, the Secretary shall provide a report to the Committees on Armed Services of the House of Representatives and the Senate assessing the feasibility of making permanent such pilot program.

(d) COVERED PROTEST DEFINED.—In this section, the term "covered protest" means a bid protest that was—

(1) denied in an opinion issued by the Government Accountability Office;

(2) filed by a party with revenues in excess of $250,000,000 (based on fiscal year 2017 constant dollars) during the previous year; and

(3) filed on or after October 1, 2019 and on or before September 30, 2022.

Subtitle C—Provisions Relating to Major Defense Acquisition Programs

SEC. 831. REVISIONS TO DEFINITION OF MAJOR DEFENSE ACQUISITION PROGRAM.

Section 2430(a) of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by inserting "in the case of a program that is not a program for the acquisition of an automated information system (either a product or a service)," after "(B)"; and

(2) in paragraph (2)—

(A) by striking "does not include an acquisition program" and inserting the following: "does not include—

"(A) an acquisition program"; and

(B) by striking the period at the end and inserting the following: "; or

"(B) an acquisition program for a defense business system (as defined in section 2222(i)(1) of this title) carried out using the acquisition guidance issued pursuant to section 883(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2223a note).".

SEC. 832. PROHIBITION ON USE OF LOWEST PRICE TECHNICALLY ACCEPTABLE SOURCE SELECTION PROCESS FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2441 the following new section:

10 USC 2442 note.

"§ 2442. Prohibition on use of lowest price technically acceptable source selection process

"(a) IN GENERAL.—The Department of Defense shall not use a lowest price technically acceptable source selection process for the engineering and manufacturing development contract of a major defense acquisition program.

"(b) DEFINITIONS.—In this section:

"(1) LOWEST PRICE TECHNICALLY ACCEPTABLE SOURCE SELECTION PROCESS.—The term 'lowest price technically acceptable source selection process' has the meaning given that term in part 15 of the Federal Acquisition Regulation.

"(2) MAJOR DEFENSE ACQUISITION PROGRAM.—The term 'major defense acquisition program' has the meaning given that term in section 2430 of this title.

"(3) ENGINEERING AND MANUFACTURING DEVELOPMENT CONTRACT.—The term 'engineering and manufacturing development contract' means a prime contract for the engineering and manufacturing development of a major defense acquisition program.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2441 the following new item:

10 USC prec. 2430.

"2442. Prohibition on use of lowest price technically acceptable source selection process.".

10 USC 2442 note.

(b) APPLICABILITY.—The requirements of section 2442 of title 10, United States Code, as added by subsection (a), shall apply to major defense acquisition programs for which budgetary authority is requested for fiscal year 2019 or a subsequent fiscal year.

SEC. 833. ROLE OF THE CHIEF OF THE ARMED FORCE IN MATERIAL DEVELOPMENT DECISION AND ACQUISITION SYSTEM MILESTONES.

Section 2547(b) of title 10, United States Code, is amended—

(1) by striking "The Secretary" and inserting "(1) The Secretary"; and

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

"(2) Consistent with the performance of duties under subsection (a), the Chief of the armed force concerned, or in the case of a joint program the chiefs of the armed forces concerned, with respect to major defense acquisition programs, shall—

"(A) concur with the need for a material solution as identified in the Material Development Decision Review prior to entry into the Material Solution Analysis Phase under Department of Defense Instruction 5000.02;

"(B) concur with the cost, schedule, technical feasibility, and performance trade-offs that have been made with regard to the program before Milestone A approval is granted under section 2366a of this title;

"(C) concur that appropriate trade-offs among cost, schedule, technical feasibility, and performance objectives have been made to ensure that the program is affordable when considering the per unit cost and the total life-cycle cost before Milestone B approval is granted under section 2366b of this title; and

"(D) concur that the requirements in the program capability document are necessary and realistic in relation to program cost and fielding targets as required by paragraph (1) before Milestone C approval is granted.".

SEC. 834. REQUIREMENT TO EMPHASIZE RELIABILITY AND MAINTAINABILITY IN WEAPON SYSTEM DESIGN.

(a) SUSTAINMENT FACTORS IN WEAPON SYSTEM DESIGN.—

(1) IN GENERAL.—Chapter 144 of title 10, United States Code, as amended by section 832, is further amended by adding at the end the following new section:

"§ 2443. Sustainment factors in weapon system design

10 USC 2443.

"(a) IN GENERAL.—The Secretary of Defense shall ensure that the defense acquisition system gives ample emphasis to sustainment factors, particularly those factors that are affected principally by the design of a weapon system, in the development of a weapon system.

"(b) REQUIREMENTS PROCESS.—The Secretary shall ensure that reliability and maintainability are included in the performance attributes of the key performance parameter on sustainment during the development of capabilities requirements.

"(c) SOLICITATION AND AWARD OF CONTRACTS.—

"(1) REQUIREMENT.—The program manager of a weapon system shall include in the solicitation for and terms of a covered contract for the weapon system clearly defined and measurable requirements for engineering activities and design specifications for reliability and maintainability.

"(2) EXCEPTION.—If the program manager determines that engineering activities and design specifications for reliability or maintainability should not be a requirement in a covered contract or a solicitation for such a contract, the program manager shall document in writing the justification for the decision.

"(3) SOURCE SELECTION CRITERIA.—The Secretary shall ensure that sustainment factors, including reliability and maintainability, are given ample emphasis in the process for source selection. The Secretary shall encourage the use of objective reliability and maintainability criteria in the evaluation of competitive proposals.

"(d) CONTRACT PERFORMANCE.—

"(1) IN GENERAL.—The Secretary shall ensure that the Department of Defense uses best practices for responding to the positive or negative performance of a contractor in meeting

the sustainment requirements of a covered contract for a weapon system. The Secretary shall encourage the use of incentive fees and penalties as appropriate and authorized in paragraph (2) in all covered contracts for weapons systems.

"(2) AUTHORITY FOR INCENTIVE FEES AND PENALTIES.—The Secretary of Defense is authorized to include in any covered contract provisions for the payment of incentive fees to the contractor based on achievement of design specification requirements for reliability and maintainability of weapons systems under the contract, or the imposition of penalties to be paid by the contractor to the Government for failure to achieve such design specification requirements. Information about such fees or penalties shall be included in the solicitation for any covered contract that includes such fees or penalties.

"(3) MEASUREMENT OF RELIABILITY AND MAINTAINABILITY.—In carrying out paragraph (2), the program manager shall base determinations of a contractor's performance on reliability and maintainability data collected during the program. Such data collection and associated evaluation metrics shall be described in detail in the covered contract. To the maximum extent practicable, such data shall be shared with appropriate contractor and government organizations.

"(4) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees upon entering into a covered contract that includes incentive fees or penalties authorized in paragraph (2).

"(e) COVERED CONTRACT DEFINED.—In this section, the term 'covered contract', with respect to a weapon system, means a contract—

"(1) for the engineering and manufacturing development of a weapon system, including embedded software; or

"(2) for the production of a weapon system, including embedded software.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter, as amended by section 832, is further amended by adding at the end the following new item:

10 USC prec. 2430.

"2443. Sustainment factors in weapon system design.".

10 USC 2443 note.

(b) EFFECTIVE DATE FOR CERTAIN PROVISIONS.—Subsections (c) and (d) of section 2443 of title 10, United States Code, as added by subsection (a), shall apply with respect to any covered contract (as defined in that section) for which the contract solicitation is issued on or after the date occurring one year after the date of the enactment of this Act.

10 USC 2443 note.

(c) ENGINEERING CHANGE AUTHORIZED.—Subject to the availability of appropriations, the Secretary of Defense may fund engineering changes to the design of a weapon system in the engineering and manufacturing development phase or in the production phase of an acquisition program to improve reliability or maintainability of the weapon system and reduce projected operating and support costs.

SEC. 835. LICENSING OF APPROPRIATE INTELLECTUAL PROPERTY TO SUPPORT MAJOR WEAPON SYSTEMS.

(a) NEGOTIATION OF PRICE FOR TECHNICAL DATA BEFORE DEVELOPMENT OR PRODUCTION OF MAJOR WEAPON SYSTEM.—

(1) REQUIREMENT.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2438 the following new section:

"§ 2439. Negotiation of price for technical data before development or production of major weapon systems 10 USC 2439.

"The Secretary of Defense shall ensure that the Department of Defense, before selecting a contractor for the engineering and manufacturing development of a major weapon system, or for the production of a major weapon system, negotiates a price for technical data to be delivered under a contract for such development or production.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2438 the following new item: 10 USC prec. 2430.

"2439. Negotiation of price for technical data before development or production of major weapon systems.".

(3) EFFECTIVE DATE.—Section 2439 of title 10, United States Code, as added by paragraph (1), shall apply with respect to any contract for engineering and manufacturing development of a major weapon system, or for the production of a major weapon system, for which the contract solicitation is issued on or after the date occurring one year after the date of the enactment of this Act. 10 USC 2439 note.

(b) WRITTEN DETERMINATION FOR MILESTONE B APPROVAL.—

(1) IN GENERAL.—Subsection (a)(3) of section 2366b of title 10, United States Code, is amended—

(A) by striking "and" at the end of subparagraph (M); and

(B) by inserting after subparagraph (N) the following new subparagraph:

"(O) appropriate actions have been taken to negotiate and enter into a contract or contract options for the technical data required to support the program; and".

(2) EFFECTIVE DATE.—Section 2366b(a)(3)(O) of title 10, United States Code, as added by paragraph (1), shall apply with respect to any major defense acquisition program receiving Milestone B approval on or after the date occurring one year after the date of the enactment of this Act. 10 USC 2366b note.

(c) PREFERENCE FOR NEGOTIATION OF CUSTOMIZED LICENSE AGREEMENTS.—Section 2320 of title 10, United States Code, is amended—

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

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

"(f) PREFERENCE FOR SPECIALLY NEGOTIATED LICENSES.—The Secretary of Defense shall, to the maximum extent practicable, negotiate and enter into a contract with a contractor for a specially negotiated license for technical data to support the product support strategy of a major weapon system or subsystem of a major weapon system. In performing the assessment and developing the corresponding strategy required under subsection (e) for such a system or subsystem, a program manager shall consider the use of specially

negotiated licenses to acquire customized technical data appropriate for the particular elements of the product support strategy.".

SEC. 836. CODIFICATION OF REQUIREMENTS PERTAINING TO ASSESSMENT, MANAGEMENT, AND CONTROL OF OPERATING AND SUPPORT COSTS FOR MAJOR WEAPON SYSTEMS.

(a) CODIFICATION AND AMENDMENT.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2337 the following new section:

10 USC 2337a.

"§ 2337a. Assessment, management, and control of operating and support costs for major weapon systems

"(a) GUIDANCE REQUIRED.—The Secretary of Defense shall issue and maintain guidance on actions to be taken to assess, manage, and control Department of Defense costs for the operation and support of major weapon systems.

"(b) ELEMENTS.—The guidance required by subsection (a) shall, at a minimum—

"(1) be issued in conjunction with the comprehensive guidance on life-cycle management and the development and implementation of product support strategies for major weapon systems required by section 2337 of this title;

"(2) require the military departments to retain each estimate of operating and support costs that is developed at any time during the life cycle of a major weapon system, together with supporting documentation used to develop the estimate;

"(3) require the military departments to update estimates of operating and support costs periodically throughout the life cycle of a major weapon system, to determine whether preliminary information and assumptions remain relevant and accurate, and identify and record reasons for variances;

"(4) establish policies and procedures for the collection, organization, maintenance, and availability of standardized data on operating and support costs for major weapon systems in accordance with section 2222 of this title;

"(5) establish standard requirements for the collection and reporting of data on operating and support costs for major weapon systems by contractors performing weapon system sustainment functions in an appropriate format, and develop contract clauses to ensure that contractors comply with such requirements;

"(6) require the military departments—

"(A) to collect and retain data from operational and developmental testing and evaluation on the reliability and maintainability of major weapon systems; and

"(B) to use such data to inform system design decisions, provide insight into sustainment costs, and inform estimates of operating and support costs for such systems;

"(7) require the military departments to ensure that sustainment factors are fully considered at key life-cycle management decision points and that appropriate measures are taken to reduce operating and support costs by influencing system design early in development, developing sound sustainment strategies, and addressing key drivers of costs;

"(8) require the military departments to conduct an independent logistics assessment of each major weapon system prior

to key acquisition decision points (including milestone decisions) to identify features that are likely to drive future operating and support costs, changes to system design that could reduce such costs, and effective strategies for managing such costs;

"(9) include—

"(A) reliability metrics for major weapon systems; and

"(B) requirements on the use of metrics under subparagraph (A) as triggers—

"(i) to conduct further investigation and analysis into drivers of those metrics; and

"(ii) to develop strategies for improving reliability, availability, and maintainability of such systems at an affordable cost; and

"(10) require the military departments to conduct periodic reviews of operating and support costs of major weapon systems after such systems achieve initial operational capability to identify and address factors resulting in growth in operating and support costs and adapt support strategies to reduce such costs.

"(c) RETENTION OF DATA ON OPERATING AND SUPPORT COSTS.—

"(1) IN GENERAL.—The Director of Cost Assessment and Program Evaluation shall be responsible for developing and maintaining a database on operating and support estimates, supporting documentation, and actual operating and support costs for major weapon systems.

"(2) SUPPORT.—The Secretary of Defense shall ensure that the Director, in carrying out such responsibility—

"(A) promptly receives the results of all cost estimates and cost analyses conducted by the military departments with regard to operating and support costs of major weapon systems;

"(B) has timely access to any records and data of the military departments (including classified and proprietary information) that the Director considers necessary to carry out such responsibility; and

"(C) with the concurrence of the Under Secretary of Defense for Acquisition and Sustainment, may direct the military departments to collect and retain information necessary to support the database.

"(d) MAJOR WEAPON SYSTEM DEFINED.—In this section, the term 'major weapon system' has the meaning given that term in section 2379(f) of title 10, United States Code.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by adding after the item relating to section 2337 the following new item:

10 USC prec. 2301.

"2337a. Assessment, management, and control of operating and support costs for major weapon systems.".

(b) REPEAL OF SUPERSEDED SECTION.—

(1) REPEAL.—Section 832 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 2430 note) is repealed.

(2) CONFORMING AMENDMENT.—Section 2441(c) of title 10, United States Code, is amended by striking "section 2337 of this title" and all that follows through the period and inserting "sections 2337 and 2337a of this title.".

10 USC 2337a note.

SEC. 837. SHOULD-COST MANAGEMENT.

(a) REQUIREMENT FOR REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall amend the Defense Supplement to the Federal Acquisition Regulation to provide for the appropriate use of the should-cost review process of a major weapon system in a manner that is transparent, objective, and provides for the efficiency of the systems acquisition process in the Department of the Defense.

(b) REQUIRED ELEMENTS.—The regulations required under subsection (a) shall incorporate, at a minimum, the following elements:

(1) A description of the features of the should-cost review process.

(2) Establishment of a process for communicating with the prime contractor on the program the elements of a proposed should-cost review.

(3) A method for ensuring that identified should-cost savings opportunities are based on accurate, complete, and current information and can be quantified and tracked.

(4) A description of the training, skills, and experience that Department of Defense and contractor officials carrying out a should-cost review in subsection (a) should possess.

(5) A method for ensuring appropriate collaboration with the contractor throughout the review process.

(6) Establishment of review process requirements that provide for sufficient analysis and minimize any impact on program schedule.

SEC. 838. IMPROVEMENTS TO TEST AND EVALUATION PROCESSES AND TOOLS.

(a) DEVELOPMENTAL TEST PLAN SUFFICIENCY ASSESSMENTS.—

(1) ADDITION TO MILESTONE B BRIEF SUMMARY REPORT.—Section 2366b(c)(1) of title 10, United States Code, is amended—

(A) by redesignating subparagraph (G) as subparagraph (H); and

(B) by inserting after subparagraph (F) the following new subparagraph (G):

"(G) An assessment of the sufficiency of developmental test and evaluation plans, including the use of automated data analytics or modeling and simulation tools and methodologies.".

(2) ADDITION TO MILESTONE C BRIEF SUMMARY REPORT.—Section 2366c(a) of such title is amended by inserting after paragraph (3) the following new paragraph:

"(4) An assessment of the sufficiency of the developmental test and evaluation completed, including the use of automated data analytics or modeling and simulation tools and methodologies.".

10 USC 2366b note.

(3) RESPONSIBILITY FOR CONDUCTING ASSESSMENTS.—For purposes of the sufficiency assessments required by section 2366b(c)(1) and section 2366c(a)(4) of such title, as added by paragraphs (1) and (2), with respect to a major defense acquisition program—

(A) if the milestone decision authority for the program is the service acquisition executive of the military department that is managing the program, the sufficiency assessment shall be conducted by the senior official within the

military department with responsibility for developmental testing; and

(B) if the milestone decision authority for the program is the Under Secretary of Defense for Acquisition and Sustainment, the sufficiency assessment shall be conducted by the senior Department of Defense official with responsibility for developmental testing.

(4) GUIDANCE REQUIRED.—Within one year after the date of the enactment of this Act, the senior Department of Defense official with responsibility for developmental testing shall develop guidance for the sufficiency assessments required by section 2366b(c)(1) and section 2366c(a)(4) of title 10, United States Code, as added by paragraphs (1) and (2). At a minimum, the guidance shall require— 10 USC 2366b.

(A) for the sufficiency assessment required by section 2366b(c)(1) of such title, that the assessment address the sufficiency of—

(i) the developmental test and evaluation plan;

(ii) the developmental test and evaluation schedule, including a comparison to historic analogous systems;

(iii) the developmental test and evaluation resources (facilities, personnel, test assets, data analytics tools, and modeling and simulation capabilities);

(iv) the risks of developmental test and production concurrency; and

(v) the developmental test criteria for entering the production phase; and

(B) for the sufficiency assessment required by section 2366c(a)(4) of such title, that the assessment address—

(i) the sufficiency of the developmental test and evaluation completed;

(ii) the sufficiency of the plans and resources available for remaining developmental test and evaluation;

(iii) the risks identified during developmental testing to the production and deployment phase;

(iv) the sufficiency of the plans and resources for remaining developmental test and evaluation; and

(v) the readiness of the system to perform scheduled initial operational test and evaluation.

(b) EVALUATION OF DEPARTMENT OF DEFENSE NEED FOR CENTRALIZED TOOLS FOR DEVELOPMENTAL TEST AND EVALUATION.—The Secretary of Defense shall evaluate the strategy of the Department of Defense for developing and expanding the use of tools designed to facilitate the cost effectiveness and efficiency of developmental testing, including automated test methods and tools, modeling and simulation tools, and data analytics technologies. The evaluation shall include a determination of the appropriate role of the senior Department of Defense official with responsibility for developmental testing in developing enterprise level strategies related to such types of testing tools.

SEC. 839. ENHANCEMENTS TO TRANSPARENCY IN TEST AND EVALUATION PROCESSES AND DATA. 10 USC 2399 note.

(a) ADDITIONAL TEST AND EVALUATION DUTIES OF MILITARY SECRETARIES AND DEFENSE AGENCY HEADS.—

(1) REPORT ON COMPARISON OF OPERATIONAL TEST AND EVALUATION RESULTS TO LEGACY ITEMS OR COMPONENTS.—Concurrent with the submission of a report required under section 2399(b)(2) of title 10, United States Code, the Secretary of a military department or the head of a Defense Agency may provide to the congressional defense committees and the Secretary of Defense a report describing of the performance of the items or components evaluated as part of the operational test and evaluation for each major defense acquisition program conducted under such section by the Director of Operational Test and Evaluation in relation to comparable legacy items or components, if such items or components exist and relevant data are available without requiring additional testing.

(2) ADDITIONAL REPORT ON OPERATIONAL TEST AND EVALUATION ACTIVITIES.—Within 45 days after the submission of an annual report required by section 139(h) of title 10, United States Code, the Secretaries of the military departments may each submit to the congressional defense committees a report addressing any concerns related to information included in the annual report, or providing updated or additional information, as appropriate.

(b) REQUIREMENTS FOR COLLECTION OF COST DATA ON TEST AND EVALUATION.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act and subject to paragraph (2), the Director of Operational Test and Evaluation, the senior official of the Department of Defense with responsibility for developmental testing, and the Director of the Test Resource Management Center shall jointly develop policies, procedures, guidance, and a method to collect data that ensures that consistent and high quality data are collected on the full range of estimated and actual developmental, live fire, and operational testing costs for major defense acquisition programs.

(2) CONCURRENCE AND COORDINATION REQUIRED.—Before implementing the policies, procedures, guidance, and method developed under paragraph (1), the Director of Operational Test and Evaluation, the senior official of the Department of Defense with responsibility for developmental testing, and the Director of the Test Resource Management Center shall—

(A) obtain the concurrence of the Director for Cost Assessment and Program Evaluation; and

(B) coordinate with the Secretaries of the military departments.

(3) DATA REQUIREMENTS.—

(A) ELECTRONIC DATABASE.—Data on estimated and actual developmental, live fire, and operational testing costs shall be maintained in an electronic database maintained by the Director for Cost Assessment and Program Evaluation or another appropriate official of the Department of Defense, and shall be made available for analysis by testing, acquisition, and other appropriate officials of the Department of Defense, as determined by the Director of Operational Test and Evaluation, the senior official of the Department of Defense with responsibility for developmental testing, or the Director of the Test Resource Management Center.

(B) DIAGGREGATION BY COSTS.—To the maximum extent practicable, data collected under this subsection shall be set forth separately by costs for developmental testing, operational testing, and training.

(c) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term "major defense acquisition program" has the meaning provided in section 2430 of title 10, United States Code.

Subtitle D—Provisions Relating to Acquisition Workforce

SEC. 841. ENHANCEMENTS TO THE CIVILIAN PROGRAM MANAGEMENT WORKFORCE.

10 USC 1722b note.

(a) ESTABLISHMENT OF PROGRAM MANAGER DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall implement a program manager development program to provide for the professional development of high-potential, experienced civilian personnel. Personnel shall be competitively selected for the program based on their potential to become a program manager of a major defense acquisition program, as defined in section 2430 of title 10, United States Code. The program shall be administered and overseen by the Secretary of each military department, acting through the service acquisition executive for the department concerned.

(2) PLAN REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a comprehensive plan to implement the program established under paragraph (1). In developing the plan, the Secretary of Defense shall seek the input of relevant external parties, including professional associations, other government entities, and industry. The plan shall include the following elements:

(A) An assessment of the minimum level of subject matter experience, education, years of experience, certifications, and other qualifications required to be selected into the program, set forth separately for current Department of Defense employees and for personnel hired into the program from outside the Department of Defense.

(B) A description of hiring flexibilities to be used to recruit qualified personnel from outside the Department of Defense.

(C) A description of the extent to which mobility agreements will be required to be signed by personnel selected for the program during their participation in the program and after their completion of the program. The use of mobility agreements shall be applied to help maximize the flexibility of the Department of Defense in assigning personnel, while not inhibiting the participation of the most capable candidates.

(D) A description of the tenure obligation required of personnel selected for the program.

(E) A plan for training during the course of the program, including training in leadership, program management, engineering, finance and budgeting, market research, business acumen, contracting, supplier management, requirement setting and tradeoffs, intellectual property matters, and software.

(F) A description of career paths to be followed by personnel in the program in order to ensure that personnel in the program gain expertise in the program management functional career field competencies identified by the Department in existing guidance and the topics listed in subparagraph (E), including—

(i) a determination of the types of advanced educational degrees that enhance program management skills and the mechanisms available to the Department of Defense to facilitate the attainment of those degrees by personnel in the program;

(ii) a determination of required assignments to positions within acquisition programs, including position type and acquisition category of the program office;

(iii) a determination of required or encouraged rotations to career broadening positions outside of acquisition programs; and

(iv) a determination of how the program will ensure the opportunity for a required rotation to industry of at least six months to develop an understanding of industry motivation and business acumen, such as by developing an industry exchange program for civilian program managers, similar to the Corporate Fellows Program of the Secretary of Defense.

(G) A general description of the number of personnel anticipated to be selected into the program, how frequently selections will occur, how long personnel selected into the program will participate in the program, and how personnel will be placed into an assignment at the completion of the program.

(H) A description of benefits that will be offered under the program using existing human capital flexibilities to retain qualified employees, such as student loan repayments, bonuses, or pay banding.

(I) An assessment of personnel flexibilities needed to allow the military departments and the Defense Agencies to reassign or remove program managers that do not perform effectively.

(J) A description of how the program will be administered and overseen by the Secretaries of each military department, acting through the service acquisition executive for the department concerned.

(K) A description of how the program will be integrated with existing program manager development efforts at each military department.

(3) USE OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.—Amounts in the Department of Defense Acquisition Workforce Development Fund (established under section 1705 of title 10, United States Code) may be used to pay the base salary of personnel in the program established under paragraph (1) during the period of time such personnel are temporarily

assigned to a developmental rotation or training program anticipated to last at least six months.

(4) IMPLEMENTATION.—The program established under paragraph (1) shall be implemented not later than September 30, 2019.

(b) INDEPENDENT STUDY OF INCENTIVES FOR PROGRAM MANAGERS.—

(1) REQUIREMENT FOR STUDY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent research entity described in paragraph (2) to carry out a comprehensive study of incentives for Department of Defense civilian and military program managers for major defense acquisition programs, including—

(A) additional pay options for program managers to provide incentives to senior civilian employees and military officers to accept and remain in program manager roles;

(B) a financial incentive structure to reward program managers for delivering capabilities on budget and on time; and

(C) a comparison between financial and non-financial incentive structures for program managers in the Department of Defense and an appropriate comparison group of private industry companies.

(2) INDEPENDENT RESEARCH ENTITY.—The entity described in this subsection is an independent research entity that is a not-for-profit entity or a federally funded research and development center with appropriate expertise and analytical capability.

(3) REPORTS.—

(A) TO SECRETARY.—Not later than nine months after the date of the enactment of this Act, the independent research entity shall provide to the Secretary a report containing—

(i) the results of the study required by paragraph (1); and

(ii) such recommendations to improve the financial incentive structure of program managers for major defense acquisition programs as the independent research entity considers to be appropriate.

(B) TO CONGRESS.—Not later than 30 days after receipt of the report under subparagraph (A), the Secretary of Defense shall submit such report, together with any additional views or recommendations of the Secretary, to the congressional defense committees.

SEC. 842. CREDITS TO DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.

Section 1705(d)(2)(D) of title 10, United States Code, is amended to read as follows:

"(D) The Secretary of Defense may adjust the amount specified in subparagraph (C) for a fiscal year if the Secretary determines that the amount is greater or less than reasonably needed for purposes of the Fund for such fiscal year. The Secretary may not adjust the amount for a fiscal year to an amount that is more than $600,000,000 or less than $400,000,000.".

SEC. 843. IMPROVEMENTS TO THE HIRING AND TRAINING OF THE ACQUISITION WORKFORCE.

(a) USE OF FUNDS FROM THE DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND TO PAY SALARIES OF PERSONNEL TO MANAGE THE FUND.—

(1) IN GENERAL.—Subsection 1705(e) of title 10, United States Code, is amended—

(A) in paragraph (1)—

(i) by inserting "(A)" before "Subject to the provisions of this subsection"; and

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

"(B) Amounts in the Fund also may be used to pay salaries of personnel at the Office of the Secretary of Defense, military departments, and Defense Agencies to manage the Fund."; and

(B) in paragraph (3)—

(i) by striking "and" at the end of subparagraph (C);

(ii) by striking the period and inserting "; and" at the end of subparagraph (D); and

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

"(E) describing the amount from the Fund that may be used to pay salaries of personnel at the Office of the Secretary of Defense, military departments, and Defense Agencies to manage the Fund and the circumstances under which such amounts may be used for such purpose.".

10 USC 1705 note.

(2) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue, and submit to the congressional defense committees, the policy guidance required by subparagraph (E) of section 1705(e)(3) of title 10, United States Code, as added by paragraph (1).

(b) COMPTROLLER GENERAL REVIEW OF EFFECTIVENESS OF HIRING AND RETENTION FLEXIBILITIES FOR ACQUISITION WORKFORCE PERSONNEL.—

(1) IN GENERAL.—Not later than June 30, 2019, the Comptroller General of the United States shall submit to the congressional defense committees a report on the effectiveness of hiring and retention flexibilities for the acquisition workforce.

(2) ELEMENTS.—The report under this subsection shall include the following:

(A) A determination of the extent to which the Department of Defense experiences challenges with recruitment and retention of the acquisition workforce, such as post-employment restrictions.

(B) A description of the hiring and retention flexibilities available to the Department to fill civilian acquisition positions and the extent to which the Department has used the flexibilities available to it to target critical or understaffed career fields.

(C) A determination of the extent to which the Department has the necessary data and metrics on its use of hiring and retention flexibilities for the civilian acquisition workforce to strategically manage the use of such flexibilities.

(D) An identification of the factors that affect the use of hiring and retention flexibilities for the civilian acquisition workforce.

(E) Recommendations for any necessary changes to the hiring and retention flexibilities available to the Department to fill civilian acquisition positions.

(F) A description of the flexibilities available to the Department to remove underperforming members of the acquisition workforce and the extent to which any such flexibilities are used.

(c) ASSESSMENT AND REPORT REQUIRED ON BUSINESS-RELATED TRAINING FOR THE ACQUISITION WORKFORCE.—

(1) ASSESSMENT.—The Under Secretary of Defense for Acquisition and Sustainment shall conduct an assessment of the following:

(A) The effectiveness of industry certifications, other industry training programs, including fellowships, and training and education programs at educational institutions outside of the Defense Acquisition University available to defense acquisition workforce personnel.

(B) Gaps in knowledge of industry operations, industry motivation, and business acumen in the acquisition workforce.

(2) REPORT.—Not later than December 31, 2018, the Under Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the assessment conducted under this subsection.

(3) ELEMENTS.—The assessment and report under paragraphs (1) and (2) shall address the following:

(A) Current sources of training and career development opportunities, industry rotations, and other career development opportunities related to knowledge of industry operations, industry motivation, and business acumen for each acquisition position, as designated under section 1721 of title 10, United States Code.

(B) Gaps in training, industry rotations, and other career development opportunities related to knowledge of industry operations, industry motivation, and business acumen for each such acquisition position.

(C) Plans to address those gaps for each such acquisition position.

(D) Consideration of the role industry-taught classes and classes taught at educational institutions outside of the Defense Acquisition University could play in addressing gaps.

(d) COMPTROLLER GENERAL REVIEW OF ACQUISITION TRAINING FOR NON-ACQUISITION WORKFORCE PERSONNEL.—

(1) IN GENERAL.—Not later than June 30, 2019, the Comptroller General of the United States shall submit to the congressional defense committees a report on acquisition-related training for personnel working on acquisitions but not considered to be part of the acquisition workforce (as defined in section 101(18) of title 10, United States Code) (hereafter in this subsection referred to as "non-acquisition workforce personnel").

(2) ELEMENTS.—The report shall address the following:

(A) The extent to which non-acquisition workforce personnel play a significant role in defining requirements, conducting market research, participating in source selection and contract negotiation efforts, and overseeing contract performance.

(B) The extent to which the Department is able to identify and track non-acquisition workforce personnel performing the roles identified in subparagraph (A).

(C) The extent to which non-acquisition workforce personnel are taking acquisition training.

(D) The extent to which the Defense Acquisition Workforce Development Fund has been used to provide acquisition training to non-acquisition workforce personnel.

(E) A description of sources of funding other than the Fund that are available to and used by the Department to provide non-acquisition workforce personnel with acquisition training.

(F) The extent to which additional acquisition training is needed for non-acquisition workforce personnel, including the types of training needed, the positions that need the training, and any challenges to delivering necessary additional training.

SEC. 844. EXTENSION AND MODIFICATIONS TO ACQUISITION DEMONSTRATION PROJECT.

(a) EXTENSION.—Section 1762(g) of title 10, United States Code, is amended by striking "December 31, 2020" and inserting "December 31, 2023".

(b) INCREASE IN LIMIT ON NUMBER OF PARTICIPANTS.—Section 1762(c) of title 10, United States Code, is amended by striking "the demonstration project under this section may not exceed 120,000" and inserting "at any one time the demonstration project under this section may not exceed 130,000".

(c) IMPLEMENTATION STRATEGY FOR IMPROVEMENTS IN ACQUISITION DEMONSTRATION PROJECT.—

(1) STRATEGY REQUIRED.—The Secretary of Defense shall develop an implementation strategy to address areas for improvement in the demonstration project required by section 1762 of title 10, United States Code, as identified in the second assessment of such demonstration project required by section 1762(e) of such title.

(2) ELEMENTS.—The strategy shall include the following elements:

(A) Actions that have been or will be taken to assess whether the flexibility to set starting salaries at different levels is being used appropriately by supervisors and managers to compete effectively for highly skilled and motivated employees.

(B) Actions that have been or will be taken to assess reasons for any disparities in career outcomes across race and gender for employees in the demonstration project.

(C) Actions that have been or will be taken to strengthen the link between employee contribution and compensation for employees in the demonstration project.

(D) Actions that have been or will be taken to enhance the transparency of the pay system for employees in the demonstration project.

(E) A time frame and individual responsible for each action identified under subparagraphs (A) through (D).

(3) BRIEFING REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall provide a briefing to the Committees on Armed Services of the Senate and House of Representatives and the Committee on Oversight and Government Reform of the House of Representatives on the implementation strategy required by paragraph (1).

Subtitle E—Provisions Relating to Commercial Items

SEC. 846. PROCUREMENT THROUGH COMMERCIAL E-COMMERCE PORTALS.

41 USC 1901 note.

(a) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to procure commercial products through commercial e-commerce portals for purposes of enhancing competition, expediting procurement, enabling market research, and ensuring reasonable pricing of commercial products. The Administrator shall carry out the program in accordance with this section, through multiple contracts with multiple commercial e-commerce portal providers, and shall design the program to be implemented in phases with the objective of enabling Government-wide use of such portals.

(b) USE OF PROGRAM.—The head of a department or agency may procure, as appropriate, commercial products for the department or agency using the program established pursuant to subsection (a).

(c) IMPLEMENTATION AND REPORTING REQUIREMENTS.—The Director of the Office of Management and Budget, in consultation with the Administrator and the heads of other relevant departments and agencies, shall carry out the implementation phases set forth in, and submit to the appropriate congressional committees the items of information required by, the following paragraphs:

(1) PHASE I: IMPLEMENTATION PLAN.—Not later than 90 days after the date of the enactment of this Act, an implementation plan and schedule for carrying out the program established pursuant to subsection (a), including a discussion and recommendations regarding whether any changes to, or exemptions from, laws that set forth policies, procedures, requirements, or restrictions for the procurement of property or services by the Federal Government are necessary for effective implementation of this section.

(2) PHASE II: MARKET ANALYSIS AND CONSULTATION.—Not later than one year after the date of the submission of the implementation plan and schedule required under paragraph (1), recommendations for any changes to, or exemptions from, laws necessary for effective implementation of this section, and information on the results of the following actions:

(A) Market analysis and initial communications with potential commercial e-commerce portal providers on technical considerations of how the portals function (including the use of standard terms and conditions of the portals by the Government), the degree of customization that can occur without creating a Government-unique portal, the

measures necessary to address the considerations for supplier and product screening specified in subsection (e), security of data, considerations pertaining to nontraditional Government contractors, and potential fees, if any, to be charged by the Administrator, the portal provider, or the suppliers for participation in the program established pursuant to subsection (a).

(B) Consultation with affected departments and agencies about their unique procurement needs, such as supply chain risks for health care products, information technology, software, or any other category determined necessary by the Administrator.

(C) An assessment of the products or product categories that are suitable for purchase on the commercial e-commerce portals.

(D) An assessment of the precautions necessary to safeguard any information pertaining to the Federal Government, especially precautions necessary to protect against national security or cybersecurity threats.

(E) A review of standard terms and conditions of commercial e-commerce portals in the context of Government requirements.

(F) An assessment of the impact on existing programs, including schedules, set-asides for small business concerns, and other preference programs.

(3) PHASE III: PROGRAM IMPLEMENTATION GUIDANCE.—Not later than two years after the date of the submission of the implementation plan and schedule required under paragraph (1), guidance to implement and govern the use of the program established pursuant to subsection (a), including protocols for oversight of procurement through the program, and compliance with laws pertaining to supplier and product screening requirements, data security, and data analytics.

(4) ADDITIONAL IMPLEMENTATION PHASES.—A description of additional implementation phases, as determined by the Administrator, that includes a selection of agencies to participate in any such additional implementation phase (which may include the award of contracts to multiple commercial e-commerce portal providers).

(d) CONSIDERATIONS FOR COMMERCIAL E-COMMERCE PORTALS.—The Administrator shall consider commercial e-commerce portals for use under the program established pursuant to subsection (a) that are widely used in the private sector and have or can be configured to have features that facilitate the execution of program objectives, including features related to supplier and product selection that are frequently updated, an assortment of product and supplier reviews, invoicing payment, and customer service.

(e) INFORMATION ON SUPPLIERS, PRODUCTS, AND PURCHASES.—

(1) SUPPLIER PARTICIPATION AND PRODUCT SCREENING.—The Administrator shall provide or ensure electronic availability to a commercial e-commerce portal provider awarded a contract pursuant to subsection (a) on a periodic basis information necessary to ensure compliance with laws pertaining to supplier and product screening as identified during implementation phase III, as described in subsection (c)(3).

(2) PROVISION OF ORDER INFORMATION.—The Administrator shall require each commercial e-commerce portal provider

awarded a contract pursuant to subsection (a) to provide order information as determined by the Administrator during implementation phase II, as described in subsection (c)(2).

(f) RELATIONSHIP TO OTHER PROVISIONS OF LAW.—

(1) All laws, including laws that set forth policies, procedures, requirements, or restrictions for the procurement of property or services by the Federal Government, apply to the program established pursuant to subsection (a) unless otherwise provided in this section.

(2) A procurement of a product made through a commercial e-commerce portal under the program established pursuant to subsection (a) is deemed to be an award of a prime contract for purposes of the goals established under section 15(g) of the Small Business Act (15 U.S.C. 644(g)), if the purchase is from a supplier that is a small business concern.

(3) Nothing in this section shall be construed as limiting the authority of a department or agency to restrict competition to small business concerns.

(4) Nothing in this section shall be construed as limiting the applicability of section 1341 of title 31, United States Code (popularly referred to as the Anti-Deficiency Act).

(g) USE OF COMMERCIAL PRACTICES AND STANDARD TERMS AND CONDITIONS.—A procurement of a product through a commercial e-commerce portal used under the program established pursuant to subsection (a) shall be made, to the maximum extent practicable, under the standard terms and conditions of the portal relating to purchasing on the portal.

(h) DISCLOSURE, PROTECTION, AND USE OF INFORMATION.—In any contract awarded to a commercial e-commerce portal provider pursuant to subsection (a), the Administrator shall require that the provider—

(1) agree not to sell or otherwise make available to any third party any information pertaining to a product ordered by the Federal Government through the commercial e-commerce portal in a manner that identifies the Federal Government, or any of its departments or agencies, as the purchaser, except if the information is needed to process or deliver an order or the Administrator provides written consent;

(2) agree to take the necessary precautions to safeguard any information pertaining to the Federal Government, especially precautions necessary to protect against national security or cybersecurity threats; and

(3) agree not to use, for pricing, marketing, competitive, or other purposes, any information related to a product from a third-party supplier featured on the commercial e-commerce portal or the transaction of such a product, except as necessary to comply with the requirements of the program established pursuant to subsection (a).

(i) SIMPLIFIED ACQUISITION THRESHOLD.—A procurement through a commercial e-commerce portal used under the program established pursuant to subsection (a) shall not exceed the simplified acquisition threshold in section 134 of title 41, United States Code.

(j) COMPTROLLER GENERAL ASSESSMENTS.—

(1) ASSESSMENT OF IMPLEMENTATION PLAN.—Not later than 90 days after the Director of the Office of Management and

Budget submits the implementation plan described in subsection (c)(1) to the appropriate congressional committees, the Comptroller General of the United States shall submit to the appropriate congressional committees an assessment of the plan, including any other matters the Comptroller General considers relevant to the plan.

(2) ASSESSMENT OF PROGRAM IMPLEMENTATION.—Not later than three years after the first contract with a commercial e-commerce portal provider is awarded pursuant to subsection (a), the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the challenges and benefits the General Services Administration and participating departments and agencies observe regarding implementation of the program established pursuant to subsection (a). The report shall include the following elements:

(A) A description of the acquisition of the commercial e-commerce portals (including the extent to which the portals had to be configured or otherwise modified to meet the needs of the program) costs, and the implementation schedule.

(B) A description of participation by suppliers, with particular attention to those described under subsection (e), that have registered or that have sold goods with at least one commercial e-commerce portal provider, including numbers, categories, and trends.

(C) The effect, if any, of the program on the ability of agencies to meet goals established for suppliers and products described under subsection (e), including goals established under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

(D) A discussion of the limitations, if any, to participation by suppliers in the program.

(E) Any other matters the Comptroller General considers relevant to report.

(k) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the following:

(A) The Committees on Armed Services of the Senate and House of Representatives.

(B) The Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(C) The Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

(3) COMMERCIAL E-COMMERCE PORTAL.—The term "commercial e-commerce portal" means a commercial solution providing for the purchase of commercial products aggregated, distributed, sold, or manufactured via an online portal. The term does not include an online portal managed by the Government for, or predominantly for use by, Government agencies.

(4) COMMERCIAL PRODUCT.—The term "commercial product" means a commercially available off-the-shelf item, as defined

in section 104 of title 41, United States Code, except the term does not include services.

(5) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning given such term under section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 847. REVISION TO DEFINITION OF COMMERCIAL ITEM.

(a) IN GENERAL.—Section 103(8) of title 41, United States Code, is amended by inserting before the period at the end the following: "or to multiple foreign governments".

(b) EFFECT ON SECTION 2464 OF TITLE 10.—Nothing in the amendment made by subsection (a) shall affect the meaning of the term "commercial item" for purposes of subsection (a)(5) of section 2464 of title 10, United States Code, or any requirement under subsection (a)(3) or subsection (c) of such section. 41 USC 103 note.

SEC. 848. COMMERCIAL ITEM DETERMINATIONS.

Section 2380 of title 10, United States Code, is amended—

(1) by striking "The Secretary" and inserting "(a) IN GENERAL.—The Secretary"; and

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

"(b) ITEMS PREVIOUSLY ACQUIRED USING COMMERCIAL ITEM ACQUISITION PROCEDURES.—

"(1) DETERMINATIONS.—A contract for an item acquired using commercial item acquisition procedures under part 12 of the Federal Acquisition Regulation shall serve as a prior commercial item determination with respect to such item for purposes of this chapter unless the senior procurement executive of the military department or the Department of Defense as designated for purposes of section 1702(c) of title 41 determines in writing that it is no longer appropriate to acquire the item using commercial item acquisition procedures.

"(2) LIMITATION.—(A) Except as provided under subparagraph (B), funds appropriated or otherwise made available to the Department of Defense may not be used for the procurement under part 15 of the Federal Acquisition Regulation of an item that was previously acquired under a contract using commercial item acquisition procedures under part 12 of the Federal Acquisition Regulation.

"(B) The limitation under subparagraph (A) does not apply to the procurement of an item that was previously acquired using commercial item acquisition procedures under part 12 of the Federal Acquisition Regulation following—

"(i) a written determination by the head of contracting activity pursuant to section 2306a(b)(4)(B) of this title that the use of such procedures was improper; or

"(ii) a written determination by the senior procurement executive of the military department or the Department of Defense as designated for purposes of section 1702(c) of title 41 that it is no longer appropriate to acquire the item using such procedures.".

SEC. 849. REVIEW OF REGULATIONS ON COMMERCIAL ITEMS.

(a) REVIEW OF DETERMINATIONS NOT TO EXEMPT DEPARTMENT OF DEFENSE CONTRACTS FOR COMMERCIAL ITEMS AND COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS FROM CERTAIN LAWS AND REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall—

(1) review each determination of the Federal Acquisition Regulatory Council pursuant to section 1906(b)(2), section 1906(c)(3), or section 1907(a)(2) of title 41, United States Code, not to exempt contracts and subcontracts described in subsection (a) of section 2375 of title 10, United States Code, from laws such contracts and subcontracts would otherwise be exempt from under section 1906(d) of title 41, United States Code; and

(2) propose revisions to the Department of Defense Supplement to the Federal Acquisition Regulation to provide an exemption from each law subject to such determination unless the Secretary determines there is a specific reason not to provide the exemption.

(b) REVIEW OF CERTAIN CONTRACT CLAUSE REQUIREMENTS APPLICABLE TO COMMERCIAL ITEM CONTRACTS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall—

(1) review the Department of Defense Supplement to the Federal Acquisition Regulation to assess all regulations that require a specific contract clause for a contract using commercial item acquisition procedures under part 12 of the Federal Acquisition Regulation, except for regulations required by law or Executive order; and

(2) propose revisions to the Department of Defense Supplement to the Federal Acquisition Regulation to eliminate regulations reviewed under paragraph (1) unless the Secretary determines on a case-by-case basis that there is a specific reason not to eliminate the regulation.

(c) ELIMINATION OF CERTAIN CONTRACT CLAUSE REGULATIONS APPLICABLE TO COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEM SUBCONTRACTS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall—

(1) review the Department of Defense Supplement to the Federal Acquisition Regulation to assess all regulations that require a prime contractor to include a specific contract clause in a subcontract for commercially available off-the-shelf items unless the inclusion of such clause is required by law or Executive order; and

(2) propose revisions to the Department of Defense Supplement to the Federal Acquisition Regulation to eliminate regulations reviewed under paragraph (1) unless the Secretary determines on a case-by-case basis that there is a specific reason not to eliminate the regulation.

10 USC 1746 note.

SEC. 850. TRAINING IN COMMERCIAL ITEMS PROCUREMENT.

(a) TRAINING.—Not later than one year after the date of the enactment of this Act, the President of the Defense Acquisition University shall establish a comprehensive training program on part 12 of the Federal Acquisition Regulation. The training shall cover, at a minimum, the following topics:

(1) The origin of part 12 and the congressional mandate to prefer commercial procurements.

(2) The definition of a commercial item, with a particular focus on the "of a type" concept.

(3) Price analysis and negotiations.

(4) Market research and analysis.

(5) Independent cost estimates.

(6) Parametric estimating methods.

(7) Value analysis.

(8) Best practices in pricing from commercial sector organizations, foreign government organizations, and other Federal, State, and local public sectors organizations.

(9) Other topics on commercial procurements necessary to ensure a well-educated acquisition workforce.

(b) ENROLLMENTS GOALS.—The President of the Defense Acquisition University shall set goals for student enrollment for the comprehensive training program established under subsection (a).

(c) SUPPORTING ACTIVITIES.—The Secretary of Defense shall, in support of the achievement of the goals of this section—

(1) engage academic experts on research topics of interest to improve commercial item identification and pricing methodologies; and

(2) facilitate exchange and interface opportunities between government personnel to increase awareness of best practices and challenges in commercial item identification and pricing.

(d) FUNDING.—The Secretary of Defense shall use amounts available in the Department of Defense Acquisition Workforce Development Fund established under section 1705 of title 10, United States Code, to fund the comprehensive training program established under subsection (a).

Subtitle F—Provisions Relating to Services Contracting

SEC. 851. IMPROVEMENT OF PLANNING FOR ACQUISITION OF SERVICES.

(a) IN GENERAL.—

(1) IMPROVEMENT OF PLANNING FOR ACQUISITION OF SERVICES.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2328 the following new section:

"§ 2329. Procurement of services: data analysis and requirements validation 10 USC 2329.

"(a) IN GENERAL.—The Secretary of Defense shall ensure that—

"(1) appropriate and sufficiently detailed data are collected and analyzed to support the validation of requirements for services contracts and inform the planning, programming, budgeting, and execution process of the Department of Defense;

"(2) requirements for services contracts are evaluated appropriately and in a timely manner to inform decisions regarding the procurement of services; and

"(3) decisions regarding the procurement of services consider available resources and total force management policies and procedures.

"(b) SPECIFICATION OF AMOUNTS REQUESTED IN BUDGET.—Effective October 1, 2022, the Secretary of Defense shall annually submit to Congress information on services contracts that clearly and separately identifies the amount requested for each category of services to be procured for each Defense Agency, Department of Defense Field Activity, command, or military installation. Such information shall—

"(1) be submitted at or about the time of the budget submission by the President under section 1105(a) of title 31;

"(2) cover the fiscal year covered by such budget submission by the President;

"(3) be consistent with total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Department of Defense included in such budget submission by the President for that fiscal year; and

"(4) be organized using a common enterprise data structure developed under section 2222 of this title.

"(c) DATA ANALYSIS.—(1) Each Secretary of a military department shall regularly analyze past spending patterns and anticipated future requirements with respect to the procurement of services within such military department.

"(2)(A) The Secretary of Defense shall regularly analyze past spending patterns and anticipated future requirements with respect to the procurement of services—

"(i) within each Defense Agency and Department of Defense Field Activity; and

"(ii) across military departments, Defense Agencies, and Department of Defense Field Activities.

"(B) The Secretaries of the military departments shall make data on services contracts available to the Secretary of Defense for purposes of conducting the analysis required under subparagraph (A).

"(3) The analyses conducted under this subsection shall—

"(A) identify contracts for similar services that are procured for three or more consecutive years at each Defense Agency, Department of Defense Field Activity, command, or military installation;

"(B) evaluate patterns in the procurement of services, to the extent practicable, at each Defense Agency, Department of Defense Field Activity, command, or military installation and by category of services procured;

"(C) be used to validate requirements for services contracts entered into after the date of the enactment of this subsection; and

"(D) be used to inform decisions on the award of and funding for such services contracts.

"(d) REQUIREMENTS EVALUATION.—Each Services Requirements Review Board shall evaluate each requirement for a services contract, taking into consideration total force management policies and procedures, available resources, the analyses conducted under subsection (c), and contracting efficacy and efficiency. An evaluation of a services contract for compliance with contracting policies and procedures may not be considered to be an evaluation of a requirement for such services contract.

"(e) TIMELY PLANNING TO AVOID BRIDGE CONTRACTS.—(1) Effective October 1, 2018, the Secretary of Defense shall ensure that a requirements owner shall, to the extent practicable, plan appropriately before the date of need of a service at a Defense Agency, Department of Defense Field Activity, command, or military installation to avoid the use of a bridge contract to provide for continuation of a service to be performed through a services contract. Such planning shall include allowing time for a requirement

to be validated, a services contract to be entered into, and funding for the services contract to be secured.

"(2)(A) Upon the first use, due to inadequate planning (as determined by the Secretary of Defense), of a bridge contract to provide for continuation of a service to be performed through a services contract, the requirements owner, along with the contracting officer or a designee of the contracting officer for the contract, shall—

"(i) for a services contract in an amount less than $10,000,000, provide an update on the status of the bridge contract (including the rationale for using the bridge contract) to the commander or the senior civilian official of the Defense Agency concerned, Department of Defense Field Activity concerned, command concerned, or military installation concerned, as applicable; or

"(ii) for a services contract in an amount equal to or greater than $10,000,000, provide an update on the status of the bridge contract (including the rationale for using the bridge contract) to the service acquisition executive for the military department concerned, the head of the Defense Agency concerned, the combatant commander concerned, or the Under Secretary of Defense for Acquisition and Sustainment, as applicable.

"(B) Upon the second use, due to inadequate planning (as determined by the Secretary of Defense), of a bridge contract to provide for continuation of a service to be performed through a services contract in an amount less than $10,000,000, the commander or senior civilian official referred to in subparagraph (A)(i) shall provide notification of such second use to the Vice Chief of Staff of the armed force concerned and the service acquisition executive of the military department concerned, the head of the Defense Agency concerned, the combatant commander concerned, or the Under Secretary of Defense for Acquisition and Sustainment, as applicable.

"(f) EXCEPTION.—Except with respect to the analyses required under subsection (c), this section shall not apply to—

"(1) services contracts in support of contingency operations, humanitarian assistance, or disaster relief;

"(2) services contracts in support of a national security emergency declared with respect to a named operation; or

"(3) services contracts entered into pursuant to an international agreement.

"(g) DEFINITIONS.—In this section:

"(1) The term 'bridge contact' means—

"(A) an extension to an existing contract beyond the period of performance to avoid a lapse in service caused by a delay in awarding a subsequent contract; or

"(B) a new short-term contract awarded on a sole-source basis to avoid a lapse in service caused by a delay in awarding a subsequent contract.

"(2) The term 'requirements owner' means a member of the armed forces (other than the Coast Guard) or a civilian employee of the Department of Defense responsible for a requirement for a service to be performed through a services contract.

"(3) The term 'Services Requirements Review Board' has the meaning given in Department of Defense Instruction

5000.74, titled 'Defense Acquisition of Services' and dated January 5, 2016, or a successor instruction."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2328 the following new item:

10 USC prec. 2301.

"2329. Procurement of services: data analysis and requirements validation.".

10 USC 2329 note.

SEC. 852. STANDARD GUIDELINES FOR EVALUATION OF REQUIREMENTS FOR SERVICES CONTRACTS.

(a) IN GENERAL.—The Secretary of Defense shall encourage the use of standard guidelines within the Department of Defense for the evaluation of requirements for services contracts. Such guidelines shall be available to the Services Requirements Review Boards (established under Department of Defense Instruction 5000.74, titled "Defense Acquisition of Services" and dated January 5, 2016, or a successor instruction) within each Defense Agency, each Department of Defense Field Activity, and each military department for the purpose of standardizing the requirements evaluation required under section 2329 of title 10, United States Code, as added by this Act.

(b) DEFINITIONS.—In this section—

(1) the terms "Defense Agency", "Department of Defense Field Activity", and "military department" have the meanings given those terms in section 101 of title 10, United States Code; and

(2) the term "total force management policies and procedures" means the policies and procedures established under section 129a of such title.

SEC. 853. REPORT ON OUTCOME-BASED SERVICES CONTRACTS.

Not later than April 1, 2018, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the merits of using outcome-based services contracts within the Department of Defense. Such report shall include a comparison of the use of outcome-based services contracts by the Department of Defense compared to input-based services contracts, the limitations of outcome-based services contracts, and an analysis of the cost implications of both approaches.

10 USC 2306c note.

SEC. 854. PILOT PROGRAM FOR LONGER TERM MULTIYEAR SERVICE CONTRACTS.

(a) ESTABLISHMENT.—The Secretary of Defense shall carry out a pilot program under which the Secretary may use the authority under subsection (a) of section 2306c of title 10, United States Code, to enter into up to five contracts for periods of not more than 10 years for services described in subsection (b) of such section. Each contract entered into pursuant to this subsection may be extended for up to five additional one-year terms.

(b) STUDY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an agreement with an independent organization with relevant expertise to study best practices and lessons learned from using services contracts for periods longer than five years by commercial companies, foreign governments, and State governments, as well as service contracts for periods

longer than five years used by the Federal Government, such as energy savings performance contracts (as defined in section to section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(3)).

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the study conducted under paragraph (1).

(c) COMPTROLLER GENERAL REPORT.—Not later than five years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the pilot program carried out under this section.

Subtitle G—Provisions Relating to Other Transaction Authority and Prototyping

SEC. 861. CONTRACT AUTHORITY FOR ADVANCED DEVELOPMENT OF INITIAL OR ADDITIONAL PROTOTYPE UNITS.

(a) PERMANENT AUTHORITY.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2302d the following new section:

"§ 2302e. Contract authority for advanced development of initial or additional prototype units

10 USC 2302e.

"(a) AUTHORITY.—A contract initially awarded from the competitive selection of a proposal resulting from a general solicitation referred to in section 2302(2)(B) of this title may contain a contract line item or contract option for—

"(1) the provision of advanced component development, prototype, or initial production of technology developed under the contract; or

"(2) the delivery of initial or additional items if the item or a prototype thereof is created as the result of work performed under the contract.

"(b) LIMITATIONS.—

"(1) MINIMAL AMOUNT.—A contract line item or contract option described in subsection (a)(2) shall require the delivery of the minimal amount of initial or additional items to allow for the timely competitive solicitation and award of a follow-on development or production contract for those items.

"(2) TERM.—A contract line item or contract option described in subsection (a) shall be for a term of not more than 2 years.

"(3) DOLLAR VALUE OF WORK.—The dollar value of the work to be performed pursuant to a contract line item or contract option described in subsection (a) may not exceed $100,000,000, in fiscal year 2017 constant dollars.

"(4) APPLICABILITY.—The authority provided in subsection (a) applies only to the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force.".

10 USC prec. 2301.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2302d the following new item:

"2302e. Contract authority for advanced development of initial or additional prototype units.".

(b) REPEAL OF OBSOLETE AUTHORITY.—Section 819 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2302 note) is hereby repealed.

SEC. 862. METHODS FOR ENTERING INTO RESEARCH AGREEMENTS.

Section 2358(b) of title 10, United States Code, is amended—

(1) in paragraph (3), by striking "or";

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

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

"(5) by transactions (other than contracts, cooperative agreements, and grants) entered into pursuant to section 2371 or 2371b of this title; or

"(6) by purchases through procurement for experimental purposes pursuant to section 2373 of this title.".

SEC. 863. EDUCATION AND TRAINING FOR TRANSACTIONS OTHER THAN CONTRACTS AND GRANTS.

Section 2371 of title 10, United States Code, is amended—

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

(2) by inserting after subsection (f) the following new subsection:

"(g) EDUCATION AND TRAINING.—The Secretary of Defense shall—

"(1) ensure that management, technical, and contracting personnel of the Department of Defense involved in the award or administration of transactions under this section or other innovative forms of contracting are afforded opportunities for adequate education and training; and

"(2) establish minimum levels and requirements for continuous and experiential learning for such personnel, including levels and requirements for acquisition certification programs.".

SEC. 864. OTHER TRANSACTION AUTHORITY FOR CERTAIN PROTOTYPE PROJECTS.

(a) EXPANDED AUTHORITY FOR PROTOTYPE PROJECTS.—Subsection (a)(2) of section 2371b of title 10, United States Code, is amended—

(1) by striking "for a prototype project" each place such term appears and inserting "for a transaction (for a prototype project)";

(2) in subparagraph (A)—

(A) by striking "$50,000,000" and inserting "$100,000,000"; and

(B) by striking "$250,000,000" and inserting "$500,000,000"; and

(3) in subparagraph (B), by striking "$250,000,000" and inserting "$500,000,000".

(b) CLARIFICATION OF INCLUSION OF SMALL BUSINESSES PARTICIPATING IN SBIR OR STTR.—Subparagraph (B) of section 2371b(d)(1) of title 10, United States Code, is amended by inserting "(including small businesses participating in a program described under section

9 of the Small Business Act (15 U.S.C. 638))" after "small businesses".

(c) MODIFICATION OF COST SHARING REQUIREMENT FOR USE OF OTHER TRANSACTION AUTHORITY.—Subparagraph (C) of such section is amended by striking "provided by parties to the transaction" and inserting "provided by sources other than".

(d) USE OF OTHER TRANSACTION AUTHORITY FOR ONGOING PROTOTYPE PROJECTS.—Subsection (f)(1) of section 2371b of title 10, United States Code, is amended by adding at the end the following: "A transaction includes all individual prototype subprojects awarded under the transaction to a consortium of United States industry and academic institutions.".

SEC. 865. AMENDMENT TO NONTRADITIONAL AND SMALL CONTRACTOR INNOVATION PROTOTYPING PROGRAM.

10 USC 2302 note.

Section 884(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2318; 10 U.S.C. 2302 note) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph (9):

"(9) Unmanned ground logistics and unmanned air logistics capabilities enhancement.".

SEC. 866. MIDDLE TIER OF ACQUISITION FOR RAPID PROTOTYPE AND RAPID FIELDING.

10 USC 2302 note.

Section 804(c)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

SEC. 867. PREFERENCE FOR USE OF OTHER TRANSACTIONS AND EXPERIMENTAL AUTHORITY.

10 USC 2371 note.

In the execution of science and technology and prototyping programs, the Secretary of Defense shall establish a preference, to be applied in circumstances determined appropriate by the Secretary, for using transactions other than contracts, cooperative agreements, and grants entered into pursuant to sections 2371 and 2371b of title 10, United States Code, and authority for procurement for experimental purposes pursuant to section 2373 of title 10, United States Code.

SEC. 868. PROTOTYPE PROJECTS TO DIGITIZE DEFENSE ACQUISITION REGULATIONS, POLICIES, AND GUIDANCE, AND EMPOWER USER TAILORING OF ACQUISITION PROCESS.

10 USC 2302 note.

(a) IN GENERAL.—The Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, shall conduct development efforts to develop prototypes to digitize defense acquisition regulations, policies, and guidance and to develop a digital decision support tool that facilitates the ability of users to tailor programs in accordance with existing laws, regulations, and guidance.

(b) ELEMENTS.—Under the prototype projects, the Secretary shall—

(1) convert existing acquisition policies, guides, memos, templates, and reports to an online, interactive digital format

to create a dynamic, integrated, and authoritative knowledge environment for purposes of assisting program managers and the acquisition workforce of the Department of Defense to navigate the complex lifecycle for each major type of acquisition program or activity of the Department;

(2) as part of this digital environment, create a digital decision support capability that uses decision trees and tailored acquisition models to assist users to develop strategies and facilitate coordination and approvals; and

(3) as part of this environment, establish a foundational data layer to enable advanced data analytics on the acquisition enterprise of the Department, to include business process reengineering to improve productivity.

(c) USE OF PROTOTYPES IN ACQUISITION ACTIVITIES.—The Under Secretary of Defense for Research and Engineering shall encourage the use of these prototypes to model, develop, and test any procedures, policies, instructions, or other forms of direction and guidance that may be required to support acquisition training, practices, and policies of the Department of Defense.

(d) FUNDING.—The Secretary may use the authority under section 1705(e)(4)(B) of title 10, United States Code, to develop acquisition support prototypes and tools under this program.

Subtitle H—Provisions Relating to Software Acquisition

SEC. 871. NONCOMMERCIAL COMPUTER SOFTWARE ACQUISITION CONSIDERATIONS.

(a) IN GENERAL.—

(1) REQUIREMENT.—Chapter 137 of title 10, United States Code, as amended by section 802, is further amended by inserting after section 2322 the following new section:

10 USC 2322a.

"§ 2322a. Requirement for consideration of certain matters during acquisition of noncommercial computer software

"(a) CONSIDERATION REQUIRED.—As part of any negotiation for the acquisition of noncommercial computer software, the Secretary of Defense shall ensure that such negotiations consider, to the maximum extent practicable, acquisition, at the appropriate time in the life cycle of the noncommercial computer software, of all software and related materials necessary—

"(1) to reproduce, build, or recompile the software from original source code and required libraries;

"(2) to conduct required computer software testing; and

"(3) to deploy working computer software system binary files on relevant system hardware.

"(b) DELIVERY OF SOFTWARE AND RELATED MATERIALS.—Any noncommercial computer software or related materials required to be delivered as a result of considerations in subsection (a) shall, to the extent appropriate as determined by the Secretary—

"(1) include computer software delivered in a useable, digital format;

"(2) not rely on external or additional software code or data, unless such software code or data is included in the items to be delivered; and

"(3) in the case of negotiated terms that do not allow for the inclusion of dependent software code or data, sufficient documentation to support maintenance and understanding of interfaces and software revision history.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2322, as added by section 802, the following new item: 10 USC prec. 2301.

"2322a. Requirement for consideration of certain matters during acquisition of noncommercial computer software.".

(b) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue updated guidance to implement section 2322a of title 10, United States Code, as added by subsection (a). 10 USC 2322a note.

SEC. 872. DEFENSE INNOVATION BOARD ANALYSIS OF SOFTWARE ACQUISITION REGULATIONS.

(a) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall direct the Defense Innovation Board to undertake a study on streamlining software development and acquisition regulations.

(2) MEMBER PARTICIPATION.—The Chairman of the Defense Innovation Board shall select appropriate members from the membership of the Board to participate in the study, and may recommend additional temporary members or contracted support personnel to the Secretary of Defense for the purposes of the study. In considering additional appointments to the study, the Secretary of Defense shall ensure that members have significant technical, legislative, or regulatory expertise and reflect diverse experiences in the public and private sector.

(3) SCOPE.—The study conducted pursuant to paragraph (1) shall—

(A) review the acquisition regulations applicable to, and organizational structures within, the Department of Defense with a view toward streamlining and improving the efficiency and effectiveness of software acquisition in order to maintain defense technology advantage;

(B) review ongoing software development and acquisition programs, including a cross section of programs that offer a variety of application types, functional communities, and scale, in order to identify case studies of best and worst practices currently in use within the Department of Defense;

(C) produce specific and detailed recommendations for any legislation, including the amendment or repeal of regulations, as well as non-legislative approaches, that the members of the Board conducting the study determine necessary to—

(i) streamline development and procurement of software;

(ii) adopt or adapt best practices from the private sector applicable to Government use;

(iii) promote rapid adoption of new technology;

(iv) improve the talent management of the software acquisition workforce, including by providing incentives

for the recruitment and retention of such workforce within the Department of Defense;

(v) ensure continuing financial and ethical integrity in procurement; and

(vi) protect the best interests of the Department of Defense; and

(D) produce such additional recommendations for legislation as such members consider appropriate.

(4) ACCESS TO INFORMATION.—The Secretary of Defense shall provide the Defense Innovation Board with timely access to appropriate information, data, resources, and analysis so that the Board may conduct a thorough and independent analysis as required under this subsection.

(b) REPORTS.—

(1) INTERIM REPORTS.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall submit a report to or brief the congressional defense committees on the interim findings of the study conducted pursuant to subsection (a). The Defense Innovation Board shall provide regular updates to the Secretary of Defense and the congressional defense committees for purposes of providing the interim report.

(2) FINAL REPORT.—Not later than one year after the Secretary of Defense directs the Defense Advisory Board to conduct the study, the Board shall transmit a final report of the study to the Secretary. Not later than 30 days after receiving the final report, the Secretary of Defense shall transmit the final report, together with such comments as the Secretary determines appropriate, to the congressional defense committees.

10 USC 2223a note.

SEC. 873. PILOT PROGRAM TO USE AGILE OR ITERATIVE DEVELOPMENT METHODS TO TAILOR MAJOR SOFTWARE-INTENSIVE WARFIGHTING SYSTEMS AND DEFENSE BUSINESS SYSTEMS.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of the military departments and the chiefs of the armed forces, shall establish a pilot program to tailor and simplify software development requirements and methods for major software-intensive warfighting systems and defense business systems.

(2) IMPLEMENTATION PLAN FOR PILOT PROGRAM.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of the military departments and the chiefs of the armed forces, shall develop a plan for implementing the pilot program required under this subsection, including guidance for implementing the program and for selecting systems for participation in the program.

(3) SELECTION OF SYSTEMS FOR PILOT PROGRAM.—

(A) The implementation plan shall require that systems be selected as follows:

(i) For major software-intensive warfighting systems, one system per armed force and one defense-wide system, including at least one major defense

acquisition program or major automated information system.

(ii) For defense business systems, not fewer than two systems and not greater than eight systems.

(B) In selecting systems for participation, the Secretary shall prioritize systems as follows:

(i) For major software-intensive warfighting systems, systems that—

(I) have identified software development as a high risk;

(II) have experienced cost growth and schedule delay; and

(III) did not deliver any operational capability within the prior calendar year.

(ii) For defense business systems, systems that—

(I) have experienced cost growth and schedule delay;

(II) did not deliver any operational capability within the prior calendar year; and

(III) are underperforming other systems within a defense business system portfolio with similar user requirements.

(b) REALIGNMENT PLANS.—

(1) IN GENERAL.—Not later than 60 days after selecting a system for the pilot program under subsection (a)(3), the Secretary shall develop a plan for realigning the system by breaking down the system into smaller increments using agile or iterative development methods. The realignment plan shall include a revised cost estimate that is lower than the cost estimate for the system that was current as of the date of the enactment of this Act.

(2) REALIGNMENT EXECUTION.—Each increment for a realigned system shall—

(A) be designed to deliver a meaningfully useful capability within the first 180 days following realignment;

(B) be designed to deliver subsequent meaningfully useful capabilities in time periods of less than 180 days;

(C) incorporate multidisciplinary teams focused on software production that prioritize user needs and control of total cost of ownership;

(D) be staffed with highly qualified technically trained staff and personnel with management and business process expertise in leadership positions to support requirements modification, acquisition strategy, and program decision-making;

(E) ensure that the acquisition strategy for the realigned system is broad enough to allow for proposals of a service, system, modified business practice, configuration of personnel, or combination thereof for implementing the strategy;

(F) include periodic engagement with the user community, as well as representation by the user community in program management and software production activity;

(G) ensure that the acquisition strategy for the realigned system favors outcomes-based requirements definition and capability as a service, including the establishment of technical evaluation criteria as outcomes to be

used to negotiate service-level agreements with vendors; and

(H) consider options for termination of the relationship with any vendor unable or unwilling to offer terms that meet the requirements of this section.

(c) REMOVAL OF SYSTEMS.—The Secretary may remove a system selected for the pilot program under subsection (a)(3) only after the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a written determination that indicates that the selected system has been unsuccessful in reducing cost or schedule growth, or is not meeting the overall needs of the pilot program.

(d) EDUCATION AND TRAINING IN AGILE OR ITERATIVE DEVELOPMENT METHODS.—

(1) TRAINING REQUIREMENT.—The Secretary shall ensure that any personnel from the relevant organizations in each of the military departments and Defense Agencies participating in the pilot program, including organizations responsible for engineering, budgeting, contracting, test and evaluation, requirements validation, and certification and accreditation, receive targeted training in agile or iterative development methods, including the interim course required by section 891 of this Act.

(2) SUPPORT.—In carrying out the pilot program under subsection (a), the Secretary shall ensure that personnel participating in the program provide feedback to inform the development of education and training curricula as required by section 891.

(e) SUNSET.—The pilot program required under subsection (a) shall terminate on September 30, 2023. Any system selected under subsection (a)(3) for the pilot program shall continue after that date through the execution of its realignment plan.

(f) AGILE OR ITERATIVE DEVELOPMENT DEFINED.—In this section, the term "agile or iterative development", with respect to software—

(1) means acquisition pursuant to a method for delivering multiple, rapid, incremental capabilities to the user for operational use, evaluation, and feedback not exclusively linked to any single, proprietary method or process; and

(2) involves—

(A) the incremental development and fielding of capabilities, commonly called "spirals", "spins", or "sprints", which can be measured in a few weeks or months; and

(B) continuous participation and collaboration by users, testers, and requirements authorities.

10 USC 2302 note.

SEC. 874. SOFTWARE DEVELOPMENT PILOT PROGRAM USING AGILE BEST PRACTICES.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall identify no fewer than four and up to eight software development activities within the Department of Defense or military departments to be developed in a pilot program using agile acquisition methods.

(b) STREAMLINED PROCESSES.—Software development activities identified under subsection (a) shall be selected for the pilot program and developed without incorporation of the following contract or transaction requirements:

(1) Earned value management (EVM) or EVM-like reporting.

(2) Development of integrated master schedule.

(3) Development of integrated master plan.

(4) Development of technical requirement document.

(5) Development of systems requirement documents.

(6) Use of information technology infrastructure library agreements.

(7) Use of software development life cycle (methodology).

(c) ROLES AND RESPONSIBILITIES.—

(1) IN GENERAL.—Selected activities shall include the following roles and responsibilities:

(A) A program manager that is authorized to make all programmatic decisions within the overarching activity objectives, including resources, funding, personnel, and contract or transaction termination recommendations.

(B) A product owner that reports directly to the program manager and is responsible for the overall design of the product, prioritization of roadmap elements and interpretation of their acceptance criteria, and prioritization of the list of all features desired in the product.

(C) An engineering lead that reports directly to the program manager and is responsible for the implementation and operation of the software.

(D) A design lead that reports directly to the program manager and is responsible for identifying, communicating, and visualizing user needs through a human-centered design process.

(2) QUALIFICATIONS.—The Secretary shall establish qualifications for personnel filling the positions described in paragraph (1) prior to their selection. The qualifications may not include a positive education requirement and must be based on technical expertise or experience in delivery of software products, including agile concepts.

(3) COORDINATION PLAN FOR TESTING AND CERTIFICATION ORGANIZATIONS.—The program manager shall ensure the availability of resources for test and certification organizations support of iterative development processes.

(d) PLAN.—The Secretary of Defense shall develop a plan for each selected activity under the pilot program. The plan shall include the following elements:

(1) Definition of a product vision, identifying a succinct, clearly defined need the software will address.

(2) Definition of a product road map, outlining a non-contractual plan that identifies short-term and long-term product goals and specific technology solutions to help meet those goals and adjusts to mission and user needs at the product owner's discretion.

(3) The use of a broad agency announcement, other transaction authority, or other rapid merit-based solicitation procedure.

(4) Identification of, and continuous engagement with, end users.

(5) Frequent and iterative end user validation of features and usability consistent with the principles outlined in the Digital Services Playbook of the U.S. Digital Service.

(6) Use of commercial best practices for advanced computing systems, including, where applicable—

(A) Automated testing, integration, and deployment;

(B) compliance with applicable commercial accessibility standards;

(C) capability to support modern versions of multiple, common web browsers;

(D) capability to be viewable across commonly used end user devices, including mobile devices; and

(E) built-in application monitoring.

(e) PROGRAM SCHEDULE.—The Secretary shall ensure that each selected activity includes—

(1) award processes that take no longer than three months after a requirement is identified;

(2) planned frequent and iterative end user validation of implemented features and their usability;

(3) delivery of a functional prototype or minimally viable product in three months or less from award; and

(4) follow-on delivery of iterative development cycles no longer than four weeks apart, including security testing and configuration management as applicable.

(f) OVERSIGHT METRICS.—The Secretary shall ensure that the selected activities—

(1) use a modern tracking tool to execute requirements backlog tracking; and

(2) use agile development metrics that, at a minimum, track—

(A) pace of work accomplishment;

(B) completeness of scope of testing activities (such as code coverage, fault tolerance, and boundary testing);

(C) product quality attributes (such as major and minor defects and measures of key performance attributes and quality attributes);

(D) delivery progress relative to the current product roadmap; and

(E) goals for each iteration.

(g) RESTRICTIONS.—

(1) USE OF FUNDS.—No funds made available for the selected activities may be expended on estimation or evaluation using source lines of code methodologies.

(2) CONTRACT TYPES.—The Secretary of Defense may not use lowest price technically acceptable contracting methods or cost plus contracts to carry out selected activities under this section, and shall encourage the use of existing streamlined and flexible contracting arrangements.

(h) REPORTS.—

(1) SOFTWARE DEVELOPMENT ACTIVITY COMMENCEMENT.—

(A) IN GENERAL.—Not later than 30 days before the commencement of a software development activity under the pilot program under subsection (a), the Secretary shall submit to the congressional defense committees a report on the activity (in this subsection referred to as a "pilot activity").

(B) ELEMENTS.—The report on a pilot activity under this paragraph shall set forth a description of the pilot activity, including the following information:

(i) The purpose of the pilot activity.

(ii) The duration of the pilot activity.

(iii) The efficiencies and benefits anticipated to accrue to the Government under the pilot program.

(2) SOFTWARE DEVELOPMENT ACTIVITY COMPLETION.—

(A) IN GENERAL.—Not later than 60 days after the completion of a pilot activity, the Secretary shall submit to the congressional defense committees a report on the pilot activity.

(B) ELEMENTS.—The report on a pilot activity under this paragraph shall include the following elements:

(i) A description of results of the pilot activity.

(ii) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot activity.

(i) DEFINITIONS.—In this section:

(1) AGILE ACQUISITION.—The term "agile acquisition" means acquisition using agile or iterative development.

(2) AGILE OR ITERATIVE DEVELOPMENT.—The term "agile or iterative development", with respect to software—

(A) means acquisition pursuant to a method for delivering multiple, rapid, incremental capabilities to the user for operational use, evaluation, and feedback not exclusively linked to any single, proprietary method or process; and

(B) involves—

(i) the incremental development and fielding of capabilities, commonly called "spirals", "spins", or "sprints", which can be measured in a few weeks or months; and

(ii) continuous participation and collaboration by users, testers, and requirements authorities.

SEC. 875. PILOT PROGRAM FOR OPEN SOURCE SOFTWARE.

10 USC 2223 note.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall initiate for the Department of Defense the open source software pilot program established by the Office of Management and Budget Memorandum M-16-21 titled "Federal Source Code Policy: Achieving Efficiency, Transparency, and Innovation through Reusable and Open Source Software" and dated August 8, 2016.

(b) REPORT TO CONGRESS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall provide a report to Congress with details of the plan of the Department of Defense to implement the pilot program required by subsection (a). Such plan shall include identifying candidate software programs, selection criteria, intellectual property and licensing issues, and other matters determined by the Secretary.

(c) COMPTROLLER GENERAL REPORT.—Not later than June 1, 2019, the Comptroller General of the United States shall provide a report to Congress on the implementation of the pilot program required by subsection (a) by the Secretary of Defense. The report shall address, at a minimum, the compliance of the Secretary with the requirements of the Office of Management and Budget Memorandum M-16-21, the views of various software and information technology stakeholders in the Department of Defense, and any other matters determined by the Comptroller General.

Subtitle I—Other Matters

SEC. 881. EXTENSION OF MAXIMUM DURATION OF FUEL STORAGE CONTRACTS.

(a) EXTENSION.—Section 2922(b) of title 10, United States Code, is amended by striking "20 years" and inserting "30 years".

10 USC 2922 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contracts entered into on or after the date of the enactment of this Act, and may be applied to a contract entered into before that date if the total contract period under the contract (including options) has not expired as of the date of any extension of such contract period by reason of such amendment.

SEC. 882. PROCUREMENT OF AVIATION CRITICAL SAFETY ITEMS.

Section 814(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2271; 10 U.S.C. 2302 note) is amended—

(1) in paragraph (1)—

(A) by inserting "or an aviation critical safety item (as defined in section 2319(g) of this title)" after "personal protective equipment"; and

(B) by inserting "equipment or" after "failure of the"; and

(2) in paragraph (2), by inserting "or item" after "equipment".

SEC. 883. MODIFICATIONS TO THE ADVISORY PANEL ON STREAMLINING AND CODIFYING ACQUISITION REGULATIONS.

(a) EXTENSION OF DATE FOR FINAL REPORT.—

(1) TRANSMITTAL OF PANEL FINAL REPORT.—Subsection (e)(1) of section 809 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 889), as amended by section 863(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2303), is amended—

(A) by striking "Not later than two years after the date on which the Secretary of Defense establishes the advisory panel" and inserting "Not later than January 15, 2019"; and

(B) by striking "the Secretary." and inserting "the Secretary of Defense and the congressional defense committees.".

(2) SECRETARY OF DEFENSE ACTION ON FINAL REPORT.—Subsection (e)(4) of such section is amended—

(A) by striking "Not later than 30 days" and inserting "Not later than 60 days"; and

(B) by striking "the final report, together with such comments as the Secretary determines appropriate," and inserting "such comments as the Secretary determines appropriate".

(b) TERMINATION OF PANEL.—Such section is further amended by adding at the end the following new subsection:

"(g) TERMINATION OF PANEL.—The advisory panel shall terminate 180 days after the date on which the final report of the panel is transmitted pursuant to subsection (e)(1).".

(c) TECHNICAL AMENDMENT.—Subsection (d) of such section is amended by striking "resources,," and inserting "resources,".

SEC. 884. REPEAL OF EXPIRED PILOT PROGRAM FOR LEASING COMMERCIAL UTILITY CARGO VEHICLES.

Section 807(c) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 2401a note) is repealed.

SEC. 885. EXCEPTION FOR BUSINESS OPERATIONS FROM REQUIREMENT TO ACCEPT $1 COINS.

(a) IN GENERAL.—Paragraph (1) of section 5112(p) of title 31, United States Code, is amended by adding at the end the following new flush sentence:

"This paragraph does not apply with respect to business operations conducted by any entity under a contract with an agency or instrumentality of the United States, including with any nonappropriated fund instrumentality established under title 10, United States Code.".

(b) CONFORMING AMENDMENT.—Such paragraph is further amended—

(1) by striking "and all entities that operate any business, including vending machines, on any premises owned by the United States or under the control of any agency or instrumentality of the United States, including the legislative and judicial branches of the Federal Government,"; and

(2) by inserting "and" before "all transit systems".

(c) TECHNICAL AMENDMENT.—Subparagraph (B) of such paragraph is amended by striking "displays" and inserting "display".

SEC. 886. DEVELOPMENT OF PROCUREMENT ADMINISTRATIVE LEAD TIME.

10 USC 2302 note.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop, make available for public comment, and finalize—

(1) a definition of the term "Procurement Administrative Lead Time" or "PALT", to be applied Department of Defense-wide, that describes the amount of time from the date on which a solicitation is issued to the date of an initial award of a contract or task order of the Department of Defense; and

(2) a plan for measuring and publicly reporting data on PALT for Department of Defense contracts and task orders above the simplified acquisition threshold.

(b) REQUIREMENT FOR DEFINITION.—Unless the Secretary determines otherwise, the amount of time in the definition of PALT developed under subsection (a) shall—

(1) begin on the date on which the initial solicitation is issued for a contract or task order of the Department of Defense by the Secretary of a military department or head of a Defense Agency; and

(2) end on the date of the award of the contract or task order.

(c) COORDINATION.—In developing the definition of PALT, the Secretary shall coordinate with—

(1) the senior contracting official of each military department and Defense Agency to determine the variations of the

definition in use across the Department of Defense and each military department and Defense Agency; and

(2) the Administrator of the General Services Administration on modifying the existing data system of the Federal Government to determine the date on which the initial solicitation is issued.

(d) USE OF EXISTING PROCUREMENT DATA SYSTEMS.—In developing the plan for measuring and publicly reporting data on PALT required by subsection (a), the Secretary shall, to the maximum extent practicable, rely on the information contained in the Federal procurement data system established pursuant to section 1122(a)(4) of title 41, United States Code, including any modifications to that system.

22 USC 2761 note.

SEC. 887. NOTIONAL MILESTONES AND STANDARD TIMELINES FOR CONTRACTS FOR FOREIGN MILITARY SALES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Defense shall establish specific notional milestones and standard timelines for the Department of Defense to achieve such milestones in its processing of a foreign military sale (as authorized under chapter 2 of the Arms Export Control Act (22 U.S.C. 2761 et seq.)). Such milestones and timelines—

(A) may vary depending on the complexity of the foreign military sale; and

(B) shall cover the period beginning on the date of receipt of a complete letter of request (as described in chapter 5 of the Security Assistance Management Manual of the Defense Security Cooperation Agency) from a foreign country and ending on the date of the final delivery of a defense article or defense service sold through the foreign military sale.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report describing the milestones and timelines developed pursuant to paragraph (1) of this section.

(b) SUBMISSIONS TO CONGRESS.—

(1) QUARTERLY NOTIFICATION.—During the period beginning 180 days after the date of the enactment of this Act and ending on December 31, 2021, the Secretary shall submit to the appropriate committees of Congress, on a quarterly basis, a report that includes a list of each foreign military sale with a value greater than or equal to the dollar threshold for congressional notification under section 36 of the Arms Export Control Act (22 U.S.C. 2776)—

(A) for which the final delivery of a defense article or defense service has not been completed; and

(B) that has not met a standard timeline to achieve a notional milestone as established under subsection (a).

(2) ANNUAL REPORT.—Not later than November 1, 2019, and annually thereafter until December 31, 2021, the Secretary shall submit to the appropriate committees of Congress a report that summarizes—

(A) the number, set forth separately by dollar value and notional milestone, of foreign military sales that met

the standard timeline to achieve a notional milestone established under subsection (a) during the preceding fiscal year; and

(B) the number, set forth separately by dollar value and notional milestone, of each foreign military sale that did not meet the standard timeline to achieve a notional milestone established under subsection (a), and a description of any extenuating factors explaining why such a sale did not achieve such milestone.

(c) DEFINITIONS.—In this section—

(1) the terms "defense article" and "defense service" have the meanings given those terms, respectively, in section 47 of the Arms Export Control Act (22 U.S.C. 2794); and

(2) the term "appropriate committees of Congress" means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 888. ASSESSMENT AND AUTHORITY TO TERMINATE OR PROHIBIT CONTRACTS FOR PROCUREMENT FROM CHINESE COMPANIES PROVIDING SUPPORT TO THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

22 USC 9224 note.

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, the Secretary of the Treasury, and the Director of National Intelligence, shall conduct an assessment of trade between the People's Republic of China and the Democratic People's Republic of Korea, including elements deemed to be important to United States national security and defense.

(2) ELEMENTS.—The assessment required by paragraph (1) shall—

(A) assess the composition of all trade between China and the Democratic People's Republic of Korea, including trade in goods and services;

(B) identify whether any Chinese commercial entities that are engaged in such trade materially support illicit activities on the part of North Korea;

(C) evaluate the extent to which the United States Government procures goods or services from any commercial entity identified under subparagraph (B);

(D) provide a list of commercial entities identified under subparagraph (B) that provide defense goods or services for the Department of Defense; and

(E) evaluate the ramifications to United States national security, including any impacts to the defense industrial base, Department of Defense acquisition programs, and Department of Defense logistics or supply chains, of prohibiting procurements from commercial entities listed under subparagraph (D).

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the assessment required by paragraph (1). The report shall be submitted in unclassified form, but may contain a classified annex.

(b) AUTHORITY.—The Secretary of Defense may terminate existing contracts or prohibit the award of contracts for the procurement of goods or services for the Department of Defense from a Chinese commercial entity included on the list described under subsection (a)(2)(D) based on a determination informed by the assessment required under subsection (a)(1).

(c) NOTIFICATION.—The Secretary of Defense shall submit to the appropriate committees of Congress a notification of, and detailed justification for, any exercise of the authority in subsection (b) not less than 30 days before the date on which the authority is exercised.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 889. REPORT ON DEFENSE CONTRACTING FRAUD.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on defense contracting fraud.

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

(1) A summary of fraud-related criminal convictions and civil judgments or settlements over the previous five fiscal years.

(2) A listing of contractors that within the previous five fiscal years performed contracts for the Department of Defense and were debarred or suspended from Federal contracting based on a criminal conviction for fraud.

(3) An assessment of the total value of Department of Defense contracts entered into during the previous five fiscal years with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government.

(4) Recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government, including an update on implementation by the Department of any previous such recommendations.

SEC. 890. COMPTROLLER GENERAL REPORT ON CONTRACTOR BUSINESS SYSTEM REQUIREMENTS.

(a) EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report evaluating the implementation and effectiveness of the program for the improvement of contractor business systems established pursuant to section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2302 note). The report shall—

(1) describe how the requirements of such program were implemented, including the roles and responsibilities of relevant

Defense Agencies and known costs to the Federal Government and covered contractors;

(2) analyze the extent to which implementation of such program has affected, if at all, covered contractor performance or the management and oversight of covered contracts of the Department of Defense;

(3) assess how the amendments to contractor business system requirements made by section 893 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2324) were implemented, including—

(A) the effects of revising the definition of "covered contractor" in section 893(g)(2) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2302 note) and the feasibility and the potential effects of further increasing the percentage of the total gross revenue included in the definition; and

(B) the extent to which third-party independent auditors have conducted contractor business system assessments pursuant to section 893(c) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2302 note);

(4) identify any additional information or management practices that could enhance the process for assessing contractor business systems, particularly when covered contractors have multiple covered contracts with the Department of Defense; and

(5) include any other matters the Comptroller General determines to be relevant.

(b) CONTRACTOR BUSINESS SYSTEM DEFINITIONS.—In this section, the terms "covered contractor", "covered contract", and "contractor business system" have the meanings given in section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2302 note).

SEC. 891. TRAINING ON AGILE OR ITERATIVE DEVELOPMENT METHODS.

10 USC 1746 note.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the President of the Defense Acquisition University, shall establish a training course at the Defense Acquisition University on agile or iterative development methods to provide training for personnel implementing and supporting the pilot programs required by sections 873 and 874 of this Act.

(b) COURSE ELEMENTS.—

(1) IN GENERAL.—The course shall be taught in residence at the Defense Acquisition University and shall include the following elements:

(A) Training designed to instill a common understanding of all functional roles and dependencies involved in developing and producing a capability using agile or iterative development methods.

(B) An exercise involving teams composed of personnel from pertinent functions and functional organizations engaged in developing an integrated agile or iterative development method for a specific program.

(C) Instructors and content from non-governmental entities, as appropriate, to highlight commercial best practices in using an agile or iterative development method.

(2) COURSE UPDATES.—The Secretary shall ensure that the course is updated as needed, including through incorporating lessons learned from the implementation of the pilot programs required by sections 873 and 874 of this Act in subsequent versions of the course.

(c) COURSE ATTENDANCE.—The course shall be—

(1) available for certified acquisition personnel working on programs or projects using agile or iterative development methods; and

(2) mandatory for personnel participating in the pilot programs required by sections 873 and 874 of this Act from the relevant organizations in each of the military departments and Defense Agencies, including organizations responsible for engineering, budgeting, contracting, test and evaluation, requirements validation, and certification and accreditation.

(d) AGILE ACQUISITION SUPPORT.—The Secretary and the senior acquisition executives in each of the military departments and Defense Agencies, in coordination with the Director of the Defense Digital Service, shall assign to offices supporting systems selected for participation in the pilot programs required by sections 873 and 874 of this Act a subject matter expert with knowledge of commercial agile acquisition methods and Department of Defense acquisition processes to provide assistance and to advise appropriate acquisition authorities of the expert's observations.

(e) AGILE RESEARCH PROGRAM.—The President of the Defense Acquisition University shall establish a research program to conduct research on and development of agile acquisition practices and tools best tailored to meet the mission needs of the Department of Defense.

(f) AGILE OR ITERATIVE DEVELOPMENT DEFINED.—The term "agile or iterative development", with respect to software—

(1) means acquisition pursuant to a method for delivering multiple, rapid, incremental capabilities to the user for operational use, evaluation, and feedback not exclusively linked to any single, proprietary method or process; and

(2) involves—

(A) the incremental development and fielding of capabilities, commonly called "spirals", "spins", or "sprints", which can be measured in a few weeks or months; and

(B) continuous participation and collaboration by users, testers, and requirements authorities.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Office of the Secretary of Defense and Related Matters

Subtitle A—Office of the Secretary of Defense and Related Matters

SEC. 901. TREATMENT OF INCUMBENT UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

Section 901(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2339; 10 U.S.C. 133a note) is amended by striking paragraph (2).

SEC. 902. CLARIFICATION OF AUTHORITY OF UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT WITH RESPECT TO SERVICE ACQUISITION PROGRAMS FOR WHICH THE SERVICE ACQUISITION EXECUTIVE IS THE MILESTONE DECISION AUTHORITY.

10 USC 133b note.

Effective on February 1, 2018, and immediately after the coming into effect of the amendment made by section 901(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2340), subsection (b)(6) of section 133b

of title 10, United States Code, as added by such section 901(b), is amended by striking "supervisory authority" and inserting "advisory authority".

SEC. 903. EXECUTIVE SCHEDULE MATTERS RELATING TO UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT.

(a) REPEAL OF PENDING EXECUTIVE SCHEDULE AMENDMENT.—Section 901(h) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2342; 5 U.S.C. 5313 note) is amended—

(1) by striking "new items" and inserting "new item"; and

(2) by striking the item relating to the Under Secretary of Defense for Acquisition and Sustainment.

5 USC 5314 note.

(b) EXECUTIVE SCHEDULE LEVEL III.—Effective on February 1, 2018, section 5314 of title 5, United States Code, is amended by inserting before the item relating to the Under Secretary of Defense for Policy the following new item:

"Under Secretary of Defense for Acquisition and Sustainment.".

SEC. 904. CONSISTENT PERIOD OF RELIEF FROM ACTIVE DUTY AS A COMMISSIONED OFFICER OF A REGULAR COMPONENT OF THE ARMED FORCES FOR APPOINTMENT TO UNDER SECRETARY OF DEFENSE POSITIONS.

Chapter 4 of title 10, United States Code, is amended—

(1) in section 135(a), by adding at the end the following new sentence: "A person may not be appointed as Under Secretary within seven years after relief from active duty as a commissioned officer of a regular component of the armed forces.";

(2) in section 136(a), by adding at the end the following new sentence: "A person may not be appointed as Under Secretary within seven years after relief from active duty as a commissioned officer of a regular component of the armed forces."; and

(3) in section 137(a), by adding at the end the following new sentence: "A person may not be appointed as Under Secretary within seven years after relief from active duty as a commissioned officer of a regular component of the armed forces.".

SEC. 905. QUALIFICATIONS FOR APPOINTMENT AND ADDITIONAL DUTIES AND POWERS OF CERTAIN OFFICIALS WITHIN THE OFFICE OF THE UNDER SECRETARY OF DEFENSE (COMPTROLLER).

(a) UNDER SECRETARY OF DEFENSE (COMPTROLLER).—

(1) QUALIFICATION FOR APPOINTMENT.—Section 135(a) of title 10, United States Code, as amended by section 904, is further amended—

(A) by inserting "(1)" after "(a)"; and

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

"(2) The Under Secretary of Defense (Comptroller) shall be appointed from among persons who have significant budget, financial management, or audit experience in complex organizations.".

(2) DUTIES AND POWERS.—Section 135 of title 10, United States Code, is further amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following new subsection (d):

"(d) In addition to any duties under subsection (c), the Under Secretary of Defense (Comptroller) shall, subject to the authority, direction, and control of the Secretary of Defense, do the following:

"(1) Provide guidance and instruction on annual performance plans and evaluations to the following:

"(A) The Assistant Secretaries of the military departments for financial management.

"(B) Any other official of an agency, organization, or element of the Department of Defense with responsibility for financial management.

"(2) Give directions to the military departments, Defense Agencies, and other organizations and elements of the Department of Defense regarding their financial statements and the audit and audit readiness of such financial statements.".

(b) QUALIFICATION FOR APPOINTMENT AS DEPUTY CHIEF FINANCIAL OFFICER.—The Deputy Chief Financial Officer of the Department of Defense shall be appointed from among persons who have significant budget, financial management, or audit experience in complex organizations. 10 USC 135 note.

(c) APPLICABILITY.—The appointment qualifications imposed by the amendments made by subsection (a)(1) and the appointment qualifications imposed by subsection (b) shall apply with respect to appointments as Under Secretary of Defense (Comptroller) and Deputy Chief Financial Officer of the Department of Defense that are made on or after the date of the enactment of this Act. 10 USC 135 note.

SEC. 906. REDESIGNATION OF PRINCIPAL DEPUTY UNDER SECRETARIES OF DEFENSE AS DEPUTY UNDER SECRETARIES OF DEFENSE AND RELATED MATTERS.

(a) REDESIGNATION.—Section 137a of title 10, United States Code, is amended by striking "Principal" each place it appears.

(b) INCREASE IN AUTHORIZED NUMBER.—Section 137a(a)(1) of title 10, United States Code, is amended by striking "five" and inserting "six".

(c) REPLACEMENT OF ATL POSITION WITH TWO POSITIONS IN CONNECTION WITH OSD REFORM.—Effective on February 1, 2018, section 137a(c) of title 10, United States Code, is amended— 10 USC 137a note.

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

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

"(1) One of the Deputy Under Secretaries is the Deputy Under Secretary of Defense for Research and Engineering.

"(2) One of the Deputy Under Secretaries is the Deputy Under Secretary of Defense for Acquisition and Sustainment.".

(d) CONFORMING AMENDMENTS.—

(1) OSD.—Paragraph (6) of section 131(b) of title 10, United States Code, is amended to read as follows:

"(6) The Deputy Under Secretaries of Defense.".

(2) PRECEDENCE.—Section 138(d) of title 10, United States Code, is amended by striking "Principal".

(e) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking "Principal" in the items relating to the Principal Deputy Under Secretary of Defense for Policy, the Principal Deputy Under Secretary of Defense for Personnel and Readiness, the Principal Deputy Under Secretary of Defense (Comptroller), and the Principal Deputy Under Secretary of Defense for Intelligence; and

(2) by inserting before the item relating to the Deputy Under Secretary of Defense for Policy, as amended by paragraph (1), the following new items:

"Deputy Under Secretary of Defense for Research and Engineering.

"Deputy Under Secretary of Defense for Acquisition and Sustainment.".

(f) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of section 137a of title 10, United States Code, is amended to read as follows:

10 USC prec. 131.

"§ 137a. Deputy Under Secretaries of Defense".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended by striking the item relating to section 137a and inserting the following new item:

"137a. Deputy Under Secretaries of Defense.".

SEC. 907. REDUCTION OF NUMBER AND ELIMINATION OF SPECIFIC DESIGNATIONS OF ASSISTANT SECRETARIES OF DEFENSE.

(a) REDUCTION OF AUTHORIZED NUMBER.—Section 138(a)(1) of title 10, United States Code, is amended by striking "14" and inserting "13".

(b) ELIMINATION OF CERTAIN SPECIFIC DESIGNATIONS.—Section 138(b) of title 10, United States Code, is amended—

(1) by striking paragraphs (2) and (3); and

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

10 USC 138 note.

SEC. 908. LIMITATION ON MAXIMUM NUMBER OF DEPUTY ASSISTANT SECRETARIES OF DEFENSE.

The maximum number of Deputy Assistant Secretaries of Defense after the date of the enactment of this Act may not exceed 48.

SEC. 909. APPOINTMENT AND RESPONSIBILITIES OF CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF DEFENSE.

(a) APPOINTMENT METHOD AND QUALIFICATIONS.—Section 142(a) of title 10, United States Code, is amended by inserting before the period at the end the following: ", who shall be appointed by the President, by and with the advice and consent of the Senate, from among civilians who are qualified to serve as such officer".

(b) CLARIFICATION OF CERTAIN RESPONSIBILITIES.—Section 142(b)(1)(I) of title 10, United States Code, is amended by striking "the networking and cyber defense architecture" and inserting "the information technology, networking, information assurance, cybersecurity, and cyber capability architectures".

(c) ADDITIONAL RESPONSIBILITIES RELATED TO BUDGETS AND STANDARDS.—Section 142(b) of title 10, United States Code, is amended—

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

(2) by inserting after paragraph (1) the following new paragraphs:

"(2)(A) The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller), shall require the Secretaries of the military departments and the heads of the Defense Agencies with responsibilities associated with any activity specified in paragraph (1) to transmit the proposed budget for such activities for a fiscal year and for the period covered by the future-years defense program submitted to Congress under section 221 of this title for that fiscal year to the Chief Information Officer for review under subparagraph (B) before submitting the proposed budget to the Under Secretary of Defense (Comptroller).

"(B) The Chief Information Officer shall review each proposed budget transmitted under subparagraph (A) and, not later than January 31 of the year preceding the fiscal year for which the budget is proposed, shall submit to the Secretary of Defense a report containing the comments of the Chief Information Officer with respect to all such proposed budgets, together with the certification of the Chief Information Officer regarding whether each proposed budget is adequate.

"(C) Not later than March 31 of each year, the Secretary of Defense shall submit to Congress a report specifying each proposed budget contained in the most-recent report submitted under subparagraph (B) that the Chief Information Officer did not certify to be adequate. The report of the Secretary shall include the following matters:

"(i) A discussion of the actions that the Secretary proposes to take, together with any recommended legislation that the Secretary considers appropriate, to address the inadequacy of the proposed budgets specified in the report.

"(ii) Any additional comments that the Secretary considers appropriate regarding the inadequacy of the proposed budgets.

"(3)(A) The Secretary of a military department or head of a Defense Agency may not develop or procure information technology (as defined in section 11101 of title 40) that does not fully comply with such standards as the Chief Information Officer may establish.

"(B) The Chief Information Officer shall implement and enforce a process for—

"(i) developing, adopting, or publishing standards for information technology, networking, or cyber capabilities to which any military department or defense agency would need to adhere in order to run such capabilities on defense networks; and

"(ii) certifying on a regular and ongoing basis that any capabilities being developed or procured meets such standards as have been published by the Department at the time of certification.

"(C) The Chief Information Officer shall identify gaps in standards and mitigation plans for operating in the absence of acceptable standards.".

(d) DIRECTION AND PRECEDENCE.—Section 142 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(c) The Chief Information Officer of the Department of Defense shall report directly to the Secretary of Defense in the performance of duties under this section.

"(d) The Chief Information Officer of the Department of Defense takes precedence in the Department of Defense with the officials serving in positions specified in section 131(b)(4) of this title. The officials serving in positions specified in such section and the Chief Information Officer take precedence among themselves in the order prescribed by the Secretary of Defense.".

(e) ALTERNATIVE PROPOSAL.—Not later than March 1, 2018, the Secretary of Defense shall submit to the congressional defense committees a proposal for such alternatives or modifications to the realignment of responsibilities of the Chief Information Officer of the Department of Defense required by the amendments made by subsection (a) as the Secretary considers appropriate, together with an implementation plan for such proposal. The proposal may not be carried out unless approved by statute.

10 USC 142 note.

(f) SERVICE OF INCUMBENT WITHOUT FURTHER APPOINTMENT.—The individual serving in the position of Chief Information Officer of the Department of Defense as of January 1, 2019, may continue to serve in such position commencing as of that date without further appointment pursuant to section 142 of title 10, United States Code, as amended by this section.

10 USC 142 note.

(g) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by this section shall take effect on January 1, 2019.

SEC. 910. CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE.

(a) CHIEF MANAGEMENT OFFICER.—

10 USC 132a note.

(1) IN GENERAL.—Effective February 1, 2018, section 132a of title 10, United States Code, is amended to read as follows:

"§ 132a. Chief Management Officer

"(a) APPOINTMENT AND QUALIFICATIONS.—(1) There is a Chief Management Officer of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(2) The Chief Management Officer shall be appointed from among persons who have an extensive management or business background and experience with managing large or complex organizations. A person may not be appointed as Chief Management Officer within seven years after relief from active duty as a commissioned officer of a regular component of an armed force.

"(b) RESPONSIBILITIES.—Subject to the authority, direction, and control of the Secretary of Defense and the Deputy Secretary of Defense, the Chief Management Officer shall perform such duties and exercise such powers as the Secretary or the Deputy Secretary may prescribe, including the following:

"(1) Serving as the chief management officer of the Department of Defense with the mission of managing enterprise business operations and shared services of the Department of Defense.

"(2) Serving as the principal advisor to the Secretary and the Deputy Secretary on establishing policies for, and directing, all enterprise business operations of the Department, including planning and processes, business transformation, performance measurement and management, and business information technology management and improvement activities and programs, including the allocation of resources for enterprise business

operations and unifying business management efforts across the Department.

"(3) Exercising authority, direction, and control over the Defense Agencies and Department of Defense Field Activities providing shared business services for the Department that are designated by the Secretary or the Deputy Secretary for purposes of this paragraph.

"(4) As of January 1, 2019—

"(A) serving as the Chief Information Officer of the Department for purposes of section 2222 of this title;

"(B) administering the responsibilities and duties specified in sections 11315 and 11319 of title 40, section 3506(a)(2) of title 44, and section 2223(a) of this title for business systems and management; and

"(C) Exercising any responsibilities, duties, and powers relating to business systems or management that are exercisable by a chief information officer for the Department, other than those responsibilities, duties, and powers of a chief information officer that are vested in the Chief Information Officer of the Department of Defense by section 142 of this title.

"(5) Serving as the official with principal responsibility in the Department for providing for the availability of common, usable, Defense-wide data sets with applications such as improving acquisition outcomes and personnel management.

"(6) Authority to direct the Secretaries of the military departments and the heads of all other elements of the Department with regard to matters for which the Chief Management Officer has responsibility under this section.

"(c) PRECEDENCE.—The Chief Management Officer takes precedence in the Department of Defense after the Secretary of Defense and the Deputy Secretary of Defense.

"(d) ENTERPRISE BUSINESS OPERATION DEFINED.—In this section, the term 'enterprise business operations' means those activities that constitute the cross-cutting business operations used by multiple components of the Department of Defense, but not those activities that are directly tied to a single military department or Department of Defense component. The term includes business-support functions designated by the Secretary of Defense or the Deputy Secretary of Defense for purposes of this section, such as aspects of financial management, healthcare, acquisition and procurement, supply chain and logistics, certain information technology, real property, and human resources operations.".

(2) CLERICAL AMENDMENT.—Effective February 1, 2018, the table of sections at the beginning of chapter 4 of title 10, United States Code, is amended by striking the item relating to section 132a and inserting the following new item:

10 USC note prec. 131.
10 USC prec. 131.

"132a. Chief Management Officer.".

(b) CONFORMING REPEAL OF PRIOR AUTHORITIES ON CHIEF MANAGEMENT OFFICER.—

(1) IN GENERAL.—Effective on January 31, 2018, subsection (c) of section 901 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2341; 10 U.S.C. 131 note) is repealed, and the amendments to be made by paragraph (4) of that subsection shall not be made.

10 USC 132 note.

10 USC 132 note.

(2) FURTHER CONFORMING AMENDMENTS.—Effective on February 1, 2018, section 132 of title 10, United States Code, is amended—

(A) by striking subsection (c); and

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

10 USC 131 note.

(c) CONFORMING AMENDMENTS ON PRECEDENCE IN DOD.—Effective on February 1, 2018, and immediately after the coming into effect of the amendments made by section 901 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2339; 10 U.S.C. 131 note)—

(1) section 131(b) of title 10, United States Code, as amended by section 906(d)(1) of this Act, is further amended—

(A) by redesignating paragraphs (2) through (9) as paragraphs (3) through (10), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Chief Management Officer of the Department of Defense.";

(2) section 133a(c) of such title is amended—

(A) in paragraph (1), by striking "and the Deputy Secretary of Defense" and inserting ", the Deputy Secretary of Defense, and the Chief Management Officer of the Department of Defense"; and

(B) in paragraph (2), by inserting "the Chief Management Officer," after "the Deputy Secretary,"; and

(3) section 133b(c) of such title is amended—

(A) in paragraph (1), by inserting "the Chief Management Officer of the Department of Defense," after "the Deputy Secretary of Defense,"; and

(B) in paragraph (2), by inserting "the Chief Management Officer," after "the Deputy Secretary,".

5 USC 5313 note.

(d) EXECUTIVE SCHEDULE LEVEL II.—Effective on February 1, 2018, and immediately after the coming into effect of the amendment made by section 901(h) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2342; 5 U.S.C. 5313 note), section 5313 of title 5, United States Code, is amended by inserting before the item relating to the Under Secretary of Defense for Research and Engineering the following new item:

"Chief Management Officer of the Department of Defense.".

10 USC 132a note.

(e) SERVICE OF INCUMBENT DEPUTY CHIEF MANAGEMENT OFFICER AS CHIEF MANAGEMENT OFFICER UPON COMMENCEMENT OF LATTER POSITION WITHOUT FURTHER APPOINTMENT.—The individual serving in the position of Deputy Chief Management Officer of the Department of Defense as of February 1, 2018, may continue to serve as Chief Management Officer of the Department of Defense under section 132a of title 10, United States Code (as amended by subsection (a)), commencing as of that date without further appointment pursuant to such section 132a.

10 USC 132a note.

(f) DEFENSE AGENCIES AND FIELD ACTIVITIES PROVIDING SHARED BUSINESS SERVICES.—

(1) INITIAL REPORTING REQUIREMENT.—Not later than January 15, 2018, the Secretary of Defense shall submit to the congressional defense committees a report specifying each Defense Agency and Department of Defense Field Activity providing shared business services for the Department of Defense that is to be designated by the Secretary of Defense or the

Deputy Secretary of Defense for purposes of subsection (b)(3) of section 132a of title 10, United States Code (as amended by subsection (a)), as of the coming into effect of such section 132a.

(2) NOTICE TO CONGRESS ON TRANSFER OF OVERSIGHT.—Upon the transfer to the Chief Management Officer of the Department of Defense of responsibility for oversight of shared business services of a Defense Agency or Department of Defense Field Activity specified in the report required by paragraph (1), the Secretary of Defense shall submit to the congressional defense committees a notice of the transfer, including the Defense Agency or Field Activity subject to the transfer and a description of the nature and scope of the responsibility for oversight transferred.

Subtitle B—Data Management and Analytics

SEC. 911. POLICY ON TREATMENT OF DEFENSE BUSINESS SYSTEM DATA RELATED TO BUSINESS OPERATIONS AND MANAGEMENT.

10 USC 2222 note.

(a) ESTABLISHMENT OF POLICY.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish a data policy for the Department of Defense that mandates that any data contained in a defense business system related to business operations and management is an asset of the Department of Defense.

(b) AVAILABILITY.—As part of the policy required by subsection (a), the Secretary of Defense shall ensure that, except as otherwise provided by law or regulation, data described in such subsection shall be made readily available to members of the Office of the Secretary of Defense, the Joint Staff, the military departments, the combatant commands, the Defense Agencies, the Department of Defense Field Activities, and all other offices, agencies, activities, and commands of the Department of Defense, as applicable.

SEC. 912. TRANSPARENCY OF DEFENSE MANAGEMENT DATA.

(a) COMMON ENTERPRISE DATA.—

(1) IN GENERAL.—Section 2222(e) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(5) COMMON ENTERPRISE DATA.—The defense business enterprise shall include enterprise data that may be automatically extracted from the relevant systems to facilitate Department of Defense-wide analysis and management of its business operations.

"(6) ROLES AND RESPONSIBILITIES.—

"(A) The Chief Management Officer of the Department of Defense shall have primary decision-making authority with respect to the development of common enterprise data. In consultation with the Defense Business Council, the Chief Management Officer shall—

"(i) develop an associated data governance process; and

"(ii) oversee the preparation, extraction, and provision of data across the defense business enterprise.

"(B) The Chief Management Officer and the Under Secretary of Defense (Comptroller) shall—

"(i) in consultation with the Defense Business Council, document and maintain any common enterprise data for their respective areas of authority;

"(ii) participate in any related data governance process;

"(iii) extract data from defense business systems as needed to support priority activities and analyses;

"(iv) when appropriate, ensure the source data is the same as that used to produce the financial statements subject to annual audit;

"(v) in consultation with the Defense Business Council, provide access, except as otherwise provided by law or regulation, to such data to the Office of the Secretary of Defense, the Joint Staff, the military departments, the combatant commands, the Defense Agencies, the Department of Defense Field Activities, and all other offices, agencies, activities, and commands of the Department of Defense; and

"(vi) ensure consistency of the common enterprise data maintained by their respective organizations.

"(C) The Director of Cost Assessment and Program Evaluation shall have access to data for the purpose of executing missions as designated by the Secretary of Defense.

"(D) The Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Secretaries of the military departments, commanders of combatant commands, the heads of the Defense Agencies, the heads of the Department of Defense Field Activities, and the heads of all other offices, agencies, activities, and commands of the Department of Defense shall provide access to the relevant system of such department, combatant command, Defense Agency, Defense Field Activity, or office, agency, activity, and command organization, as applicable, and data extracted from such system, for purposes of automatically populating data sets coded with common enterprise data.".

(2) DEFINITIONS.—Section 2222(i) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(10) COMMON ENTERPRISE DATA.—The term 'common enterprise data' means business operations or management-related data, generally from defense business systems, in a usable format that is automatically accessible by authorized personnel and organizations.

"(11) DATA GOVERNANCE PROCESS.—The term 'data governance process' means a system to manage the timely Department of Defense-wide sharing of data described under subsection (a)(6)(A).".

(b) DUTIES OF UNDER SECRETARY OF DEFENSE (COMPTROLLER).—Section 135(b) of title 10, United States Code, is amended in the second sentence by inserting after "shall perform" the following: "the duties assigned to the Under Secretary in section 2222 of this title and".

(c) DUTIES OF DIRECTOR OF COST ASSESSMENT AND PROGRAM EVALUATION.—Section 139a(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(9) Performing the duties assigned to the Director in section 2222 of this title.".

(d) IMPLEMENTATION PLAN FOR COMMON ENTERPRISE DATA.—

(1) PLAN REQUIRED.—Not later than one year after the date of the enactment of this Act, the Deputy Secretary of Defense, acting through the Chief Management Officer of the Department of Defense, shall develop a plan to implement the amendments made by subsection (a).

(2) ELEMENTS.—At a minimum, the implementation plan required by paragraph (1) shall include the following elements:

(A) The major tasks required to implement the requirements imposed by the amendments made by subsection (a) and the recommended time frames for each task.

(B) The estimated resources required to complete each major task identified pursuant to subparagraph (A).

(C) Any challenges associated with each major task identified pursuant to subparagraph (A) and related steps to mitigate such challenge.

(D) A description of how data security issues will be appropriately addressed in the implementation of such requirements.

(E) A review of the curriculum taught at the National Defense University, the Defense Acquisition University, professional military educational institutions, and appropriate private sector academic institutions to determine the extent to which the curricula include appropriate courses on data management, data analytics and other evaluation-related methods.

(3) ROLE OF UNDER SECRETARY OF DEFENSE (COMPTROLLER).—The Under Secretary of Defense (Comptroller) shall ensure that the implementation plan required by paragraph (1) does not conflict with the financial statement audit priorities and timeline of the Department of Defense.

(4) SUBMISSION TO CONGRESS.—Upon completion of the implementation plan required by paragraph (1), the Chief Management Officer shall submit the plan to the congressional defense committees.

(e) APPLICATION OF NEW AUTHORITIES REQUIRED.— 10 USC 2222 note.

(1) DATA ANALYTICS CAPABILITY REQUIRED.—Not later than September 30, 2020, the Chief Management Officer of the Department of Defense shall establish and maintain within the Department of Defense a data analytics capability for purposes of supporting enhanced oversight and management of the Defense Agencies and Department of Defense Field Activities.

(2) ELEMENTS.—The data analytics capability shall permit the following:

(A) The maintenance on a continuing basis of an accurate tabulation of the amounts expended by the Defense Agencies and Department of Defense Field Activities on Government and contractor personnel.

(B) The maintenance on a continuing basis of an accurate number of the personnel currently supporting the

Defense Agencies and Department of Defense Field Activities, including the following:

(i) Members of the regular components of the Armed Forces.

(ii) Members of the reserve components of the Armed Forces.

(iii) Civilian employees of the Department of Defense.

(iv) Detailees, whether from another organization or element of the Department or from another department or agency of the Federal Government.

(C) The tracking of costs for employing contract personnel, including federally funded research and development centers.

(D) The maintenance on a continuing basis of the following:

(i) An identification of the functions being performed by each Defense Agency and Department of Defense Field Activity.

(ii) An accurate tabulation of the amounts being expended by each Defense Agency and Department of Defense Field Activity on its functions.

(3) REPORTING REQUIREMENTS.—

(A) INTERIM REPORT.—Not later than one year after the date of the enactment of this Act, the Chief Management Officer of the Department of Defense shall submit to the congressional defense committees a report on progress in establishing the data analytics capability. The report shall include the following:

(i) A description and assessment of the efforts of the Chief Management Officer through the date of the report to establish the data analytics capability.

(ii) A description of current gaps in the data required to establish the data analytics capability, and a description of the efforts to be undertaken to eliminate such gaps.

(B) FINAL REPORT.—Not later than December 31, 2020, the Chief Management Officer shall submit to the congressional defense committees a report on the data analytics capability as established pursuant to this section.

10 USC 2222 note.

(f) ADDITIONAL PILOT PROGRAMS REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall carry out pilot programs to develop data integration strategies for the Department of Defense to address high-priority management challenges of the Department.

(2) ELEMENTS.—The pilot programs carried out under the authority of this subsection shall involve data integration strategies to address challenges of the Department with respect to the following:

(A) The budget of the Department.

(B) Logistics.

(C) Personnel security and insider threats.

(D) At least two other high-priority challenges of the Department identified by the Secretary for purposes of this subsection.

(3) REPORT ON PILOT PROGRAMS.—Not later than one year after the date of the enactment of this Act, the Secretary

of Defense shall submit to the congressional defense committees a report describing the pilot programs to be carried out under this section, including the challenge of the Department to be addressed by the pilot program and the manner in which the data integration strategy under the pilot program will address the challenge. If any proposed pilot program requires legislative action for the waiver or modification of a statutory requirement that otherwise prevents or impedes the implementation of the pilot program, the Secretary shall include in the report a recommendation for legislative action to waive or modify the statutory requirement.

SEC. 913. ESTABLISHMENT OF SET OF ACTIVITIES THAT USE DATA ANALYSIS, MEASUREMENT, AND OTHER EVALUATION-RELATED METHODS TO IMPROVE ACQUISITION PROGRAM OUTCOMES.

10 USC 2302 note.

(a) ESTABLISHMENT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish a set of activities that use data analysis, measurement, and other evaluation-related methods to improve the acquisition outcomes of the Department of Defense and enhance organizational learning.

(b) TYPES OF ACTIVITIES.—The set of activities established under subsection (a) may include any or all of the following: —

(1) Establishment of data analytics capabilities and organizations within an Armed Force.

(2) Development of capabilities in Department of Defense laboratories, test centers, and federally funded research and development centers to provide technical support for data analytics activities that support acquisition program management and business process re-engineering activities.

(3) Increased use of existing analytical capabilities available to acquisition programs and offices to support improved acquisition outcomes.

(4) Funding of intramural and extramural research and development activities to develop and implement data analytics capabilities in support of improved acquisition outcomes.

(5) Publication, to the maximum extent practicable, and in a manner that protects classified and proprietary information, of data collected by the Department of Defense related to acquisition program costs and activities for access and analyses by the general public or Department research and education organizations.

(6) Promulgation by the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps, in coordination with the Deputy Secretary of Defense, the Under Secretary of Defense for Research and Engineering, and the Under Secretary for Acquisition and Sustainment, of a consistent policy as to the role of data analytics in establishing budgets and making milestone decisions for major defense acquisition programs.

(7) Continual assessment, in consultation with the private sector, of the efficiency of current data collection and analyses processes, so as to minimize the requirement for collection and delivery of data by, from, and to Government organizations.

(8) Promulgation of guidance to acquisition programs and activities on the efficient use, quality, and sharing of enterprise data between programs and organizations to improve acquisition program analytics and outcomes.

(9) Establishment of focused research and educational activities at the Defense Acquisition University, and appropriate private sector academic institutions, to support enhanced use of data management, data analytics, and other evaluation-related methods to improve acquisition outcomes.

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

SEC. 921. QUALIFICATIONS FOR APPOINTMENT OF ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR FINANCIAL MANAGEMENT.

(a) ASSISTANT SECRETARY OF THE ARMY.—Section 3016(b)(4) of title 10, United States Code, is amended—

(1) by inserting "(A)" after "(4)";

(2) by striking "The Assistant Secretary shall have as his principal responsibility" and inserting the following:

"(C) The principal responsibility of the Assistant Secretary shall be"; and

(3) by inserting after subparagraph (A), as designated by paragraph (1), the following new subparagraph (B):

"(B) The Assistant Secretary shall be appointed from among persons who have significant budget, financial management, or audit experience in complex organizations.".

(b) ASSISTANT SECRETARY OF THE NAVY.—Section 5016(b)(3) of title 10, United States Code, is amended—

(1) by inserting "(A)" after "(3)";

(2) by striking "The Assistant Secretary shall have as his principal responsibility" and inserting the following:

"(C) The principal responsibility of the Assistant Secretary shall be"; and

(3) by inserting after subparagraph (A), as designated by paragraph (1), the following new subparagraph (B):

"(B) The Assistant Secretary shall be appointed from among persons who have significant budget, financial management, or audit experience in complex organizations.".

(c) ASSISTANT SECRETARY OF THE AIR FORCE.—Section 8016(b)(3) of title 10, United States Code, is amended—

(1) by inserting "(A)" after "(3)";

(2) by striking "The Assistant Secretary shall have as his principal responsibility" and inserting the following:

"(C) The principal responsibility of the Assistant Secretary shall be"; and

(3) by inserting after subparagraph (A), as designated by paragraph (1), the following new subparagraph (B):

"(B) The Assistant Secretary shall be appointed from among persons who have significant budget, financial management, or audit experience in complex organizations.".

10 USC 3016 note.

(d) APPLICABILITY.—The appointment qualifications imposed by the amendments made by this section shall apply with respect

to an appointment as an Assistant Secretary of a military department for financial management that is made on or after the date of the enactment of this Act.

SEC. 922. MANNER OF CARRYING OUT REDUCTIONS IN MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES PURSUANT TO HEADQUARTERS REDUCTION PLAN.

Section 346(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 796; 10 U.S.C. 111 note) is amended by adding at the end the following new paragraph:

"(5) MANNER OF CARRYING OUT REDUCTIONS.—

"(A) IN GENERAL.—The Secretary of Defense shall implement the headquarters reduction plan referred to in paragraph (1), as modified pursuant to that paragraph, so that reductions in major Department of Defense headquarters activities pursuant to the plan are carried out only after consideration of—

"(i) the current manpower levels of major Department of Defense headquarters activities;

"(ii) the historic manpower levels of major Department of Defense headquarters activities;

"(iii) the mission requirements of major Department of Defense headquarters activities; and

"(iv) the anticipated staffing needs of major Department of Defense headquarters activities necessary to meet national defense objectives.

"(B) CONFORMING MODIFICATION OF PLAN FOR ACHIEVEMENT OF COST SAVINGS.—The Secretary of Defense shall modify the plan for achievement of cost savings required by subsection (a) to take into account the requirement specified in subparagraph (A).".

SEC. 923. CERTIFICATIONS ON COST SAVINGS ACHIEVED BY REDUCTIONS IN MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES.

Section 346(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 796 10 U.S.C. 111 note), as amended by section 922, is further amended by adding at the end the following new paragraph:

"(6) CERTIFICATIONS ON COST SAVINGS ACHIEVED.—Not later than 120 days after the date of the enactment of this paragraph, and not later than 60 days after the end of each of fiscal years 2018 through 2020, the Director of Cost Assessment and Program Evaluation shall certify to the Secretary of Defense, and to the congressional defense committees, the following:

"(A) The validity of the cost savings achieved for each major Department of Defense headquarters activity during the previous fiscal year, including the cost of personnel detailed by another Department entity to the headquarters activity.

"(B) Whether the cost savings achieved for each major Department of Defense headquarters activity during that fiscal year met the savings objective for the headquarters activity for that fiscal year, as established pursuant to paragraph (1).".

10 USC 2228 note.

SEC. 924. CORROSION CONTROL AND PREVENTION EXECUTIVES MATTERS.

(a) SCOPE AND LEVEL OF POSITIONS.—Section 903(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2228 note) is amended—

(1) by striking "shall be the senior official" and inserting "shall be a senior official"; and

(2) by adding at the end the following new sentence: "Each individual so designated shall be a senior civilian employee of the military department concerned in pay grade GS–15 or higher.".

(b) QUALIFICATIONS.—Section 903 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2228 note) is further amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) QUALIFICATIONS.—Any individual designated as a corrosion control and prevention executive of a military department pursuant to subsection (a) shall—

"(1) have a working knowledge of corrosion prevention and control;

"(2) have strong program management and communication skills; and

"(3) understand the acquisition, research, development, test, and evaluation, and sustainment policies and procedures of the military department, including for the sustainment of infrastructure.".

10 USC 1564 note.

SEC. 925. BACKGROUND AND SECURITY INVESTIGATIONS FOR DEPARTMENT OF DEFENSE PERSONNEL.

(a) TRANSITION TO DISCHARGE BY DEFENSE SECURITY SERVICE.—

(1) SECRETARIAL AUTHORITY.—The Secretary of Defense has the authority to conduct security, suitability, and credentialing background investigations for Department of Defense personnel. In carrying out such authority, the Secretary may use such authority, or may delegate such authority to another entity.

(2) PHASED TRANSITION.—As part of providing for the conduct of background investigations initiated by the Department of Defense through the Defense Security Service by not later than the deadline specified in subsection (b), the Secretary shall, in consultation with the Director of the Office of Personnel Management, provide for a phased transition from the conduct of such investigations by the National Background Investigations Bureau of the Office of Personnel Management to the conduct of such investigations by the Defense Security Service by that deadline.

(3) TRANSITION ELEMENTS.—The phased transition required by paragraph (2) shall—

(A) provide for the transition of the conduct of investigations to the Defense Security Service using a risk management approach; and

(B) be consistent with the transition from legacy information technology operated by the Office of Personnel Management to the new information technology, including

the National Background Investigations System, as described in subsection (f).

(b) COMMENCEMENT OF IMPLEMENTATION PLAN FOR ONGOING DISCHARGE OF INVESTIGATIONS THROUGH DSS.—Not later than October 1, 2020, the Secretary of Defense shall commence carrying out the implementation plan developed pursuant to section 951(a)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2371; 10 U.S.C. 1564 note).

(c) TRANSFER OF CERTAIN FUNCTIONS WITHIN DOD TO DSS.—

(1) TRANSFER REQUIRED.—For purposes of meeting the requirements in subsections (a) and (b), the Secretary of Defense shall transfer to the Defense Security Service the functions, personnel, and associated resources of the following organizations:

(A) The Consolidated Adjudications Facility.

(B) Other organizations identified by the Secretary for purposes of this paragraph.

(2) SUPPORTING ORGANIZATIONS.—In addition to the organizations identified pursuant to paragraph (1), the following organizations shall prioritize resources to directly support the execution of requirements in subsections (a) and (b):

(A) The Office of Cost Analysis and Program Evaluation.

(B) The Defense Digital Service.

(C) Other organizations designated by the Secretary for purposes of this paragraph.

(3) TIMING AND MANNER OF TRANSFER.—The Secretary—

(A) may carry out the transfer required by paragraph (1) at any time before the date specified in subsection (b) that the Secretary considers appropriate for purposes of this section; and

(B) shall carry out the transfer in a manner designed to minimize disruptions to the conduct of background investigations for personnel of the Department of Defense.

(d) TRANSFER OF CERTAIN FUNCTIONS IN OPM TO DSS.—

(1) IN GENERAL.—For purposes of meeting the requirements in subsections (a) and (b), the Secretary of Defense shall provide for the transfer of the functions described in paragraph (2), and any associated personnel and resources, to the Department of Defense.

(2) FUNCTIONS.—The functions to be transferred pursuant to paragraph (1) are the following:

(A) Any personnel security investigations functions transferred by the Secretary to the Director of the Office of Personnel Management pursuant to section 906 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 5 U.S.C. 1101 note).

(B) Any other functions of the Office of Personnel Management in connection with background investigations initiated by the Department of Defense that the Secretary and the Director jointly consider appropriate.

(3) ASSESSMENT.—In carrying out the transfer of functions pursuant to paragraph (1), the Secretary shall conduct a comprehensive assessment of workforce requirements for both the Department of Defense and the National Background Investigations Bureau synchronized to the transition plan, including a forecast of workforce needs across the current future-years

defense plan for the Department. Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing the results of the assessment.

(4) CONSULTATION.—The Secretary shall carry out paragraphs (1), (2), and (3) in consultation with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget.

(5) LOCATION WITHIN DOD.—Any functions transferred to the Department of Defense pursuant to this subsection shall be located within the Defense Security Service.

(e) CONDUCT OF CERTAIN ACTIONS.—For purposes of the conduct of background investigations following the commencement of carrying out the implementation plan referred to in subsection (b), the Secretary of Defense shall provide for the following:

(1) A single capability for the centralized funding, submissions, and processing of all background investigations, from within the Defense Security Service.

(2) The discharge by the Consolidated Adjudications Facility, from within the Defense Security Service pursuant to transfer under subsection (c), of adjudications in connection with the following:

(A) Background investigations.

(B) Continuous evaluation and vetting checks.

(f) ENHANCEMENT OF INFORMATION TECHNOLOGY CAPABILITIES OF NBIS.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a review of the information technology capabilities of the National Background Investigations System in order to determine whether enhancements to such capabilities are required for the following:

(A) Support for background investigations pursuant to this section and section 951 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2371; 10 U.S.C. 1564 note).

(B) Support of the National Background Investigations Bureau.

(C) Execution of the conduct of background investigations initiated by the Department of Defense pursuant to this section, including submissions and adjudications.

(2) COMMON COMPONENT.—In providing for the transition and operation of the National Background Investigations System as described in paragraph (1)(C), the Secretary shall develop a common component of the System usable for background investigations by both the Defense Security Service and the National Background Investigations Bureau.

(3) ENHANCEMENTS.—If the review pursuant to paragraph (1) determines that enhancements described in that paragraph are required, the Secretary shall carry out such enhancements.

(4) CONSULTATION.—The Secretary shall carry out this subsection in consultation with the Director of the Office of Personnel Management.

(g) USE OF CERTAIN PRIVATE INDUSTRY DATA.—In carrying out background and security investigations pursuant to this section and section 951 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2371; 10 U.S.C. 1564 note), the Secretary of Defense may use background materials

collected on individuals by the private sector, in accordance with national policies and standards, that are applicable to such investigations, including materials as follows:

(1) Financial information, including credit scores and credit status.

(2) Criminal records.

(3) Drug screening.

(4) Verifications of information on resumes and employment applications, such as previous employers, educational achievement, and educational institutions attended.

(5) Other publicly available electronic information.

(h) SECURITY CLEARANCES FOR CONTRACTOR PERSONNEL.—

(1) IN GENERAL.—The Secretary of Defense shall review the requirements of the Department of Defense relating to position sensitivity designations for contractor personnel in order to determine whether such requirements may be reassessed or modified to reduce the number and range of contractor personnel who are issued security clearances in connection with work under contracts with the Department.

(2) GUIDANCE.—The Secretary shall issue guidance to program managers, contracting officers, and security personnel of the Department specifying requirements for the review of contractor position sensitivity designations and the number of contractor personnel of the Department who are issued security clearances for the purposes of determining whether the number of such personnel who are issued security clearances should and can be reduced.

(i) PERSONNEL TO SUPPORT THE TRANSFER OF FUNCTIONS.—The Secretary of Defense shall authorize the Director of the Defense Security Service to promptly increase the number of personnel of the Defense Security Service for the purpose of beginning the establishment and expansion of investigative capacity to support the phased transfer of investigative functions from the Office of Personnel Management to the Department of Defense under this section. The Director of Cost Analysis and Program Assessment shall advise the Secretary on the size of the initial investigative workforce and the rate of growth of that workforce.

(j) REPORT ON FUTURE PERIODIC REINVESTIGATIONS, INSIDER THREAT, AND CONTINUOUS VETTING.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report that includes the following:

(A) An assessment of the feasibility and advisability of periodic reinvestigations of backgrounds of Government and contractor personnel with security clearances, including lessons from all of the continuous evaluation pilots being conducted throughout the Government, and identification of new or additional data sources and data analytic tools needed for improving current continuous evaluation or vetting capabilities.

(B) A plan to provide the Government with an enhanced risk management model that reduces the gaps in coverage perpetuated by the current time-based periodic reinvestigations model, particularly in light of the increasing use of continuous background evaluations of personnel referred to in subparagraph (A).

(C) A plan for expanding continuous background vetting capabilities, such as the Installation Matching Engine for Security and Analysis, to the broader population, including those at the lowest tiers and levels of access, which plan shall include details to ensure that all individuals credentialed for physical access to Department of Defense facilities and installations are vetted to the same level of fitness determinations and subject to appropriate continuous vetting.

(D) A plan to fully integrate and incorporate insider threat data, tools, and capabilities into the new end-to-end vetting processes and supporting information technology established by the Defense Security Service to ensure a holistic and transformational approach to detecting, deterring, and mitigating threats posed by trusted insiders.

(2) CONSULTATION.—The Secretary shall prepare the report under paragraph (1) in consultation with the Director of National Intelligence and the Director of the Office of Personnel Management.

(k) QUARTERLY AND ANNUAL BRIEFINGS AND REPORTS.—

(1) ANNUAL ASSESSMENT OF TIMELINESS.—Not later than December 31, 2018, and each December 31 thereafter through the date specified in paragraph (4), the Security Executive Agent, in coordination with the Chair and other Principals of the Security, Suitability, and Credentialing Performance Accountability Council, shall submit to the appropriate committees of Congress a report on the timeliness of personnel security clearance initiations, investigations, and adjudications, by clearance level, for both initial investigations and periodic reinvestigations during the prior fiscal year for Government and contractor employees, including the following:

(A) The average periods of time taken by each authorized investigative agency and authorized adjudicative agency to initiate cases, conduct investigations, and adjudicate cases as compared with established timeliness objectives, from the date a completed security clearance application is received to the date of adjudication and notification to the subject and the subject's employer.

(B) The number of initial investigations and periodic reinvestigations initiated and adjudicated by each authorized adjudicative agency.

(C) The number of initial investigations and periodic reinvestigations carried over from prior fiscal years by each authorized investigative and adjudicative agency.

(D) The number of initial investigations and periodic reinvestigations that resulted in a denial or revocation of a security clearance by each authorized adjudicative agency.

(E) The costs to the executive branch related to personnel security clearance initiations, investigations, adjudications, revocations, and continuous evaluation.

(F) A discussion of any impediments to the timely processing of personnel security clearances.

(G) The number of clearance holders enrolled in continuous evaluation and the numbers and types of adverse

actions taken as a result by each authorized adjudicative agency.

(H) The number of personnel security clearance cases, both initial investigations and periodic reinvestigations, awaiting or under investigation by the National Background Investigations Bureau.

(I) Other information as appropriate, including any recommendations to improve the timeliness and efficiency of personnel security clearance initiations, investigations, and adjudications.

(2) QUARTERLY BRIEFINGS.—Not later than the end of each calendar-year quarter beginning after January 1, 2018, through the date specified in paragraph (4), the Secretary of Defense shall provide the appropriate congressional committees a briefing on the progress of the Secretary in carrying out the requirements of this section during that calendar-year quarter. Until the backlog of security clearance applications at the National Background Investigations Bureau is eliminated, each quarterly briefing shall also include the current status of the backlog and the resulting mission and resource impact to the Department of Defense and the defense industrial base. Until the phased transition described in subsection (a) is complete, each quarterly briefing shall also include identification of any resources planned for movement from the National Background Investigations Bureau to the Department of Defense during the next calendar-year quarter.

(3) ANNUAL REPORTS.—Not later than December 31, 2018, and each December 31 thereafter through the date specified in paragraph (4), the Secretary of Defense shall submit to the appropriate congressional committees a report on the following for the calendar year in which the report is to be submitted:

(A) The status of the Secretary in meeting the requirements in subsections (a), (b), and (c).

(B) The status of any transfers to be carried out pursuant to subsection (d).

(C) An assessment of the personnel security capabilities of the Department of Defense.

(D) The average periods of time taken by each authorized investigative agency and authorized adjudicative agency to initiate cases, conduct investigations, and adjudicate cases as compared with established timeliness objectives, from the date a completed security clearance application is received to the date of adjudication and notification to the subject and the subject's employer.

(E) The number of initial investigations and periodic reinvestigations initiated and adjudicated by each authorized adjudicative agency.

(F) The number of initial investigations and periodic reinvestigations carried over from prior fiscal years by each authorized investigative and adjudicative agency.

(G) The number of initial investigations and periodic reinvestigations that resulted in a denial or revocation of a security clearance by each authorized adjudicative agency.

(H) The costs to the Department of Defense related to personnel security clearance initiations, investigations, adjudications, revocations, and continuous evaluation.

(I) A discussion of any impediments to the timely processing of personnel security clearances.

(J) The number of clearance holders enrolled in continuous evaluation and the numbers and types of adverse actions taken as a result.

(K) The number of personnel security clearance cases, both initial investigations and periodic reinvestigations, awaiting or under investigation by the National Background Investigations Bureau.

(L) Other information that the Secretary considers appropriate, including any recommendations to improve the timeliness and efficiency of personnel security clearance initiations, investigations, and adjudications.

(4) TERMINATION.—No briefing or report is required under this subsection after December 31, 2021.

(l) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committees on Armed Services, Appropriations, Homeland Security and Governmental Affairs, and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services, Appropriations, Oversight and Government Reform, and the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle D—Miscellaneous Reporting Requirements

SEC. 931. ADDITIONAL ELEMENTS IN REPORTS ON POLICY, ORGANIZATION, AND MANAGEMENT GOALS OF THE SECRETARY OF DEFENSE FOR THE DEPARTMENT OF DEFENSE.

Section 912(a)(2) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2349) is amended by adding at the end the following new subparagraphs:

"(D) A civilian operating force structure sized for operational effectiveness that is manned, equipped, and trained to support deployment time and rotation ratios that sustain the readiness and needed retention levels of the regular and reserve components of the Armed Forces.

"(E) The hiring authorities and other actions that the Secretary of Defense or the Secretaries of the military departments will take to eliminate any gaps between desired programmed civilian workforce levels and the current size of the civilian workforce, set forth by mission and functional area.".

SEC. 932. REPORT AND SENSE OF CONGRESS ON RESPONSIBILITY FOR DEVELOPMENTAL TEST AND EVALUATION WITHIN THE OFFICE OF THE SECRETARY OF DEFENSE.

(a) REPORT ON PLANS TO ADDRESS DEVELOPMENTAL TEST AND EVALUATION RESPONSIBILITIES WITHIN THE OFFICE OF THE SECRETARY OF DEFENSE.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing a strategy to ensure that there is sufficient expertise, oversight, and policy direction on developmental test and evaluation within the Office of the Secretary of Defense after the completion of the reorganization of such Office required under section 901 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2339).

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

(A) The structure of the roles and responsibilities of the senior Department of Defense official responsible for developmental test and evaluation, as distinct from operational test and evaluation or systems engineering.

(B) The location of the senior Department of Defense official responsible for developmental test and evaluation within the organizational structure of the Office of the Secretary of Defense.

(C) An estimate of personnel and other resources that should be made available to the senior Department of Defense official responsible for developmental test and evaluation to ensure that such official can provide independent expertise, oversight, and policy direction and guidance Department of Defense-wide.

(D) Methods to ensure that the senior Department of Defense official responsible for developmental test and evaluation will be empowered to facilitate Department of Defense-wide efficiencies by helping programs to optimize test designs and activities, including ensuring access to program data and participation in acquisition program oversight.

(E) Methods to ensure that an advocate for test and evaluation workforce will continue to exist within the acquisition workforce.

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

(1) developmental testing is critical to reducing acquisition program risk by providing valuable information to support sound decision making;

(2) major defense acquisition programs often do not conduct enough developmental testing, so too many problems are first identified during operational testing, when they are expensive and time-consuming to fix; and

(3) in order to ensure that effective developmental testing is conducted on major defense acquisition programs, the Secretary of Defense should—

(A) carefully consider where the senior Department of Defense official responsible for developmental test and evaluation is located within the organizational structure of the Office of the Secretary of Defense; and

(B) ensure that such official has sufficient authority and resources to provide oversight and policy direction on developmental test and evaluation Department of Defense-wide.

SEC. 933. REPORT ON OFFICE OF CORROSION POLICY AND OVERSIGHT.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report—

(1) evaluating the continued need for the Office of Corrosion Policy and Oversight; and

(2) containing a recommendation regarding whether to retain or terminate the Office.

(b) ASSESSMENT.—As part of the report required by subsection (a), the Secretary of Defense shall conduct an assessment to determine whether there is duplication in matters relating to corrosion prevention and control and mitigation of corrosion of the military equipment and infrastructure of the Department of Defense between the Office of Corrosion Policy and Oversight and other elements of the Department, including, in particular, the Corrosion Control and Prevention Executives of the military departments.

(c) RECOMMENDATION.—If the report required by subsection (a) includes a recommendation to terminate the Office of Corrosion Policy and Oversight, the Secretary of Defense shall include recommendations for such additional authorities, if any, for the military departments and the Armed Forces as the Secretary considers appropriate to ensure the proper discharge by the Department of Defense of functions relating to corrosion prevention and control and mitigation of corrosion in the absence of the Office.

Subtitle D—Other Matters

SEC. 941. COMMISSION ON THE NATIONAL DEFENSE STRATEGY FOR THE UNITED STATES.

(a) EXTENSION OF DEADLINES FOR REPORTING AND BRIEFING REQUIREMENTS.—Section 942(e) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2368) is amended—

(1) in paragraph (1), by striking "December 1, 2017" and inserting "July 1, 2018"; and

(2) in paragraph (2), by striking "June 1, 2017" and inserting "March 1, 2018".

(b) TREATMENT OF COMMISSION.—Section 942 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2368) is amended by adding at the end the following new subsection:

"(h) LEGISLATIVE ADVISORY COMMITTEE.—The Commission shall operate as a legislative advisory committee and shall not be subject to the provisions of the Federal Advisory Committee Act (Public Law 92–463; 5 U.S.C. App.) or section 552b of title 5, United States Code (commonly known as the Government in the Sunshine Act).".

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2018 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

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

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

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

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

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

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

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

SEC. 1002. CONSOLIDATION, CODIFICATION, AND IMPROVEMENT OF CERTAIN AUTHORITIES AND REQUIREMENTS IN CONNECTION WITH THE AUDIT OF THE FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.

(a) ESTABLISHMENT OF NEW CHAPTER ON AUDIT.—

(1) IN GENERAL.—Part I of subtitle A of title 10, United States Code, is amended by inserting after chapter 9 the following new chapter: 10 USC prec. 251.

"CHAPTER 9A—AUDIT

"Sec.
"251. Audit of Department of Defense financial statements.
"252. Financial Improvement and Audit Remediation Plan.
"253. Audit: consolidated corrective action plan; centralized reporting system.
"254. Audits: audit of financial statements of Department of Defense components by independent external auditors.
"254a. Audits: use of commercial data integration and analysis products in preparing audits.
"254b. Audits: selection of service providers for audit services.".

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of subtitle A of title 10, United States Code, and 10 USC note prec. 101.

10 USC note prec. 101.

part I of such subtitle, are each amended by inserting after the item relating to chapter 9 the following new item:

"9A. Audit ..... 251".

(b) REQUIREMENT FOR AUDIT OF FINANCIAL STATEMENTS.—

(1) IN GENERAL.—Chapter 9A of title 10, United States Code, as added by subsection (a), is amended by inserting after the table of sections a new section 251 as follows:

10 USC 251.

"§ 251. Audit of Department of Defense financial statements

"(a) ANNUAL AUDIT REQUIRED.—The Secretary of Defense shall ensure that a full audit is performed on the financial statements of the Department of Defense for each fiscal year as required by section 3521(e) of title 31.

"(b) ANNUAL REPORT ON AUDIT.—The Secretary shall submit to Congress the results of the audit performed in accordance with subsection (a) for a fiscal year by not later than March 31 of the following fiscal year.".

(2) CONFORMING REPEAL.—Section 1003 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 842; 10 U.S.C. 2222 note) is repealed.

(c) FINANCIAL IMPROVEMENT AND AUDIT REMEDIATION PLAN.—

(1) IN GENERAL.—Chapter 9A of title 10, United States Code, as added and amended by this section, is further amended by inserting after section 251, as added by subsection (b), a new section 252 consisting of—

(A) a heading as follows:

10 USC 252.

"§ 252. Financial Improvement and Audit Remediation Plan"; and

(B) a text consisting subsection (a) of section 1003 of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2222 note).

(2) AMENDMENTS IN CONNECTION WITH CODIFICATION.—Subsection (a) of section 252 of title 10, United States Code, as added by paragraph (1), is amended—

(A) in paragraph (1), by striking "develop and"; and

(B) in paragraph (2)(B), by striking "of title 10, United States Code" and inserting "of this title".

(3) IMPROVEMENTS.—Such section 252, as added and amended by this subsection, is further amended—

(A) in the subsection headings for subsection (a), by striking "FINANCIAL IMPROVEMENT AND AUDIT READINESS PLAN" and inserting "FINANCIAL IMPROVEMENT AND AUDIT REMEDIATION PLAN";

(B) in subsection (a)—

(i) in paragraph (1), by striking "Financial Improvement and Audit Readiness Plan" and inserting "Financial Improvement and Audit Remediation Plan"; and

(ii) in paragraph (2)—

(I) in subparagraph (A)—

(aa) by striking the matter preceding clause (i) and inserting the following:

"(A) describe specific actions to be taken, including interim milestones with a detailed description of the subordinate activities required, and estimate the costs associated with—";

(bb) in clause (ii), by striking "are validated as ready for audit" and all that follows and inserting "go under full financial statement audit, and that the Department leadership makes every effort to reach an unmodified opinion as soon as possible;"; and

(cc) by adding at the end the following new clauses:

"(iii) achieving an unqualified audit opinion for each major element of the statement of budgetary resources of the Department of Defense; and

"(iv) addressing the existence and completeness of each major category of Department of Defense assets; and";

(II) in subparagraph (B)—

(aa) by inserting "business" before "process and control";

(bb) by striking "the business enterprise architecture and transition plan required by"; and

(cc) by striking the semicolon at the end and inserting a period; and

(III) by striking subparagraphs (C) and (D); and

(C) by inserting after subsection (a) the following new subsection (b):

"(b) REPORT AND BRIEFING REQUIREMENTS.—

"(1) ANNUAL REPORT.—

"(A) IN GENERAL.—Not later than June 30, 2019, and annually thereafter, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees a report on the status of the implementation by the Department of Defense of the Financial Improvement and Audit Remediation Plan under subsection (a).

"(B) ELEMENTS.—Each report under subparagraph (A) shall include the following:

"(i) An analysis of the consolidated corrective action plan management summary prepared pursuant to section 253a of this title.

"(ii) Current Department of Defense-wide information on the status of corrective actions plans related to critical capabilities and material weaknesses, including the standard data elements recommended in the implementation guide for Office of Management and Budget Circular A–123, for the armed forces, military departments, and Defense Agencies.

"(iii) A current description of the work undertaken and planned to be undertaken by the Department of Defense, and the military departments, Defense Agencies, and other organizations and elements of the Department, to test and verify transaction data pertinent to obtaining an unqualified audit of their financial statements, including from feeder systems.

"(iv) A current projected timeline of the Department in connection with the audit of the full financial statements of the Department, to be submitted to Congress annually not later than six months after the

submittal to Congress of the budget of the President for a fiscal year under section 1105 of title 31, including the following:

"(I) The date on which the Department projects the beginning of an audit of the full financial statements of the Department, and the military departments, Defense Agencies, and other organizations and elements of the Department, for a fiscal year.

"(II) The date on which the Department projects the completions of audits of the full financial statements of the Department, and the military departments, Defense Agencies, and other organizations and elements of the Department, for a fiscal year.

"(III) The dates on which the Department estimates it will obtain an unqualified audit opinion on the full financial statements of the Department, the military departments, the Defense Agencies, and other organizations and elements of the Department for a fiscal year.

"(v) A current estimate of the anticipated annual costs of maintaining an unqualified audit opinion on the full financial statements of the Department, the military departments, the Defense Agencies, and other organizations and elements of the Department for a fiscal year after an unqualified audit opinion on such full financial statements for a fiscal year is first obtained.

"(vi) A certification of the results of the audit of the financial statements of the Department performed for the preceding fiscal year, and a statement summarizing, based on such results, the current condition of the financial statements of the Department.

"(2) SEMIANNUAL BRIEFINGS.—Not later than January 31 and June 30 each year, the Under Secretary of Defense (Comptroller) and the comptrollers of the military departments shall provide a briefing to the congressional defense committees on the status of the corrective action plan.

"(3) CRITICAL CAPABILITIES DEFINED.—In this subsection, the term 'critical capabilities' means the critical capabilities described in the Department of Defense report titled 'Financial Improvement and Audit Readiness (FIAR) Plan Status Report' and dated May 2016.".

(4) CONFORMING REPEAL.—Section 1003 of the National Defense Authorization Act for Fiscal Year 2010 is repealed.

10 USC 2222 note.

(d) CONSOLIDATED CORRECTIVE ACTION PLAN.—Chapter 9A of title 10, United States Code, as added and amended by this section, is further amended by adding after section 252, as added and amended by subsection (c), a new section 253 consisting of—

(1) a heading as follows:

10 USC 253.

"§ 253. Audit: consolidated corrective action plan; centralized reporting system"; and

(2) a text as follows:

"The Under Secretary of Defense (Comptroller) shall—

"(1) on a bimonthly basis, prepare a consolidated corrective action plan management summary on the status of key corrective actions plans related to critical capabilities for the armed forces and for the components of the Department of Defense that support the armed forces; and

"(2) develop and maintain a centralized monitoring and reporting process that captures and maintains up-to-date information, including the standard data elements recommended in the implementation guide for Office of Management and Budget Circular A–123, for key corrective action plans and findings and recommendations Department-wide that pertain to critical capabilities.".

(e) AUDIT OF DOD COMPONENTS BY INDEPENDENT EXTERNAL AUDITORS.—

(1) IN GENERAL.—Chapter 9A of title 10, United States Code, as added and amended by this section, is further amended by adding after section 253, as added and amended by subsection (d), a new section 254 consisting of—

(A) a heading as follows:

"§ 254. Audits: audit of financial statements of Department of Defense components by independent external auditors"; and 10 USC 254.

(B) a text consisting of the text of section 1005 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 861; 10 U.S.C. 2222 note).

(2) AMENDMENTS IN CONNECTION WITH CODIFICATION.—Section 254 of title 10, United States Code, as added by paragraph (1), is further amended—

(A) in subsections (d)(1)(A) and (e)(3), by striking ", United States Code"; and

(B) in subsections (a) and (e)(2), by striking ", United States Code,".

(3) IMPROVEMENTS.—Such section 254, as added and amended by this subsection, is further amended—

(A) in subsection (d)(1)—

(i) in subparagraph (A), by inserting "and the Chief Management Officer of the Department of Defense" before the semicolon;

(ii) in subparagraph (B), by striking "and" at the end;

(iii) by redesignating subparagraph (C) as subparagraph (D); and

(iv) by inserting after subparagraph (B), the following new subparagraph (C):

"(C) the head of each component audited; and"; and

(B) in subsection (e)—

(i) by striking paragraph (1); and

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(4) CONFORMING REPEAL.—Section 1005 of the National Defense Authorization Act for Fiscal Year 2016 is repealed. 10 USC 2222 note.

(f) USE OF COMMERCIAL DATA INTEGRATION AND ANALYSIS PRODUCTS.—

(1) IN GENERAL.—Chapter 9A of title 10, United States Code, as added and amended by this section, is further amended

by adding after section 254, as added and amended by subsection (e), a new section 254a consisting of—

(A) a heading as follows:

10 USC 254a.

"§ 254a. Audits: use of commercial data integration and analysis products in preparing audits"; and

(B) a text consisting of subsections (a) and (b) of section 1003 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2380; 10 U.S.C. 2222 note).

(2) AMENDMENTS IN CONNECTION WITH CODIFICATION.—Section 254a of title 10, United States Code, as added by paragraph (1), is amended—

(A) in subsection (a)—

(i) by striking "of title 10, United States Code," and inserting "of this title"; and

(ii) by striking ", as soon as practicable,"; and

(B) in subsection (b), by striking "this deployment" and inserting "deployment of technologies and services as described in subsection (a)".

(3) CONFORMING REPEAL.—Section 1003 of the National Defense Authorization Act for Fiscal Year 2017 is repealed.

10 USC 2222 note.

(g) SELECTION OF SERVICE PROVIDERS FOR AUDIT SERVICES.—

(1) IN GENERAL.—Chapter 9A of title 10, United States Code, as added and amended by this section, is further amended by adding after section 254a, as added and amended by subsection (f), a new section 254b consisting of—

(A) a heading as follows:

10 USC 254b.

"§ 254b. Audits: selection of service providers for audit services"; and

(B) a text consisting of the text of section 892 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2324; 10 U.S.C. 2331 note).

(2) IMPROVEMENT.—Section 254b of title 10, United States Code, as added by paragraph (1), is amended by striking "and audit readiness services".

(3) CONFORMING REPEAL.—Section 892 of the National Defense Authorization Act for Fiscal Year 2017 is repealed.

10 USC 2331 note.

(h) REPEAL OF CERTAIN REQUIREMENTS IN CONNECTION WITH RELIABILITY OF DOD FINANCIAL STATEMENTS.—Section 1008 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 113 note) is amended by striking subsections (d), (e), and (f).

10 USC 2222 note.

SEC. 1003. IMPROPER PAYMENT MATTERS.

Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense (Comptroller) shall take the following actions:

(1) With regard to estimating improper payments:

(A) Establish and implement key quality assurance procedures, such as reconciliations, to ensure the completeness and accuracy of sampled populations.

(B) Revise the procedures for the sampling methodologies of the Department of Defense so that such procedures—

(i) comply with Office of Management and Budget guidance and generally accepted statistical standards;

(ii) produce statistically valid improper payment error rates, statistically valid improper payment dollar estimates, and appropriate confidence intervals for both; and

(iii) in meeting clauses (i) and (ii), take into account the size and complexity of the transactions being sampled.

(2) With regard to identifying programs susceptible to significant improper payments, conduct a risk assessment that complies with the Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–204) and the amendments made by that Act (in this section collectively referred to as "IPERA").

(3) With regard to reducing improper payments, establish procedures that produce corrective action plans that—

(A) comply fully with IPERA and associated Office of Management and Budget guidance, including by holding individuals responsible for implementing corrective actions and monitoring the status of corrective actions; and

(B) are in accordance with best practices, such as those recommended by the Chief Financial Officers Council, including by providing for—

(i) measurement of the progress made toward remediating root causes of improper payments; and

(ii) communication to the Secretary of Defense and the heads of departments, agencies, and organizations and elements of the Department of Defense, and key stakeholders, on the progress made toward remediating the root causes of improper payments.

(4) With regard to implementing recovery audits for improper payments, develop and implement procedures to—

(A) identify costs related to the recovery audits and recovery efforts of the Department of Defense; and

(B) evaluate improper payment recovery efforts in order to ensure that they are cost effective.

(5) Monitor the implementation of the revised chapter of the Financial Management Regulations on recovery audits in order to ensure that the Department of Defense, the military departments, the Defense Agencies, and the other organizations and elements of the Department of Defense either conduct recovery audits or demonstrate that it is not cost effective to do so.

(6) Develop and submit to the Office of Management and Budget for approval a payment recapture audit plan that fully complies with Office of Management and Budget guidance.

(7) With regard to reporting on improper payments, design and implement procedures to ensure that the annual improper payment and recovery audit reporting of the Department of Defense is complete, accurate, and complies with IPERA and associated Office of Management and Budget guidance.

SEC. 1004. RANKINGS OF AUDITABILITY OF FINANCIAL STATEMENTS OF THE ORGANIZATIONS AND ELEMENTS OF THE DEPARTMENT OF DEFENSE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the

Under Secretary of Defense (Comptroller), submit to the congressional defense committees a report setting forth a ranking of the auditability of the financial statements of the departments, agencies, organizations, and elements of the Department of Defense according to the progress made toward achieving auditability as required by law. The Under Secretary shall determine the criteria to be used for purposes of the rankings.

10 USC 2222 note.

SEC. 1005. FINANCIAL OPERATIONS DASHBOARD FOR THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—The Under Secretary of Defense (Comptroller) shall develop and maintain on an Internet website available to Department of Defense agencies a tool (commonly referred to as a "dashboard)" to permit officials to track key indicators of the financial performance of the Department of Defense. Such key indicators may include outstanding accounts payable, abnormal accounts payable, outstanding advances, unmatched disbursements, abnormal undelivered orders, negative unliquidated obligations, violations of sections 1341 and 1517(a) of title 31, United States Code (commonly referred to as the "Anti-Deficiency Act"), costs deriving from payment delays, interest penalty payments, and improper payments, and actual savings realized through interest payments made, discounts for timely or advanced payments, and other financial management and improvement initiatives.

(b) INFORMATION COVERED.—The tool shall cover financial performance information for the military departments, the defense agencies, and any other organizations or elements of the Department of Defense.

(c) TRACKING OF PERFORMANCE OVER TIME.—The tool shall permit the tracking of financial performance over time, including by month, quarter, and year, and permit users of the tool to export both current and historical data on financial performance.

(d) UPDATES.—The information covered by the tool shall be updated not less frequently than quarterly.

10 USC 251 note.

SEC. 1006. REVIEW AND RECOMMENDATIONS ON EFFORTS TO OBTAIN AUDIT OPINION ON FULL FINANCIAL STATEMENTS.

(a) IN GENERAL.—The Secretary of Defense may establish within the Department of Defense a team of distinguished, private sector experts with experience conducting financial audits of large public or private sector organizations to review and make recommendations to improve the efforts of the Department to obtain an audit opinion on its full financial statements.

(b) SCOPE OF ACTIVITIES.—A team established pursuant to subsection (a) shall—

(1) identify impediments to the progress of the Department in obtaining an audit opinion on its full financial statements, including an identification of the organizations or elements that are lagging in their efforts toward obtaining such audit opinion;

(2) estimate when an audit opinion on the full financial statements of the Department will be obtained; and

(3) consider mechanisms and incentives to support efficient achievement by the Department of its audit goals, including organizational mechanisms to transfer direction and management control of audit activities from subordinate organizations to the Office of the Secretary of Defense, individual personnel

incentives, workforce improvements (including in senior leadership positions), business process, technology, and systems improvements (including the use of data analytics), and metrics by which the Secretary and Congress may measure and assess progress toward achievement of the audit goals of the Department.

(c) REPORTS.—

(1) REPORT ON ESTABLISHMENT OF TEAM.—If the Secretary takes action pursuant to subsection (a), the Secretary shall, not later than September 30, 2019, submit to the congressional defense committees a report on the team established pursuant to that subsection, including a description of the actions taken and to be taken by the team pursuant to subsection (b).

(2) REPORT ON DETERMINATION NOT TO ESTABLISH TEAM.—If as of June 1, 2019, the Secretary has determined not to establish a team authorized by subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives on that date a report on the determination, including an explanation and justification for the determination.

SEC. 1007. NOTIFICATION REQUIREMENT FOR CERTAIN CONTRACTS FOR AUDIT SERVICES.

10 USC 254b note.

(a) NOTIFICATION TO CONGRESS.—If the Under Secretary of Defense (Comptroller) makes a written finding that a delay in performance of a covered contract while a protest is pending would hinder the annual preparation of audited financial statements for the Department of Defense, and the head of the procuring activity responsible for the award of the covered contract does not authorize the award of the contract (pursuant to section 3553(c)(2) of title 31, United States Code) or the performance of the contract (pursuant to section 3553(d)(3)(C) of such title), the Secretary of Defense shall—

(1) notify the congressional defense committees within 10 days after such finding is made; and

(2) describe any steps the Department of Defense plans to take to mitigate any hindrance identified in such finding to the annual preparation of audited financial statements for the Department.

(b) COVERED CONTRACT DEFINED.—In this section, the term "covered contract" means a contract for services to perform an audit to comply with the requirements of section 3515 of title 31, United States Code.

Subtitle B—Counterdrug Activities

SEC. 1011. EXTENSION OF AUTHORITY TO SUPPORT A UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as most recently amended by section 1013 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2385), is further amended—

(1) in subsection (a)(1), by striking "2019" and inserting "2022"; and

(2) in subsection (c), by striking "2019" and inserting "2022".

SEC. 1012. VENUE FOR PROSECUTION OF MARITIME DRUG TRAFFICKING.

(a) IN GENERAL.—Section 70504(b) of title 46, United States Code, is amended to read as follows:

"(b) VENUE.—A person violating section 70503 or 70508—

"(1) shall be tried in the district in which such offense was committed; or

"(2) if the offense was begun or committed upon the high seas, or elsewhere outside the jurisdiction of any particular State or district, may be tried in any district.".

(b) CONFORMING AMENDMENT.—Section 1009(d) of the Controlled Substances Import and Export Act (21 U.S.C. 959(d)) is amended—

(1) in the subsection title, by striking "; VENUE"; and

(2) by striking "Any person who violates this section shall be tried in the United States district court at the point of entry where such person enters the United States, or in the United States District Court for the District of Columbia.".

Subtitle C—Naval Vessels and Shipyards

SEC. 1021. NATIONAL DEFENSE SEALIFT FUND.

(a) FUND PURPOSES; DEPOSITS.—Section 2218 of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by striking subparagraph (D); and

(ii) by redesignating subparagraph (E) as subparagraph (D);

(B) in paragraph (3), by striking "or (D)"; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting "and" after the semicolon;

(ii) in subparagraph (C), by striking "; and" and inserting a period; and

(iii) by striking subparagraph (D); and

(B) by adding at the end the following new paragraph (4):

"(4) Any other funds made available to the Department of Defense to carry out any of the purposes described in subsection (c).".

(b) AUTHORITY TO PURCHASE USED VESSELS.—Subsection (f) of such section is amended by adding at the end the following new paragraph:

"(3)(A) Notwithstanding the limitations under subsection (c)(1)(E) and paragraph (1), the Secretary of Defense may, as part of a program to recapitalize the Ready Reserve Force component of the national defense reserve fleet and the Military Sealift Command surge fleet, purchase any used vessel, regardless of where such vessel was constructed if such vessel—

"(i) participated in the Maritime Security Fleet; and

"(ii) is available for purchase at a reasonable cost, as determined by the Secretary.

"(B) If the Secretary determines that no used vessel meeting the requirements under clauses (i) and (ii) of subparagraph (A) is available, the Secretary may purchase a used vessel comparable to a vessel described in clause (i) of subparagraph (A), regardless of the source of the vessel or where the vessel was constructed, if such vessel is available for purchase at a reasonable cost, as determined by the Secretary.

"(C) The Secretary may not use the authority under this paragraph to purchase more than two foreign constructed ships.

"(D) The Secretary shall ensure that the initial conversion, or modernization of any vessel purchased under the authority of subparagraph (A) occurs in a shipyard located in the United States.

"(E) Not later than 30 days after the purchase of any vessel using the authority under this paragraph, the Secretary, in consultation with the Maritime Administrator, shall submit to the congressional defense committees a report that contains each of the following with respect to such purchase:

"(i) The date of the purchase.

"(ii) The price at which the vessel was purchased.

"(iii) The anticipated cost of modernization of the vessel.

"(iv) The proposed military utility of the vessel.

"(v) The proposed date on which the vessel will be available for use by the Ready Reserve.

"(vi) The contracting office responsible for the completion of the purchase.

"(vii) Certification that—

"(I) there was no vessel available for purchase at a reasonable price that was constructed in the United States; and

"(II) the used vessel purchased supports the recapitalization of the Ready Reserve Force component of the National Defense Reserve Fleet or the Military Sealift Command surge fleet.".

(c) DEFINITION OF MARITIME SECURITY FLEET.—Subsection (k) of such section is amended by adding at the end the following new paragraph:

"(5) The term 'Maritime Security Fleet' means the fleet established under section 53102(a) of title 46.".

(d) BUDGETING FOR CONSTRUCTION OF NAVAL VESSELS.—Section 231 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "year—" and inserting "year each of the following:";

(B) in paragraph (1)—

(i) by striking "a plan" and inserting "A plan";

(ii) by striking "combatant and support vessels for the Navy" and inserting "naval vessels";

(iii) by striking the semicolon and inserting "for each of the following classes of ships:"; and

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

"(A) Combatant and support vessels.

"(B) Auxiliary vessels."; and

(C) in paragraph (2), by striking "a certification" and inserting "A certification";

(2) in subsection (b)(2)—

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

(B) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) A detailed program for the construction of auxiliary vessels for the Navy over the next 30 fiscal years."; and

(C) in subparagraph (E), as redesignated by subparagraph (A), by striking "subparagraph (C)" and inserting "subparagraph (D)"; and

(3) in subsection (f), by adding at the end the following new paragraph:

"(5) The term 'auxiliary vessel' means any ship designed to operate in the open ocean in a variety of sea states to provide general support to either combatant forces or shore based establishments.".

SEC. 1022. USE OF NATIONAL SEA-BASED DETERRENCE FUND FOR MULTIYEAR PROCUREMENT OF CERTAIN CRITICAL COMPONENTS.

(a) IN GENERAL.—Subsection (i) of section 2218a of title 10, United States Code, is amended—

(1) by striking "the common missile compartment" each place it appears and inserting "critical components"; and

(2) in paragraph (1), by striking "critical parts, components, systems, and subsystems" and inserting "critical components".

(b) DEFINITION OF CRITICAL COMPONENT.—Subsection (k) of such section is amended by adding at the end the following new paragraph:

"(3) The term 'critical component' means any of the following:

"(A) A common missile compartment component.
"(B) A spherical air flask.
"(C) An air induction diesel exhaust valve.
"(D) An auxiliary seawater valve.
"(E) A hovering valve.
"(F) A missile compensation valve.
"(G) A main seawater valve.
"(H) A launch tube.
"(I) A trash disposal unit.
"(J) A logistics escape trunk.
"(K) A torpedo tube.
"(L) A weapons shipping cradle weldment.
"(M) A control surface.
"(N) A launcher component.
"(O) A propulsor.".

(c) CLERICAL AMENDMENT.—The subsection heading for subsection (i) of such section is amended by striking "OF THE COMMON MISSILE COMPARTMENT".

SEC. 1023. OPERATIONAL READINESS OF LITTORAL COMBAT SHIPS ON EXTENDED DEPLOYMENT.

Section 7310(a) of title 10, United States Code, is amended—

(1) by inserting "UNDER JURISDICTION OF THE SECRETARY OF THE NAVY" in the subsection heading after "VESSELS";

(2) by striking "A naval vessel (or any other vessel under the jurisdiction of the Secretary of the Navy)" and inserting "(1) A naval vessel"; and

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

"(2)(A) Notwithstanding paragraph (1) and subject to subparagraph (B), in the case of a naval vessel classified as a Littoral Combat Ship and operating on deployment, corrective and preventive maintenance or repair (whether intermediate or depot level) and facilities maintenance may be performed on the vessel—

"(i) in a foreign shipyard;

"(ii) at a facility outside of a foreign shipyard; or

"(iii) at any other facility convenient to the vessel.

"(B)(i) Corrective and preventive maintenance or repair may be performed on a vessel as described in subparagraph (A) if the work is performed by United States Government personnel or United States contractor personnel.

"(ii) Facilities maintenance may be performed by a foreign contractor on a vessel as described in subparagraph (A) only as approved by the Secretary of the Navy.

"(C) In this paragraph:

"(i) The term 'corrective and preventive maintenance or repair' means—

"(I) maintenance or repair actions performed as a result of a failure in order to return or restore equipment to acceptable performance levels; and

"(II) scheduled maintenance or repair actions to prevent or discover functional failures.

"(ii) The term 'facilities maintenance' means preservation or corrosion control efforts and cleaning services.

"(D) This paragraph shall expire on September 30, 2020.".

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

None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2018 may be obligated or expended—

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

(2) to place more than six cruisers and one dock landing ship in the modernization program under section 1026(a)(2) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3490).

SEC. 1025. POLICY OF THE UNITED STATES ON MINIMUM NUMBER OF BATTLE FORCE SHIPS.

10 USC 7291 note.

(a) POLICY.—It shall be the policy of the United States to have available, as soon as practicable, not fewer than 355 battle force ships, comprised of the optimal mix of platforms, with funding subject to the availability of appropriations or other funds.

(b) BATTLE FORCE SHIPS DEFINED.—In this section, the term "battle force ship" has the meaning given the term in Secretary of the Navy Instruction 5030.8C.

SEC. 1026. SURVEYING SHIPS.

(a) SURVEYING SHIP REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Chief of Naval Operations shall submit to the congressional defense committees a report setting forth a force structure assessment that establishes a surveying ship requirement. The Chief of Naval Operations shall

conduct the assessment for purposes of the report, and may limit the assessment to surveying ships.

(b) DEFINITIONS.—In this section:

(1) The term "surveying ship" has the meaning given the term in Secretary of the Navy Instruction 5030.8C.

(2) The term "force structure assessment" has the meaning given the term in Chief of Naval Operations Instruction 3050.27.

Subtitle D—Counterterrorism

SEC. 1031. MODIFICATION OF AUTHORITY ON SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) OVERSIGHT OF SUPPORT.—Section 127e of title 10, United States Code, is amended—

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

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

"(g) OVERSIGHT BY ASD FOR SOLIC.—The Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict shall have primary responsibility within the Office of the Secretary of Defense for oversight of policies and programs for support authorized by this section.".

(b) REPORT SUBMITTAL MATTERS.—Subsection (h) of such section, as redesignated by subsection (a)(1) of this section, is amended—

(1) in paragraph (1), by striking "March 1 each year" and inserting "120 days after the last day of each fiscal year"; and

(2) in paragraph (2)—

(A) by striking "September 1 each year" and inserting "six months after the date of the submittal of the report most recently submitted under paragraph (1)"; and

(B) by inserting "under this paragraph" after "in which the report".

SEC. 1032. TERMINATION OF REQUIREMENT TO SUBMIT ANNUAL BUDGET JUSTIFICATION DISPLAY FOR DEPARTMENT OF DEFENSE COMBATING TERRORISM PROGRAM.

Section 229 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) TERMINATION.—The requirement to submit a budget justification display under this section shall terminate on December 31, 2020.".

SEC. 1033. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA TO THE UNITED STATES.

No amounts authorized to be appropriated or otherwise made available for the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2018, to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

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

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

SEC. 1034. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—No amounts authorized to be appropriated or otherwise made available for the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2018, to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense.

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

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

SEC. 1035. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO CERTAIN COUNTRIES.

No amounts authorized to be appropriated or otherwise made available for the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2018, to transfer, release, or assist in the transfer or release of any individual detained in the custody or under the control of the Department of Defense at United States Naval Station, Guantanamo Bay, Cuba, to the custody or control of any country, or any entity within such country, as follows:

(1) Libya.

(2) Somalia.

(3) Syria.

(4) Yemen.

SEC. 1036. PROHIBITION ON USE OF FUNDS TO CLOSE OR RELINQUISH CONTROL OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

None of the funds authorized to be appropriated or otherwise made available for the Department of Defense for fiscal year 2018 may be used—

(1) to close or abandon United States Naval Station, Guantanamo Bay, Cuba;

(2) to relinquish control of Guantanamo Bay to the Republic of Cuba; or

(3) to implement a material modification to the Treaty Between the United States of America and Cuba signed at Washington, D.C. on May 29, 1934, that constructively closes United States Naval Station, Guantanamo Bay.

SEC. 1037. SENSE OF CONGRESS REGARDING PROVIDING FOR TIMELY VICTIM AND FAMILY TESTIMONY IN MILITARY COMMISSION TRIALS.

It is the sense of Congress that in the interests of justice, efficiency, and providing closure to victims of terrorism and their families, military judges overseeing military commissions in United States Naval Station, Guantanamo Bay, Cuba, should consider making arrangements to take recorded testimony from victims and their families should they wish to provide testimony before such a commission.

SEC. 1038. REPORT ON PUBLIC AVAILABILITY OF MILITARY COMMISSIONS PROCEEDINGS.

(a) GAO STUDY.—The Comptroller General of the United States shall conduct a study on the feasibility and advisability of expanding the public availability of military commissions proceedings that are made open to the public.

(b) REPORT TO CONGRESS.—

(1) INTERIM REPORT.—Not later than April 1, 2018, the Comptroller General shall submit to the Committees on Armed Services of the Senate and of the House of Representatives a report containing the interim findings of the Comptroller General pursuant to the study required by subsection (a).

(2) FINAL REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and of the House of Representatives a final report on the findings and recommendations of the Comptroller General pursuant to such study.

(3) FORM OF REPORTS.—The reports required by this subsection shall be submitted in unclassified form, but may contain a classified annex.

Subtitle E—Miscellaneous Authorities and Limitations

SEC. 1041. LIMITATION ON EXPENDITURE OF FUNDS FOR EMERGENCY AND EXTRAORDINARY EXPENSES FOR INTELLIGENCE AND COUNTER-INTELLIGENCE ACTIVITIES.

(a) LIMITATION.—Subsection (c) of section 127 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) Notwithstanding paragraph (1), funds may not be obligated or expended in an amount in excess of $100,000 under the authority of subsection (a) or (b) for intelligence or counter-intelligence activities until the Secretary of Defense has notified the congressional defense committees and the congressional intelligence committees of the intent to obligate or expend the funds and 15 days have elapsed since the date of the notification.

"(B) The Secretary of Defense may waive subparagraph (A) if the Secretary determines that such a waiver is necessary due to extraordinary circumstances that affect the national security of the United States. If the Secretary issues a waiver under this subparagraph, the Secretary shall submit to the congressional defense and congressional intelligence committees, by not later

than 48 hours after issuing the waiver, written notice of and justification for the waiver.".

(b) ANNUAL REPORT.—Subsection (d) of such section is amended—

(1) by striking "Not later" and inserting "(1) Not later";

(2) by striking "to the congressional defense committees" and all that follows through the period at the end and inserting an em dash; and

(3) by adding at the end the following:

"(A) to the congressional defense committees a report on all expenditures during the preceding fiscal year under subsections (a) and (b); and

"(B) to the congressional intelligence committees a report on expenditures relating to intelligence and counter-intelligence during the preceding fiscal year under subsections (a) and (b).

"(2) Each report required to be submitted under paragraph (1) shall include a detailed explanation, by category of activity and approving authority (the Secretary of Defense, the Inspector General of the Department of Defense, and the Secretary of a military department), of the expenditures during the preceding fiscal year.".

(c) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

"(e) DEFINITION OF CONGRESSIONAL INTELLIGENCE COMMITTEES.—In this section, the term 'congressional intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.".

(d) REPORT ON INTELLIGENCE AND COUNTER-INTELLIGENCE FUNDING AUTHORITIES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense and intelligence committees a report describing current and, if necessary, any required, funding authorities to sustain recurring expenses for intelligence and counter-intelligence activities in lieu of section 127 of title 10, United States Code. Such report shall include a description of the potential benefits and negative consequences of the codification of a distinct authority for such purposes.

SEC. 1042. MATTERS RELATING TO THE SUBMITTAL OF FUTURE-YEARS DEFENSE PROGRAMS.

(a) TIMING OF SUBMITTAL TO CONGRESS.—Subsection (a) of section 221 of title 10, United States Code, is amended by striking "at or about the time that" and inserting "not later than five days after the date on which".

(b) MANNER AND FORM OF SUBMITTAL.—Such section is further amended by adding at the end the following new subsection:

"(d)(1) The Secretary of Defense shall make available to Congress, the Congressional Budget Office, the Comptroller General of the United States, and the Congressional Research Service each future-years defense program under this section as follows:

"(A) By making such program available electronically in the form of an unclassified electronic database.

"(B) By delivering printed copies of such program to the congressional defense committees.

"(2) In the event inclusion of classified material in a future-years defense program would otherwise render the totality of the program classified for purposes of this subsection—

"(A) such program shall be made available to Congress in unclassified form, with such material attached as a classified annex; and

"(B) such annex shall be submitted to the congressional defense committees, the Congressional Budget Office, the Comptroller General of the United States, and the Congressional Research Service.".

(c) ACCURACY OF INFORMATION.—Such section is further amended by adding at the end the following new subsection:

"(e) Each future-years defense program under this subsection shall be accompanied by a certification by the Under Secretary of Defense (Comptroller), in the case of the Department of Defense, and the comptroller of each military department, in the case of such military department, that any information entered into the Standard Data Collection System of the Department of Defense, the Comptroller Information System, or any other data system, as applicable, for purposes of assembling such future-years defense program was accurate.".

10 USC 221 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply to future-years defense programs submitted at the time of budgets of the President for fiscal years beginning after fiscal year 2018.

10 USC 221 note.

(e) DOD GUIDANCE.—The Secretary of Defense shall, in coordination with the Under Secretary of Defense (Comptroller), update Department of Defense Financial Management Regulation 7000.14–R, and any other appropriate instructions and guidance, to ensure that the Department of Defense takes appropriate actions to comply with the amendments made by this section in the submittal of future-years defense programs in calendar years after calendar year 2017.

SEC. 1043. MODIFICATIONS TO HUMANITARIAN DEMINING ASSISTANCE AUTHORITIES.

(a) MODIFICATION TO THE ROLE OF ARMED FORCES IN PROVIDING HUMANITARIAN DEMINING ASSISTANCE.—Subsection (a)(3) of section 407 of title 10, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking "or stockpiled conventional munitions assistance"; and

(2) in subparagraph (A)—

(A) by inserting ", unexploded explosive ordnance," after "landmines"; and

(B) by striking ", or stockpiled conventional munitions, as applicable".

(b) MODIFICATION TO DEFINITION OF HUMANITARIAN DEMINING ASSISTANCE.—Subsection (e)(1) of such section is amended—

(1) by inserting ", unexploded explosive ordnance," after "landmines" in each place it appears; and

(2) by striking ", and the disposal" and all that follows and inserting a period.

(c) MODIFICATION TO DEFINITION OF STOCKPILED CONVENTIONAL MUNITIONS ASSISTANCE.—Subsection (e)(2) of such section is amended, in the second sentence, by striking ", the detection and clearance of landmines and other explosive remnants of war,".

SEC. 1044. PROHIBITION ON CHARGE OF CERTAIN TARIFFS ON AIRCRAFT TRAVELING THROUGH CHANNEL ROUTES.

(a) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2652. Prohibition on charge of certain tariffs on aircraft traveling through channel routes 10 USC 2652.

"The United States Transportation Command may not charge a tariff by reason of the use by a military service of an aircraft of that military service on a route designated by the United States Transportation Command as a channel route.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: 10 USC prec. 2631.

"2652. Prohibition on charge of certain tariffs on aircraft traveling through channel routes.".

SEC. 1045. PROHIBITION ON LOBBYING ACTIVITIES WITH RESPECT TO THE DEPARTMENT OF DEFENSE BY CERTAIN OFFICERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT FOLLOWING SEPARATION FROM MILITARY SERVICE OR EMPLOYMENT WITH THE DEPARTMENT. 10 USC note prec. 971.

(a) TWO-YEAR PROHIBITION.—

(1) PROHIBITION.—An individual described in paragraph (2) may not engage in lobbying activities with respect to the Department of Defense during the two-year period beginning on the date of retirement or separation from service in the Armed Forces or the date of retirement or separation from service with the Department, as applicable.

(2) COVERED INDIVIDUALS.—An individual described in this paragraph is the following:

(A) An officer of the Armed Forces in grade O–9 or higher at the time of retirement or separation from the Armed Forces.

(B) A civilian employee of the Department of Defense who had a civilian grade equivalent to a military grade specified in subparagraph (A) at the time of the employee's retirement or separation from service with the Department.

(b) ONE-YEAR PROHIBITION.—

(1) PROHIBITION.—An individual described in paragraph (2) may not engage in lobbying activities with respect to the Department of Defense during the one-year period beginning on the date of retirement or separation from service in the Armed Forces or the date of retirement or separation from service with the Department, as applicable.

(2) COVERED INDIVIDUALS.—An individual described in this paragraph is the following:

(A) An officer of the Armed Forces in grade O–7 or O–8 at the time of retirement or separation from the Armed Forces.

(B) A civilian employee of the Department of Defense who had a civilian grade equivalent to a military grade specified in subparagraph (A) at the time of the employee's retirement or separation from service with the Department.

(c) DEFINITIONS.—In this section:

(1) The term "lobbying activities with respect to the Department of Defense" means the following:

(A) Lobbying contacts and other lobbying activities with covered executive branch officials with respect to the Department of Defense.

(B) Lobbying contacts with covered executive branch officials described in subparagraphs (C) through (F) of section 3(3) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(3)) in the Department of Defense.

(2) The terms "lobbying activities" and "lobbying contacts" have the meaning given such terms in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602).

(3) The term "covered executive branch official" has the meaning given that term in section 3(3) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(3)).

SEC. 1046. PROHIBITION ON USE OF FUNDS FOR RETIREMENT OF LEGACY MARITIME MINE COUNTERMEASURES PLATFORMS.

(a) PROHIBITION.—Except as provided in subsection (b), the Secretary of the Navy may not obligate or expend funds to—

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

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

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

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

(b) WAIVER.—The Secretary of the Navy may waive the prohibition under subsection (a)—

(1) with respect to an AVENGER-class ship or a SEA DRAGON helicopter, if the Secretary certifies to the congressional defense committees that the Secretary has—

(A) identified a replacement capability and the necessary quantity of such systems to meet all combatant commander mine countermeasures operational requirements that are currently being met by the ship or helicopter to be retired, transferred, or placed in storage;

(B) achieved initial operational capability of all systems described in subparagraph (A); and

(C) deployed a sufficient quantity of systems described in subparagraph (A) that have achieved initial operational capability to continue to meet or exceed all combatant commander mine countermeasures operational requirements currently being met by the ship or helicopter to be retired, transferred, or placed in storage; or

(2) with respect to a SEA DRAGON helicopter, if the Secretary certifies to such committees that the Secretary has determined, on a case-by-case basis, that such a helicopter is nonoperational because of a mishap or other damage or because it is uneconomical to repair.

SEC. 1047. REPORT ON WESTERN PACIFIC OCEAN SHIP DEPOT MAINTENANCE CAPABILITY AND CAPACITY.

(a) LIMITATION OF USE OF FUNDS.—Not more than 75 percent of the amount authorized to be appropriated by this Act for Secretary of the Navy for emergency and extraordinary expenses may be obligated or expended before the date on which the report required by subsection (b) is submitted to the congressional defense committees.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—The Secretary of the Navy shall submit to the congressional defense committees a report on the ship depot maintenance capability and capacity required for Navy ships operating in the western Pacific Ocean. The report shall include each of the following:

(A) An analysis of the requirements relating to Navy ship depot maintenance during peacetime and in response to the most likely, stressing, and dangerous contingency scenarios.

(B) A description of the extent to which the existing Navy ship depot capacity can meet the requirements described in subparagraph (A).

(C) A description of any specific shortfalls in such capability or capacity with respect to meeting such requirements.

(D) An analysis of options to address any shortfalls described in subparagraph (C).

(2) FORM OF REPORT.—The report required under this subsection shall be submitted in unclassified form, but may contain a classified annex.

(c) CERTIFICATION REQUIRED.—Not later than 90 days after the submittal of the report required by subsection (b), the Secretary of Defense shall submit to the congressional defense committees a certification—

(1) that the current ship depot maintenance capability and capacity, including drydocks, in the western Pacific Ocean are sufficient to meet peacetime and contingency requirements; or

(2) certification that such capability and capacity are not sufficient and a description of the options being pursued to address areas of insufficiency.

(d) BUSINESS CASE ANALYSIS REQUIRED.—

(1) IN GENERAL.—Not later than September 30, 2018, the Secretary of the Navy shall submit to the congressional defense committees a business case analysis of the options described in paragraph (2) that includes the analysis described in paragraph (3).

(2) OPTIONS TO BE INCLUDED.—The business case analysis required by paragraph (1) shall cover options that could increase the Navy depot-level ship repair capacity and capabilities in the western Pacific Ocean, including the following four courses of action:

(A) Enhancing current maintenance capability and capacity by repairing Lima Wharf, United States Naval Base, Guam.

(B) Adding drydock capability and capacity with associated facilities for conventionally-powered ships.

(C) Adding drydock capability and capacity with associated facilities for nuclear-powered submarines.

(D) Maintaining the status quo with respect to the ship repair capabilities and capacity in the western Pacific Ocean.

(3) ANALYSIS OF OPTIONS.—For each course of action listed in paragraph (2), the Secretary shall include an analysis of the following:

(A) Any additional maintenance actions that would be possible with respect to the course of action and estimated use during peacetime and during the most likely, stressing and dangerous contingency operations.

(B) Any additional infrastructure, including facilities and equipment, that would be necessary to carry out the course of action.

(C) The military, civilian, and contractor personnel requirements to reach full operational capability with respect to the course of action, including personnel to be assigned on both a temporary and permanent basis.

(D) A description of how the course of action would improve materiel readiness and operational availability of ships operating in the Pacific.

(E) The estimated cost and schedule to implement the course of action, including detailed estimates for major cost elements.

(F) In the case of a course of action described in subparagraph (B) or (C) of paragraph (2), an evaluation of acquisition strategies (including procurement, leasing, public-private partnerships, and enhanced use leases) and an identification of the desired ship tonnage each drydock would be able to accommodate.

10 USC note prec. 2001.

SEC. 1048. ANNUAL TRAINING REGARDING THE INFLUENCE CAMPAIGN OF THE RUSSIAN FEDERATION.

In addition to any currently mandated training, the Secretary of Defense may furnish annual training to all members of the Armed Forces and all civilian employees of the Department of Defense, regarding attempts by the Russian Federation and its proxies and agents to influence and recruit members of the Armed Forces as part of its influence campaign.

SEC. 1049. WORKFORCE ISSUES FOR MILITARY REALIGNMENTS IN THE PACIFIC.

(a) IN GENERAL.—Section 6(b) of the Joint Resolution entitled "A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America', and for other purposes", approved March 24, 1976 (48 U.S.C. 1806(b)) is amended to read as follows:

"(b) NUMERICAL LIMITATIONS FOR NONIMMIGRANT WORKERS.—

"(1) IN GENERAL.—

"(A) NONIMMIGRANT WORKERS GENERALLY.—An alien, if otherwise qualified, may seek admission to Guam or to the Commonwealth during the transition program as a nonimmigrant worker under section 101(a)(15)(H) of the Immigration and Nationality Act (8 USC 1101(a)(15)(H)) without counting against the numerical limitations set forth in section 214(g) of such Act (8 USC 1184(g)).

"(B) H-2B WORKERS.—In the case of such an alien who seeks admission under section 101(a)(15)(H)(ii)(b) of such Act, such alien, if otherwise qualified, may, before October 1, 2023, be admitted under such section for a period of up to 3 years to perform service or labor on Guam or the Commonwealth pursuant to any agreement entered into by a prime contractor or subcontractor calling for services or labor required for performance of a contact or subcontract for construction, repairs, renovations, or facility services that is directly connected to, or associated with, the military realignment occurring on Guam and the Commonwealth, notwithstanding the requirement of such section that the service or labor be temporary.

"(2) LIMITATIONS.—

"(A) NUMERICAL LIMITATION.—For any fiscal year, not more 4,000 aliens may be admitted to Guam and the Commonwealth pursuant to paragraph (1)(B).

"(B) LOCATION.—Paragraph (1)(B) does not apply with respect to the performance of services or labor at a location other than Guam or the Commonwealth.".

(b) CERTIFICATION REQUIRED.—Upon conclusion of all required agreements between the Secretary of Defense and the heads of relevant Federal agencies, the Commonwealth of the Northern Mariana Islands (including the Commonwealth Port Authority), and local agencies to support the required construction and operation of the divert activities and exercises program of the Air Force in the Commonwealth of the Northern Mariana Islands and the Commonwealth of the Northern Mariana Islands joint military training program of the Marine Corps, the Secretary shall submit to the congressional defense committees certification of such conclusion and a report describing such agreements.

(c) EFFECTIVE DATES.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply as follows: 48 USC 1806 note.

(1) In the case of services or labor to be performed on Guam, such amendment shall apply beginning on the date that is 120 days after the date of the enactment of this Act.

(2) In the case of services or labor to be performed on the Common Wealth of the Northern Mariana Islands, such amendment shall apply beginning on the later of—

(A) the date that is 120 days after the date of the submittal of the certification and report required under subsection (b); or

(B) the date on which the transition program ends under section 6(a)(2) of the Joint Resolution entitled "A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America', and for other purposes", approved March 24, 1976 (48 U.S.C. 1806(a)(2)).

Subtitle F—Studies and Reports

SEC. 1051. ELIMINATION OF REPORTING REQUIREMENTS TERMINATED AFTER NOVEMBER 25, 2017, PURSUANT TO SECTION 1080 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) SECTION 113 REPORTS.—

(A) RESERVE FORCES POLICY BOARD REPORT.—Section 113(c) is amended—

(i) by striking paragraph (2);

(ii) by striking "(1)" after "(c)"; and

(iii) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(B) TOTAL FORCE MANAGEMENT REPORT.—Section 113 is amended by striking subsection (l).

(2) DIVERSITY IN MILITARY LEADERSHIP REPORT.—Section 115a(g) is amended by striking "during fiscal years 2013 through 2017".

(3) DEFENSE INDUSTRIAL SECURITY REPORT.—Section 428 is amended by striking subsection (f).

(4) MILITARY MUSICAL UNITS GIFT REPORT.—Section 974(d) is amended by striking paragraph (3).

(5) HEALTH PROTECTION QUALITY REPORT.—Section 1073b is amended—

(A) by striking subsection (a); and

(B) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(6) MASTER PLANS FOR REDUCTIONS IN CIVILIAN POSITIONS.—

(A) IN GENERAL.—Section 1597 is amended—

(i) by striking subsection (c);

(ii) by striking subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively; and

(iii) in subsection (c), as redesignated, by striking "or a master plan prepared under subsection (c)".

(B) CONFORMING AMENDMENTS.—Section 129a(d) is amended—

(i) by striking paragraphs (1) and (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively.

(7) ACQUISITION WORKFORCE DEVELOPMENT FUND REPORT.—Section 1705 is amended—

(A) in subsection (e)(1), by striking "subsection (h)(2)" and inserting "subsection (g)(2)";

(B) by striking subsection (f); and

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

(8) ACQUISITION CORPS REPORT.—Section 1722b is amended by striking subsection (c).

(9) MILITARY FAMILY READINESS REPORT.—Section 1781b is amended by striking subsection (d).

(10) PROFESSIONAL MILITARY EDUCATION REPORT.—

(A) ELIMINATION.—Section 2157 is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 107 is amended by striking the item relating to section 2157. 10 USC prec. 2151.

(11) DEPARTMENT OF DEFENSE CONFERENCES FEE-COLLECTION REPORT.—Section 2262 is amended by striking subsection (d).

(12) UNITED STATES CONTRIBUTIONS TO NATO COMMON-FUNDED BUDGETS REPORT.—Section 2263 is amended—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(13) FOREIGN COUNTER-SPACE PROGRAMS REPORT.—

(A) ELIMINATION.—Section 2277 is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 135 is amended by striking the item relating to section 2277. 10 USC prec. 2271.

(14) USE OF MULTIYEAR CONTRACTS REPORT.—Section 2306b(l)(4) is amended by striking "Not later than" and all that follows through the colon and inserting the following: "Each report required by paragraph (5) with respect to a contract (or contract extension) shall contain the following:".

(15) BURDEN SHARING CONTRIBUTIONS REPORT.—Section 2350j is amended by striking subsection (f).

(16) CONTRACT PROHIBITION WAIVER REPORT.—Section 2410i(c) is amended by striking the second sentence.

(17) STRATEGIC SOURCING PLAN OF ACTION REPORT.—Subsection (a) of section 2475 is amended to read as follows:

"(a) STRATEGIC SOURCING PLAN OF ACTION DEFINED.—In this section, the term 'Strategic Sourcing Plan of Action' means a Strategic Sourcing Plan of Action for the Department of Defense (as identified in the Department of Defense Interim Guidance dated February 29, 2000, or any successor Department of Defense guidance or directive) in effect for a fiscal year.".

(18) TECHNOLOGY AND INDUSTRIAL BASE POLICY GUIDANCE REPORT.—Section 2506 is amended—

(A) by striking subsection (b); and

(B) in subsection (a), by striking "Such guidance" and inserting the following:

"(b) PURPOSE OF GUIDANCE.—The guidance prescribed pursuant to subsection (a)".

(19) FOREIGN-CONTROLLED CONTRACTORS REPORT.—Section 2537 is amended—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(20) SUPPORT FOR SPORTING EVENTS REPORT.—Section 2564 is amended—

(A) in subsection (b)(3), by striking "section 377" and inserting "section 277";

(B) by striking subsection (e);

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

(D) in subsection (e), as so redesignated, by "striking sections 375 and 376" and inserting "sections 275 and 276".

(21) GENERAL AND FLAG OFFICER QUARTERS REPORT.—Section 2831 is amended—

(A) by striking subsection (e);

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

(C) in subsection (e), as so redesignated—

(i) by striking "(1) Except as provided in paragraphs (2) and (3), the Secretary" and inserting "The Secretary";

(ii) by striking paragraphs (2) and (3); and

(iii) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(22) MILITARY INSTALLATIONS VULNERABILITY ASSESSMENT REPORTS.—Section 2859 is amended—

(A) by striking subsection (c); and

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

(23) INDUSTRIAL FACILITY INVESTMENT PROGRAM CONSTRUCTION REPORT.—Section 2861 is amended by striking subsection (d).

(24) STATEMENT OF AMOUNTS AVAILABLE FOR WATER CONSERVATION AT MILITARY INSTALLATIONS.—Section 2866(b) is amended by striking paragraph (3).

(25) ACQUISITION OR CONSTRUCTION OF MILITARY UNACCOMPANIED HOUSING PILOT PROJECTS REPORT.—Section 2881a is amended by striking subsection (e).

(26) STATEMENT OF AMOUNTS AVAILABLE FROM ENERGY COST SAVINGS.—Section 2912 is amended by striking subsection (d).

(27) ARMY TRAINING REPORT.—

(A) ELIMINATION.—Section 4316 is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 401 is amended by striking the item relating to section 4316.

10 USC prec. 4301.

(28) STATE OF THE ARMY RESERVE REPORT.—Section 3038(f) is amended—

(A) by striking "(1)" before "The"; and

(B) by striking paragraph (2).

(29) STATE OF THE MARINE CORPS RESERVE REPORT.—Section 5144(d) is amended—

(A) by striking "(1)" before "The"; and

(B) by striking paragraph (2).

(30) STATE OF THE AIR FORCE RESERVE REPORT.—Section 8038(f) is amended—

(A) by striking "(1)" before "The"; and

(B) by striking paragraph (2).

(b) DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1985.—Section 1003 of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 22 U.S.C. 1928 note), relating to an annual report on allied contributions to the common defense, is amended by striking subsections (c) and (d).

(c) NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989.—Section 1009 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 22 U.S.C. 1928 note), relating to an annual report on the official development assistance program of Japan, is amended by striking subsection (b).

(d) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991.—Section 1518 of the Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 24 U.S.C. 418), relating to reports on the results of inspection of Armed Forces Retirement Homes, is amended—

(1) in subsection (c)(1), by striking "Congress and"; and

(2) in subsection (e)—

(A) by striking paragraph (2);

(B) by striking "(1)" before "Not later"; and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(e) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1992 AND 1993.—Section 1046 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 22 U.S.C. 1928 note), relating to an annual report on defense cost-sharing, is amended by striking subsections (e) and (f).

(f) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994.—Section 1603 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 22 U.S.C. 2751 note), relating to an annual report on counterproliferation policy and programs of the United States, is amended by striking subsection (d).

(g) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995.—Section 533 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 113 note), relating to an annual report on personnel readiness factors by race and gender, is repealed.

(h) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000.—Section 366 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 113 note), relating to an annual report on spare parts, logistics, and sustainment standards, is amended by striking subsection (f).

(i) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002.—The National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) is amended as follows:

(1) ARMY WORKLOAD AND PERFORMANCE SYSTEM REPORT.—Section 346 (115 Stat. 1062) is amended—

(A) by striking subsections (b) and (c); and

(B) by redesignating subsection (d) as subsection (b).

(2) RELIABILITY OF FINANCIAL STATEMENTS REPORT.—Section 1008(d) (10 U.S.C. 113 note) is amended—

(A) by striking "(1)" before "On each"; and

(B) by striking paragraph (2).

(j) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003.—Section 817 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2306a note), relating to an annual report on commercial item and exceptional case exceptions and waivers, is amended—

(1) by striking subsection (d); and

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

(k) NATIONAL DEFENSE AUTHORIZATION ACT FOR 2006.—The National Defense Authorization Act for 2006 (Public Law 109–163) is amended as follows:

(1) NOTIFICATION OF ADJUSTMENT IN LIMITATION AMOUNT FOR NEXT-GENERATION DESTROYER PROGRAM.—Section 123 (119 Stat. 3156) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(2) CERTIFICATION OF BUDGETS FOR JOINT TACTICAL RADIO SYSTEM REPORT.—Section 218(c) (119 Stat. 3171) is amended by striking paragraph (3).

(3) DEPARTMENT OF DEFENSE COSTS TO CARRY OUT UNITED NATIONS RESOLUTIONS REPORT.—Section 1224 (10 U.S.C. 113 note) is repealed.

(l) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007.—Section 357(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 22 U.S.C. 4865 note), relating to an annual report on Department of Defense overseas personnel subject to chief of mission authority, is amended by striking "shall submit to the congressional defense committees" and inserting "shall prepare".

(m) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended as follows:

(1) ARMY INDUSTRIAL FACILITIES COOPERATIVE ACTIVITIES REPORT.—Section 328 (10 U.S.C. 4544 note) is amended by striking subsection (b).

(2) ARMY PRODUCT IMPROVEMENT REPORT.—Section 330 (122 Stat. 68) is amended by striking subsection (e).

(n) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009.—The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) is amended as follows:

(1) SUPPORT FOR NON-CONVENTIONAL ASSISTED RECOVERY ACTIVITIES REPORT.—Section 943 (122 Stat. 4578) is amended—

(A) by striking subsection (e); and

(B) by redesignating subsections (f), (g), and (h) as subsections (e), (f), and (g), respectively.

(2) REIMBURSEMENT OF NAVY MESS EXPENSES REPORT.—Section 1014 (122 Stat. 4585) is amended by striking subsection (c).

(3) ELECTROMAGNETIC PULSE ATTACK REPORT.—Section 1048 (122 Stat. 4603) is repealed.

(o) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010.—Section 121 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2211) is amended—

(1) by striking subsection (e); and

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

(p) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—The Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) is amended as follows:

(1) NAVY AIRBORNE SIGNALS INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE CAPABILITIES REPORT.—Section 112(b) (124 Stat. 4153) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3).

(2) INCLUSION OF TECHNOLOGY PROTECTION FEATURES DURING RESEARCH AND DEVELOPMENT OF DEFENSE SYSTEMS REPORT.—Section 243 (10 U.S.C. 2358 note) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(3) ACQUISITION OF MILITARY PURPOSE NONDEVELOPMENTAL ITEMS REPORT.—Section 866(d) (10 U.S.C. 2302 note) is amended—

(A) by striking "(d) REPORTS.—" and all that follows through "(2) PROGRAM ASSESSMENT.—If the Secretary" and inserting the following:

"(d) PROGRAM ASSESSMENT.—If the Secretary"; and

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and indenting the left margin of such paragraphs, as so redesignated, two ems from the left margin.

(4) NUCLEAR TRIAD REPORT.—Section 1054 (10 U.S.C. 113 note) is repealed.

(q) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012.—The National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) is amended as follows:

(1) PERFORMANCE MANAGEMENT SYSTEM AND APPOINTMENT PROCEDURES REPORT.—Section 1102 (5 U.S.C. 9902 note) is amended by striking subsection (b).

(2) GLOBAL SECURITY CONTINGENCY FUND REPORT.—Section 1207 (22 U.S.C. 2151 note) is amended—

(A) by striking subsection (n); and

(B) by redesignating subsections (o) and (p) as subsections (n) and (o).

(3) DATA SERVERS AND CENTERS COST SAVINGS REPORT.—Section 2867 (10 U.S.C. 2223a note) is amended by striking subsection (d).

(r) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.—The National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239) is amended as follows:

(1) F–22A RAPTOR MODERNIZATION PROGRAM REPORT.—Section 144 (126 Stat. 1663) is amended by striking subsection (c).

(2) TRICARE MAIL-ORDER PHARMACY PROGRAM REPORT.—Section 716 (10 U.S.C. 1074g note) is amended—

(A) by striking subsection (e); and

(B) by redesignating subsections (f) and (g) as subsections (e) and (f).

(3) WARRIORS IN TRANSITION PROGRAMS REPORT.—Section 738 (10 U.S.C. 1071 note) is amended—

(A) by striking subsection (e); and

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

(4) USE OF INDEMNIFICATION AGREEMENTS REPORT.—Section 865 (126 Stat. 1861) is repealed.

(5) COUNTER SPACE TECHNOLOGY REPORT.—Section 917 (126 Stat. 1878) is repealed.

(6) IMAGERY INTELLIGENCE AND GEOSPATIAL INFORMATION SUPPORT REPORT.—Section 921 (126 Stat. 1878) is amended by striking subsection (c).

(7) COMPUTER NETWORK OPERATIONS COORDINATION REPORT.—Section 1079 (10 U.S.C. 221 note) is amended by striking subsection (c).

(8) UPDATES OF ACTIVITIES OF OFFICE OF SECURITY COOPERATION IN IRAQ REPORT.—Section 1211(d) (126 Stat. 1983) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3).

(9) UNITED STATES PARTICIPATION IN THE ATARES PROGRAM REPORT.—Section 1276 (10 U.S.C. 2350c note) is amended—

(A) by striking subsections (e) and (f); and

(B) by redesignating subsection (g) as subsection (e).

(s) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014.—The National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66) is amended as follows:

(1) MODERNIZING PERSONNEL SECURITY STRATEGY METRICS REPORT.—Section 907(c)(3) (10 U.S.C. 1564 note) is amended—

(A) by striking "(A) METRICS REQUIRED.—In" and inserting "In"; and

(B) by striking subparagraph (B).

(2) DEFENSE CLANDESTINE SERVICE REPORT.—Section 923 (10 U.S.C. prec. 421 note) is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c), (d), and (e) as subsection (b), (c), and (d), respectively.

(3) INTERNATIONAL AGREEMENTS RELATING TO DOD REPORT.—Section 1249 (127 Stat. 925) is repealed.

(4) SMALL BUSINESS GROWTH REPORT.—Section 1611 (127 Stat. 946) is amended by striking subsection (d).

(t) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015.—The Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) is amended as follows:

(1) ASSIGNMENT OF PRIVATE SECTOR PERSONNEL TO DEFENSE ADVANCED RESEARCH PROJECTS AGENCY REPORT.—Section 232 (10 U.S.C. 2358 note) is amended—

(A) by striking subsection (e); and

(B) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(2) GOVERNMENT LODGING PROGRAM REPORT.—Section 914 (5 U.S.C. 5911 note) is amended by striking subsection (d).

(3) DOD RESPONSE TO COMPROMISES OF CLASSIFIED INFORMATION REPORT.—Section 1052 (128 Stat. 3497) is repealed.

(4) PERSONNEL PROTECTION AND PERSONNEL SURVIVABILITY EQUIPMENT LOAN REPORT.—Section 1207 (10 U.S.C. 2342 note) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(5) DOD ASSISTANCE TO COUNTER ISIS REPORT.—Section 1236 (128 Stat. 3558) is amended by striking subsection (d).

(6) COOPERATIVE THREAT REDUCTION PROGRAM USE OF CONTRIBUTIONS REPORT.—Section 1325 (50 U.S.C. 3715) is amended—

(A) by striking subsection (e); and

(B) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(7) COOPERATIVE THREAT REDUCTION PROGRAM FACILITIES CERTIFICATION REPORT.—Section 1341 (50 U.S.C. 3741) is repealed.

(8) COOPERATIVE THREAT REDUCTION PROGRAM PROJECT CATEGORY REPORT.—Section 1342 (50 U.S.C. 3742) is repealed.

(9) STATEMENT ON ALLOCATION OF FUNDS FOR SPACE SECURITY AND DEFENSE PROGRAM.—Section 1607 (128 Stat. 3625) is amended—

(A) by striking "(a) ALLOCATION OF FUNDS.—";

(B) by striking subsections (b), (c), and (d); and

(C) by adding at the end the following new sentence: "This requirement shall terminate on December 19, 2019.".

10 USC 111 note.

(u) PRESERVATION OF CERTAIN ADDITIONAL REPORTS.—Effective as of December 23, 2016, and as if included therein as enacted,

section 1061(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended as follows: 10 USC 111 note.

(1) NATIONAL GUARD BUREAU REPORT.—By inserting after paragraph (63) the following new paragraph:

"(64) Section 10504(b).".

(2) REPORT ON PROCUREMENT OF CONTRACT SERVICES.—By inserting after paragraph (64), as added by paragraph (1), the following new paragraph:

"(65) Section 235.".

(3) ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.—By inserting after paragraph (65), as added by paragraph (2), the following new paragraph:

"(66) Section 115a.".

(4) STARBASE PROGRAM REPORT.—By inserting after paragraph (66), as added by paragraph (3), the following new paragraph:

"(67) Section 2193b(g).".

(v) PRESERVATION OF VETTED SYRIAN OPPOSITION REPORT.—Effective as of December 23, 2016, and as if included therein as enacted, section 1061(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended by adding at the end the following new paragraph: 10 USC 111 note.

"(18) Section 1209(d) (128 Stat. 3542).".

(w) PRESERVATION OF REPORTS REQUIRED BY OTHER LAWS.—Effective as of December 23, 2016, and as if included therein as enacted, section 1061(i) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended as follows: 10 USC 111 note.

(1) NATIONAL GUARD YOUTH CHALLENGE REPORT.—By adding at the end the following new paragraph:

"(34) Section 509(k) of title 32, United States Code.".

(2) ANNUAL REPORT ON SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.—By inserting after paragraph (34), as added by paragraph (1), the following new paragraph:

"(35) Section 1022(c) of the National Defense Authorization Act for 2004 (Public Law 108–136; 10 U.S.C. 371 note).".

(x) TERMINATION OF CERTAIN ADDITIONAL REPORTS.—Effective on December 31, 2021, the reports required under the following provisions of title 10, United States Code, shall no longer be required to be submitted to Congress: 10 USC 113 note.

(1) Section 113(c)(1).

(2) Section 113(e).

(3) Section 116.

(4) Section 2432.

(y) REPORT TO CONGRESS.—Not later than February 1, 2018, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report that includes the following:

(1) A list of all reports required to be submitted to Congress by the Department of Defense, or any officer, official, component, or element of the Department, from any source of law other than an annual national defense authorization Act as of April 1, 2015.

(2) For each report included on the list under paragraph (1), a citation to the provision of law under which the report is required to be submitted.

10 USC 113 note.

(z) EFFECTIVE DATE.—Except as provided in subsections (u), (v), and (w) the amendments made by this section shall take effect on the later of—

(1) the date of the enactment of this Act; or

(2) November 25, 2017.

SEC. 1052. REPORT ON TRANSFER OF DEFENSE ARTICLES TO UNITS COMMITTING GROSS VIOLATIONS OF HUMAN RIGHTS.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate committees of Congress a report on the transfer of defense articles to units committing gross violations of human rights.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) A description of the current laws, guidance, and policies, if any, for Department of Defense personnel to monitor and report the transfer of defense articles, provided to the government of a foreign state pursuant to a Department of Defense assistance authority, that have subsequently been provided by that government to a unit of that foreign state that is prohibited from receiving assistance from the United States by reason of a determination by the Secretary of State that there is credible evidence that such unit has committed a gross violation of human rights.

(2) A description of any confirmed instances since January 1, 2016, in which the government of a foreign state that has received defense articles pursuant to a Department of Defense assistance authority has subsequently transferred the equipment to a unit of that foreign state that is prohibited from receiving assistance from the United States by reason of a determination by the Secretary of State that there is credible evidence that such unit has committed a gross violation of human rights.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1053. REPORT ON THE NATIONAL BIODEFENSE ANALYSIS AND COUNTERMEASURES CENTER.

(a) REPORT.—Not later than March 1, 2018, the Secretary of Homeland Security and the Secretary of Defense shall submit to the appropriate congressional committees a report, prepared in consultation with the officials listed in subsection (b), on the National Biodefense Analysis and Countermeasures Center (referred to in this section as the "NBACC"). Such report shall contain the following information:

(1) The functions of the NBACC.

(2) The end users of the NBACC, including those whose assets may be managed by other agencies.

(3) The cost and mission impact for each user identified under paragraph (2) of any potential closure of the NBACC, including an analysis of the functions of the NBACC that cannot be replicated by other departments and agencies of the Federal Government.

(4) In the case of closure of the NBACC, a transition plan for any essential functions currently performed by the NBACC to ensure mission continuity, including the storage of samples needed for ongoing criminal cases.

(b) CONSULTATION.—The officials listed in this subsection are the following:

(1) The Secretary of Homeland Security.

(2) The Director of the Federal Bureau of Investigation.

(3) The Attorney General.

(4) The Director of National Intelligence.

(5) As determined by the Secretary of Homeland Security, the leaders of other offices that use the NBACC.

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

(d) LIMITATION.—None of the funds authorized to be appropriated in this Act may be used to support the closure or transfer of the NBACC until—

(1) the report required by subsection (a) has been submitted; and

(2) the heads of the Federal agencies that use the NBACC jointly provide to the appropriate congressional committees certification that the closure or transfer of the NBACC would not have a negative effect on biological defense capabilities.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—For purposes of this section, the term "appropriate congressional committees" means the Committees on Appropriations of the Senate and the House of Representatives, the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committees on Judiciary of the Senate and the House of Representatives, the Committee on Oversight and Government Reform of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate.

SEC. 1054. REPORT ON DEPARTMENT OF DEFENSE ARCTIC CAPABILITY AND RESOURCE GAPS AND REQUIRED INFRASTRUCTURE.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth—

(1) necessary steps the Department of Defense is undertaking to resolve Arctic security capability and resource gaps; and

(2) the requirements and investment plans for military infrastructure required to protect United States national security interests in the Arctic region.

(b) ELEMENTS.—The report under subsection (a) shall include an analysis of each of the following:

(1) The infrastructure needed to ensure national security in the Arctic region.

(2) Any shortfalls in observation, remote sensing capabilities, ice prediction, and weather forecasting, including an analysis of—

(A) the readiness challenges posed by a changing Arctic region; and

(B) changes to the Arctic region that affect existing military infrastructure.

(3) Any shortfalls of the Department in navigational aids.

(4) Any additional, necessary high-latitude electronic and communications infrastructure requirements.

(5) Any gaps in intelligence, surveillance, and reconnaissance coverage and recommendations for additional intelligence, surveillance, and reconnaissance capabilities.

(6) Any shortfalls in personnel recovery capabilities.

(7) United States national security interests in the Arctic region, including strategic national assets, United States citizens, territory, freedom of navigation, and economic and trade interests in the region.

(8) United States military capabilities needed for operations in Arctic terrain, including types of forces, major weapon systems, and logistics required for operations in such terrain.

(9) The installations, infrastructure, and deep water ports for deployment of assets required to support operations in the Arctic region, including the stationing, deployment, and training of military forces for operations in the region.

(10) Any additional capabilities the Secretary determines should be incorporated into future Navy surface combatants.

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

SEC. 1055. REVIEW AND ASSESSMENT OF DEPARTMENT OF DEFENSE PERSONNEL RECOVERY AND NONCONVENTIONAL ASSISTED RECOVERY MECHANISMS.

(a) IN GENERAL.—Not later than March 1, 2018, the Secretary of Defense shall submit to the congressional defense committees a review and assessment of personnel recovery and nonconventional assisted recovery programs, authorities, and policies.

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

(1) An overall strategy defining personnel recovery and nonconventional assisted recovery programs and activities, including how such programs and activities support the requirements of the geographic combatant commanders.

(2) A comprehensive review and assessment of statutory authorities, policies, and interagency coordination mechanisms, including limitations and shortfalls, for personnel recovery and nonconventional assisted recovery programs and activities.

(3) A comprehensive description of current validated requirements and anticipated future personnel recovery and nonconventional assisted recovery requirements across the future years defense program, as validated by the Joint Staff.

(4) An overview of validated current and expected future force structure requirements necessary to meet near-, mid-, and long-term personnel recovery and nonconventional assisted recovery programs and activities of the geographic combatant commanders.

(5) Any other matters the Secretary considers appropriate.

(c) FORM OF ASSESSMENT.—The assessment required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) COMPTROLLER GENERAL REVIEW.—Not later than 90 days after the date on which the assessment required under subsection (a) is submitted, the Comptroller General of the United States shall submit to the congressional defense committees a review of such assessment.

SEC. 1056. MINE WARFARE READINESS INSPECTION PLAN AND REPORT.

(a) INSPECTION PLAN.—Not later than one year after the date of the enactment of this subsection, the Chief of Naval Operations, in consultation with the Combatant Commanders, shall submit a plan for inspections of each unit and organization tasked with delivering operational capability, missions and mission essential tasks, functions, supporting roles, organization, manning, training, and materiel for naval mine warfare. At a minimum, inspected units and organizations shall include those required in the Joint Strategic Capabilities Plan and those assigned in the Forces For Unified Commands document or have the potential to support, by deployment or otherwise, a directed Operation Plan, Concept Plan, contingency operation, homeland security operation, or Defense Support of Civil Authorities requirements for naval offensive or defensive mine warfare.

(b) CRITERIA.—This inspection plan shall propose methods to analytically assess, evaluate, improve and assure mission readiness of each unit or organization with required operational capabilities for naval mine warfare. Inspection shall include—

(1) an assessment or verification of material condition;

(2) unit wide training and personnel readiness as measured by established tasks, conditions and standards that demonstrate the unit readiness to perform their wartime or homeland defense mission;

(3) force through unit level training;

(4) readiness to support multi-echelon, joint service mine warfare operations as part of an offensive, defensive mining or mine countermeasures task;

(5) readiness to support combatant commander campaign plans, operational plan, concept plan, or the Joint Strategic Capabilities Plan;

(6) required operational capability;

(7) inspection and reinspection process; and

(8) inspection periodicy.

(c) APPLICABILITY.—The inspection requirements under this subsection apply to the following units and organizations:

(1) Surface MCM vessels or vessels performing MCM tasks.

(2) Airborne MCM squadrons.

(3) Mobile mine assembly groups and mobile mine assembly units.

(4) Fleet patrol squadrons with mine laying capabilities.

(5) LCS and LCS MCM mission modules upon reaching IOC.

(6) Mine countermeasures squadrons.

(7) Units exercising command and control over MIW forces.

(8) MCM operational support ships.

(9) Attack and guided missile submarines with mine laying capabilities.

(10) Magnetic and acoustic silencing facilities.

(11) EOD MCM or VSW Companies and Platoons.

(12) SEAL (ESG / CSG) USMC units with VSW capability.

(d) CERTIFICATION.—The Chief of Naval Operations shall submit to the Secretary of Defense, the Combatant Commanders, the Chairman of the Joint Chiefs of Staff and to Congress a report on the program under this subsection. The report shall contain a classified section which addresses capability and capacity to meet JSCP, OPLAN, CONPLAN and contingency requirements and unclassified section with general summary and readiness trends.

(e) CONFORMING REPEAL.—Section 1090 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is repealed.

SEC. 1057. ANNUAL REPORT ON CIVILIAN CASUALTIES IN CONNECTION WITH UNITED STATES MILITARY OPERATIONS.

(a) ANNUAL REPORT REQUIRED.—Not later than May 1 each year, the Secretary of Defense shall submit to the congressional defense committees a report on civilian casualties caused as a result of United States military operations during the preceding year.

(b) ELEMENTS.—Each report under subsection (a) shall set forth the following:

(1) A list of all the United States military operations during the year covered by such report that were confirmed, or reasonably suspected, to have resulted in civilian casualties.

(2) For each military operation listed pursuant to paragraph (1), each of the following:

(A) The date.

(B) The location.

(C) An identification of whether the operation occurred inside or outside of a declared theater of active armed conflict.

(D) The type of operation.

(E) An assessment of the number of civilian and enemy combatant casualties.

(3) A description of the process by which the Department of Defense investigates allegations of civilian casualties resulting from United States military operations.

(4) A description of steps taken by the Department to mitigate harm to civilians in conducting such operations.

(5) Any other matters the Secretary of Defense determines are relevant.

(c) USE OF SOURCES.—In preparing a report under this section, the Secretary of Defense shall take into account relevant and credible all-source reporting, including information from public reports and nongovernmental sources.

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

(e) SUNSET.—The requirement to submit a report under subsection (a) shall expire on the date that is five years after the date of the enactment of this Act.

SEC. 1058. REPORT ON JOINT PACIFIC ALASKA RANGE COMPLEX MODERNIZATION.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report regarding proposed improvements to the Joint Pacific Alaska Range Complex.

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

(1) An analysis of existing Joint Pacific Alaska Range Complex infrastructure.

(2) A summary of improvements to the range infrastructure the Secretary determines are necessary—

(A) for fifth generation fighters to train at maximum potential; and

(B) to provide a realistic air warfare environment versus a near-peer adversary for—

(i) four squadrons of fifth generation fighters;

(ii) annual Red Flag-Alaska exercises; and

(iii) biannual Operation Northern Edge exercises.

SEC. 1059. REPORT ON ALTERNATIVES TO AQUEOUS FILM FORMING FOAM.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the Department's status with respect to developing a new military specification for safe and effective alternatives to aqueous film forming foam (hereinafter referred to as "AFFF") that do not contain perfluorooctanoic acid (hereinafter referred to as "PFOA") or erfluorooctanesulfonic acid (hereinafter referred to as "PFOS").

(b) ELEMENTS.—The report required by subparagraph (1) shall include the following:

(1) A detailed explanation of the Department's status with respect to developing a new military specification for safe and effective alternatives to AFFF that do not contain PFOA or PFOS.

(2) An update on the Secretary's plans for replacing AFFF containing PFOA or PFOS at military installations across the country and methods of disposal for AFFF containing PFOA or PFOS.

(3) An overview of current and planned research and development for AFFF alternatives that do not contain PFOA or PFOS.

(4) An assessment of how the establishment of a maximum contaminant level for PFOA or PFOS under the Safe Drinking Water Act (42 U.S.C. 300f et seq.), rather than the current health advisory level, would impact the Department's mitigation actions, prioritization of such actions, and research and development related to PFOA and PFOS.

SEC. 1060. ASSESSMENT OF GLOBAL FORCE POSTURE.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, the chiefs of the military services, and the commanders of the combatant commands, provide for and oversee an assessment of the global force posture of the Armed Forces.

(b) REPORT.—Not later than the earlier of 180 days after the production of the 2018 National Defense Strategy (which is intended to be closely coordinated with and complementary to a new National Security Strategy) or December 31, 2018, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the assessment required by subsection (a). The report shall include the following:

(1) Recommendations for force size, structure, and basing globally that reflect and complement the force sizing and planning construct included in the 2018 National Defense Strategy in order to guide the growth of the force structure of the Armed Forces, which recommendations shall be based on an evaluation of the relative costs of rotational and forward-based forces as well as impacts to deployment timelines of threats to lines of communication and anti-access area denial capabilities of potential adversaries.

(2) An assessment by each commander of a combatant command of the capability and force structure gaps within the context of an evaluation of the projected threats in the theater of operations of the combatant command concerned and the operation plans of each combatant command.

(3) An evaluation of the headquarters manning requirements to oversee and direct execution of current operational plans.

SEC. 1061. ARMY MODERNIZATION STRATEGY.

(a) STRATEGY REQUIRED.—The Secretary of the Army shall develop a modernization strategy for the total Army.

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

(1) A comprehensive description of the future total Army, including key objectives, war fighting challenges, and risks, sufficient to establish requirements, set priorities, identify opportunity costs, and establish acquisition time lines for the total Army over a period beyond the period of the current future-years defense program under section 221 of title 10, United States Code.

(2) Mechanisms for identifying programs of the Army that may be unnecessary, or do not perform according to expectations, in achieving the future total Army.

(3) A comprehensive description of the manner in which the future total Army intends to fight and win as part of a joint force engaged in combat across all operational domains.

(4) A comprehensive description of the mechanisms required by the future total Army to maintain command, control, and communications and sustainment.

(5) A description of—

(A) the combat vehicle modernization priorities of the Army over the next 5 and 10 years;

(B) the extent to which such priorities can be supported at current funding levels within a relevant time period;

(C) the extent to which additional funds are required to support such priorities;

(D) how the Army is balancing and resourcing such priorities with efforts to rebuild and sustain readiness and increase force structure capacity over this same time period; and

(E) how the Army is balancing its near-term modernization efforts with an accelerated long-term strategy for acquiring next generation combat vehicle capabilities.

(c) PARTICULAR CONSIDERATIONS.—In developing the strategy required by subsection (a), the Secretary shall take into particular account the following:

(1) Current trends and developments in weapons and equipment technologies.

(2) New tactics and force design of peer adversaries, including the rapid pace of development of such tactics and force design by such adversaries.

(d) REPORT.—

(1) IN GENERAL.—Not later than April 30, 2018, the Secretary shall submit to the congressional defense committees the strategy required by subsection (a).

(2) FORM.—If the report is submitted in classified form, the report shall be accompanied by an unclassified summary.

(e) COMPTROLLER GENERAL ASSESSMENT.—

(1) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the modernization strategy required by subsection (a).

(2) FOCUS.—In carrying out the assessment under paragraph (1), the Comptroller General shall focus on evaluating—

(A) the development of the modernization priorities of the Army for the five-year period beginning on the date of the enactment of this Act;

(B) how the Army is balancing and resourcing such priorities with efforts to rebuild and sustain readiness and increase force structure capacity over such period; and

(C) the extent to which the Army has balanced its near-term modernization efforts with its long-term strategy for acquiring new capabilities.

(3) CONGRESSIONAL REPORTING.—

(A) BRIEFING.—Not later than May 1, 2018, the Comptroller General shall provide to the congressional defense committees a briefing on the preliminary assessment of the Comptroller General under paragraph (1).

(B) REPORT.—The Comptroller General shall submit to the congressional defense committees a report on the final assessment of the Comptroller General under such paragraph.

(f) TOTAL ARMY DEFINED.—In this section, the term "total Army" means the active components and the reserve components of the Army.

SEC. 1062. REPORT ON ARMY PLAN TO IMPROVE OPERATIONAL UNIT READINESS BY REDUCING NUMBER OF NON-DEPLOYABLE SOLDIERS ASSIGNED TO OPERATIONAL UNITS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the plans of the Army to improve operational unit readiness in the Army by reducing the number of non-deployable soldiers assigned to operational units of the Army and replacing such soldiers with soldiers capable of world-wide deployment.

SEC. 1063. EFFORTS TO COMBAT PHYSIOLOGICAL EPISODES ON CERTAIN NAVY AIRCRAFT.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and every 90 days thereafter until January 1, 2020, the Secretary of the Navy shall provide to the congressional defense committees information on efforts by the Navy's Physiological Episode Team to combat the prevalence of

physiological episodes in F/A–18 Hornet and Super Hornet, EA–18G Growler, and T–45 Goshawk aircraft.

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

(1) A description of Naval Aviation Enterprise activities addressing physiological episodes during the reporting period.

(2) An estimate of funding expended in support of the activities described under paragraph (1).

(3) A description of any planned or executed changes to Physiological Episode Team structure or processes.

(4) A description of activities planned for the upcoming two quarters.

(c) FORM.—The information required under subsection (a) may be provided in a written report or a briefing.

SEC. 1064. STUDIES ON AIRCRAFT INVENTORIES FOR THE AIR FORCE.

(a) INDEPENDENT STUDIES.—

(1) IN GENERAL.—The Secretary of Defense shall provide for the performance of three independent studies of alternative aircraft inventories through 2030, and an associated force-sizing construct, for the Air Force.

(2) SUBMITTAL TO CONGRESS.—Not later than March 1, 2019, the Secretary shall submit the results of each study to the congressional defense committees.

(3) FORM.—The result of each study shall be submitted in unclassified form, but may include a classified annex.

(b) ENTITIES TO PERFORM STUDIES.—The Secretary shall provide for the studies under subsection (a) to be performed as follows:

(1) One study shall be performed by the Secretary of the Air Force, in consultation with the Director of the Office of Net Assessment.

(2) One study shall be performed by a federally funded research and development center.

(3) One study shall be conducted by an independent, nongovernmental institute which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code, and has recognized credentials and expertise in national security and military affairs.

(c) PERFORMANCE OF STUDIES.—

(1) INDEPENDENT PERFORMANCE.—The Secretary shall require the studies under this section to be conducted independently of one another.

(2) MATTERS TO BE CONSIDERED.—In performing a study under this section, the organization performing the study, while being aware of current and projected aircraft inventories for the Air Force, shall not be limited by such current or projected aircraft inventories, and shall consider the following matters:

(A) The national security and national defense strategies of the United States.

(B) Potential future threats to the United States and to United States air and space forces through 2030.

(C) Traditional roles and missions of the Air Force.

(D) Alternative roles and missions for the Air Force.

(E) The force-sizing methodology and rationale used to calculated aircraft inventory levels.

(F) Other government and nongovernment analyses that would contribute to the study through variations in study assumptions or potential scenarios.

(G) The role of evolving technology on future air forces, including unmanned and space systems.

(H) Opportunities for reduced operation and sustainment costs.

(I) Current and projected capabilities of other Armed Forces that could affect force structure capability and capacity requirements of the Air Force.

(d) STUDY RESULTS.—The results of each study under this section shall—

(1) identify a force-sizing construct for the Air Force that connects national security strategy to aircraft inventories;

(2) present the alternative aircraft inventories considered, with assumptions and possible scenarios identified for each;

(3) provide for presentation of minority views of study participants; and

(4) for the recommended inventories, provide—

(A) the numbers and types of aircraft, the numbers and types of manned and unmanned aircraft, and the basic capabilities of each of such platforms;

(B) describe the force-sizing rationale used to arrive at the recommended inventory levels;

(C) other information needed to understand the aircraft inventories in basic form and the supporting analysis; and

(D) options to address aircraft types whose retirement commences before 2030.

SEC. 1065. DEPARTMENT OF DEFENSE REVIEW OF NAVY CAPABILITIES IN THE ARCTIC REGION.

(a) REPORT ON CAPABILITIES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on the capabilities of the Navy in the Arctic region.

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

(A) The current naval capabilities of the Department of Defense in the Arctic region, with a particular emphasis on surface capabilities.

(B) Any gaps that exist between the current naval capabilities described in subparagraph (A) and the ability of the Department to fully execute its updated strategy for the Arctic region.

(C) Any gaps in the capabilities described in subparagraph (A) that require ice-hardening of existing vessels or the construction of new vessels to preserve freedom of navigation in the Arctic region whenever and wherever necessary.

(D) An analysis and recommendation of which Navy vessels could be ice-hardened to effectively preserve freedom of navigation in the Arctic region when and where necessary, in all seasons and weather conditions.

(E) An analysis of any cost increases or schedule adjustments that may result from ice-hardening existing or new Navy vessels.

(b) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW.—Not later than 90 days after the date on which the Secretary submits the report required by subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees a review of the report, including any matters in connection with the report and the review that the Comptroller General considers appropriate.

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

SEC. 1066. COMPREHENSIVE REVIEW OF MARITIME INTELLIGENCE, SURVEILLANCE, RECONNAISSANCE, AND TARGETING CAPABILITIES.

(a) REPORT REQUIRED.—Not later than May 1, 2018, the Secretary of the Navy shall submit to the congressional defense committees a report on maritime intelligence, surveillance, reconnaissance, and targeting capabilities.

(b) COMPREHENSIVE REVIEW.—The report required in subsection (a) shall include a comprehensive review of the following elements for the 2025 and 2035 timeframes:

(1) A description of the projected steady-state demands for maritime intelligence, surveillance, reconnaissance, and targeting capabilities and capacity in each timeframe, including protracted gray-zone or low-intensity confrontations between the United States or its allies and potential adversaries such as Russia, China, North Korea, and Iran.

(2) A description of potential warfighting planning scenarios in which maritime intelligence, surveillance, reconnaissance, and targeting capabilities will be required in each prescribed timeframe, including the most demanding such scenario.

(3) A description of the undersea, surface, and air threats for each scenario described in paragraph (2) that will require maritime intelligence, surveillance, reconnaissance, and targeting to be conducted in order to achieve warfighting objectives.

(4) An assessment of the sufficiency of maritime intelligence, surveillance, reconnaissance, and targeting program capability and capacity to achieve the warfighting objectives described in paragraph (3) in the most demanding scenario described in paragraph (2), including the effects of attrition.

(5) Planned operational concepts, including a High level operational concept graphic (OV–1) for each such concept, for conducting maritime intelligence, surveillance, reconnaissance, and targeting capabilities during steady state operations and warfighting scenarios described in paragraph (2), including consideration of distributed combat operations in a satellite denied environment.

(6) Specific capability or capacity gaps and risk areas in the ability or sufficiency of maritime intelligence, surveillance, reconnaissance, and targeting capabilities.

(7) Potential mitigation or solutions to address the capability and capacity gaps and risk areas identified in paragraph (6), including new capabilities, increased capacity, or new operating concepts that could be employed by the Navy.

(8) A description of the funding amount by fiscal year, initial operational capability, and full operational capability

for each maritime intelligence, surveillance, reconnaissance, and targeting program identified in paragraph (4), based on the President's fiscal year 2019 future years defense program, including unfunded and partially funded programs.

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

SEC. 1067. REPORT ON THE NEED FOR A JOINT CHEMICAL-BIOLOGICAL DEFENSE LOGISTICS CENTER.

Not later than March 1, 2018, the Secretary of Defense shall submit to the congressional defense committees a report that includes the following:

(1) A description of the operational need and requirement for a consolidated Joint Chemical-Biological Defense Logistics Center.

(2) Identification of the specific operational requirements for rapid deployment of chemical and biological defense assets and the sustainment requirements for maintenance, storage, inspection, and distribution of specialized chemical, biological, radiological, and nuclear equipment at the Joint Chemical-Biological Defense Logistics Center.

(3) A definition of program objectives and milestones to achieve initial operating capability and full operating capability.

(4) Estimated facility and personnel resource requirements for use in planning, programming, and budgeting.

(5) An environmental assessment of proposed effects in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 1068. MISSILE TECHNOLOGY CONTROL REGIME CATEGORY I UNMANNED AERIAL VEHICLE SYSTEMS.

(a) REPORT REQUIRED.—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a report providing an evaluation of the impact to national security of current United States policy regarding proliferation of complete unmanned aerial vehicle systems under Category I of the Missile Technology Control Regime (MTCR).

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

(1) An analysis of Category I unmanned aerial vehicles (UAVs) in production globally and the countries that export such systems, including the volume and location.

(2) An evaluation of the impact of the MTCR presumption of denial relating to Category I UAVs on identified United States security interests, including the presumption's non-proliferation benefits and the extent to which the presumption may foster the growth of foreign UAV providers, reducing United States Government influence and the qualitative United States technological edge.

(3) An evaluation of the potential risks and benefits to security posed by exports of UAVs, whether or not covered by Category I criteria, to identify characteristics that pose particular concerns, such as speed, radar cross-section, swarming capability, surveillance payload, low observable features, armor, and anti-aircraft countermeasures.

(4) A discussion of how the evaluation above should inform United States Government and allied and partner licensing

guidance with respect to the MTCR presumption of denial and its potential impacts, United States Government proposals for revisions to the MTCR Guidelines, and differences among UAVs (Category I, as well as Category II UAVs that pose particular concerns).

(5) Any other matters the Secretaries consider appropriate.

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

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 1069. RECOMMENDATIONS FOR INTERAGENCY VETTING OF FOREIGN INVESTMENTS AFFECTING NATIONAL SECURITY.

(a) PLAN AND RECOMMENDATIONS REQUIRED.—The Secretary of Defense, in concurrence with the Secretary of State, the Secretary of Treasury, and the Director of National Intelligence, shall assess and develop a plan and recommendations for agencies of the United States Government, other than the Department of Defense, to improve the effectiveness of the interagency vetting of foreign investments that could potentially impair the national security of the United States.

(b) OBJECTIVES.—The recommendations required by subsection (a) shall have the following objectives:

(1) To increase collaboration and coordination among agencies of the United States Government in the identification and prevention of foreign investments that could potentially impair the national security of the United States.

(2) To increase collaboration and cooperation among the United States Government and governments of United States allies and partners on investments described in paragraph (1), including through information sharing.

(3) To increase collaboration and cooperation among agencies of the United States Government to identify and mitigate potential threats to critical United States technologies from foreign state owned or state controlled entities.

(c) ANALYSIS.—The recommendations required by subsection (a) shall be based upon analysis of the following:

(1) Whether the current interagency vetting processes and policies place adequate focus on the potential threats presented by influence of the foreign governments over business entities seeking investment in the United States.

(2) The current or projected major vulnerabilities of the defense industrial base pertaining to foreign investment, including in the areas of cybersecurity, reliance on foreign suppliers in the defense supply chain access to materials that are essential for national defense, and the use of transportation assets and other critical infrastructure for training, mobilizing, and deploying forces.

(3) Whether the current interagency vetting process for foreign investments—

(A) requires additional resources to be effective;

(B) permits the interagency establishment adequate time to thoroughly review transactions and to conduct national security threat assessments;

(C) assesses the risks posed by transactions before they are implemented; and

(D) provides adequate monitoring and compliance of agreements to mitigate such risks.

(4) The counterintelligence risks posed by purchases or leases of Federal land.

(5) Whether and to what extent industrial espionage is occurring against private United States companies to obtain commercial secrets related to critical or foundational technologies.

(6) Whether and to what extent foreseeable foreign investments have the potential to—

(A) reduce any United States technological or industrial advantage of the United States; or

(B) increase the vulnerability of the United States to information operations, including the purposeful dissemination of false or misleading information to the American public and the manipulation of American public opinion on critical public policy issues.

(7) Whether currently mandated annual reports to Congress on the interagency vetting of foreign investments should be revised to ensure that they provide valuable information.

(d) CONSIDERATIONS.—The recommendations required by subsection (a) shall take into consideration each of the following:

(1) Trends in foreign investment transactions, including joint ventures, the sale of assets pursuant to bankruptcy, and the purchase or lease of real estate in proximity to Government installations that could impair national security.

(2) Strategies used by foreign investors to exploit vulnerabilities in existing foreign investment vetting processes and regulations.

(3) Any market distortion or unfair competition incurred by foreign transactions that directly or indirectly impairs the national security or the United States.

(e) REPORTS.—

(1) INTERIM REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the progress of the Secretary in developing the recommendations required by subsection (a).

(2) FINAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report setting forth the recommendations developed pursuant to subsection (a).

(3) FORM.—Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

(4) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committees on Armed Services of the Senate and the House of Representatives;

(B) the Committee on Foreign Affairs of the House of Representatives;

(C) the Committee on Foreign Relations of the Senate;

(D) the Committee on Financial Services of the House of Representatives;

(E) the Committee on Finance of the Senate;

(F) the Permanent Select Committee on Intelligence of the House of Representatives; and

(G) the Select Committee on Intelligence of the Senate.

SEC. 1070. BRIEFING ON PRIOR ATTEMPTED RUSSIAN CYBER ATTACKS AGAINST DEFENSE SYSTEMS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Director of National Intelligence, shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing on all attempts to breach, intrude, or otherwise hack into Department of Defense systems that—

(1) occurred during the last 24-month period ending on the date of the enactment of this Act; and

(2) were attributable either to the government of the Russian Federation or actors substantially supported by the government of the Russian Federation.

10 USC 2501 note.

SEC. 1071. ENHANCED ANALYTICAL AND MONITORING CAPABILITY OF THE DEFENSE INDUSTRIAL BASE.

(a) PROCESS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall establish a process, or designate an existing process, for enhancing the ability of the Department of Defense to analyze, assess, and monitor the vulnerabilities of, and concentration of purchases in, the defense industrial base.

(2) ELEMENTS.—The process required by subsection (a) shall include the following elements:

(A) Designation of a senior official responsible for overseeing the development and implementation of the process.

(B) Development or integration of tools to support commercial due diligence and business intelligence or to otherwise analyze and monitor commercial activity to understand business relationships affecting the defense industrial base.

(C) Development of risk profiles of products, services, or entities based on business intelligence, commercial due diligence tools and data services.

(D) As the Secretary determines necessary, integration with intelligence sources to develop threat profiles of entities attempting transactions with a defense industrial base companies.

(E) Other matters as the Secretary deems necessary.

(3) NOTIFICATION.—Not later than 90 days after establishing or designating the process required by subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives notice in writing that such process has been established or otherwise designated. Such notification shall include the following:

(A) Identification of the official required to be designated under paragraph (2)(A).

(B) Identification of the tools described in paragraph (2)(B) that are currently available to Department of Defense and any other tools available commercially or otherwise

that might contribute to enhancing the analytic capability of the process.

(C) Identification of, or recommendations for, any statutory changes needed to improve the effectiveness of the process.

(D) Projected resources necessary to purchase any commercially available tools identified under subparagraph (B) and to carry out any statutory changes identified under subparagraph (C).

(b) REPORTING.—

(1) CONSOLIDATED REPORT ON VULNERABILITIES OF, AND CONCENTRATION OF PURCHASES IN, THE DEFENSE INDUSTRIAL BASE.—

(A) REPORT REQUIRED.—For each of fiscal years 2018 through 2023, the Secretary of Defense shall submit to the appropriate congressional committees a consolidated report that combines all of the reports required to be provided to Congress for that fiscal year on the adequacy of, vulnerabilities of, and concentration of purchases in the defense industrial sector. Such consolidated report shall include each of the following:

(i) The report required under section 721(m) of the Defense Production Act of 1950 (50 U.S.C. 4565(m)) (relating to concentrations of purchases of the defense industrial base).

(ii) The report required under section 723(a) of the Defense Production Act of 1950 (50 U.S.C. 4568(a)) (relating to offsets in defense production).

(iii) The report required under section 2504 of title 10, United States Code (relating to annual industrial capabilities).

(iv) Any other reports the Secretary determines appropriate.

(B) DEADLINE.—A consolidated report under subparagraph (A) shall be submitted by not later than March 31 of the fiscal year following the fiscal year for which the report is submitted.

(2) REVIEW OF TECHNOLOGY PROTECTION POLICY.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report describing any need for reforms of policies governing the export of technology or related intellectual property, along with any proposed legislative changes the Secretary believes are necessary.

(3) FORM OF REPORTS.—Each report submitted under this subsection shall be in unclassified form, but may contain a classified annex.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Financial Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

SEC. 1072. REPORT ON DEFENSE OF COMBAT LOGISTICS AND STRATEGIC MOBILITY FORCES.

(a) REPORT REQUIRED.—Not later than April 1, 2018, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the defense of combat logistics and strategic mobility forces.

(b) COVERED PERIODS.—The report required by subsection (a) shall cover two periods:

(1) The period from 2018 through 2025.

(2) The period from 2026 through 2035.

(c) ELEMENTS.—The report required by subsection (a) shall include, for each of the periods covered by the report, the following:

(1) A description of potential warfighting planning scenarios in which combat logistics and strategic mobility forces will be threatened, including the most demanding operational plan requiring such forces.

(2) A description of the combat logistics and strategic mobility forces capacity, including additional combat logistics and strategic mobility forces, that may be required due to losses from attacks under each scenario described pursuant to paragraph (1).

(3) A description of the projected capability and capacity of subsurface threats to combat logistics and strategic mobility forces for each scenario described pursuant to paragraph (1).

(4) A description of planned operating concepts for defending combat logistics and strategic mobility forces from subsurface, surface, and air threats for each scenario described pursuant to paragraph (1).

(5) An assessment of the ability and availability of United States naval forces to defend combat logistics and strategic mobility forces from the threats described pursuant to paragraph (1), while also accomplishing other assigned missions, for each scenario described pursuant to that paragraph.

(6) A description of specific capability gaps or risk areas in the ability or availability of United States naval forces to defend combat logistics and strategic mobility forces from the threats described pursuant to paragraph (1).

(7) A description and assessment of potential solutions to address the capability gaps and risk areas identified pursuant to paragraph (6), including new capabilities, increased capacity, or new operating concepts that could be employed by United States naval forces.

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

(e) COMBAT LOGISTICS AND STRATEGIC MOBILITY FORCES DEFINED.—In this section, the term "combat logistics and strategic mobility forces" means the combat logistics force, the Ready Reserve Force, and the Military Sealift Command surge fleet.

SEC. 1073. REPORT ON ACQUISITION STRATEGY TO RECAPITALIZE THE EXISTING SYSTEM FOR UNDERSEA FIXED SURVEILLANCE.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on the acquisition strategy to recapitalize the existing system for undersea fixed surveillance.

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

(1) A description of undersea fixed surveillance system recapitalization requirements, including key performance parameters and key system attributes as applicable.

(2) Cost estimates for procuring a future system or systems.

(3) Projected dates for key milestones within the acquisition strategy.

(4) A description of how the acquisition strategy will improve performance in the areas of detection and localization compared to the legacy system to enable effective performance against current, emerging, and future threats over the life of the systems.

(5) A description of how the acquisition strategy will encourage competition and reward innovation for addressing system performance requirements.

SEC. 1074. REPORT ON IMPLEMENTATION OF REQUIREMENTS IN CONNECTION WITH THE ORGANIZATION OF THE DEPARTMENT OF DEFENSE FOR MANAGEMENT OF SPECIAL OPERATIONS FORCES AND SPECIAL OPERATIONS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of section 922 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2354) and the amendments made by that section (in this section collectively referred to as the "covered authority").

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

(1) A statement of the responsibilities of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict that is consistent with the covered authority, including an identification of any responsibilities to be divested by the Assistant Secretary pursuant to the covered authority.

(2) A resource-unconstrained analysis of manpower requirements necessary to satisfy the responsibilities akin to those of the Secretary of a military department that are specified by the covered authority.

(3) An accounting of civilian, military, and contractor personnel currently assigned to the fulfillment of the responsibilities akin to those of the Secretary of a military department that are specified by the covered authority, including responsibilities relating to budget, personnel, programs and requirements, acquisition, and special access programs.

(4) A description of actions taken to implement the covered authority as of the date of the report, including the assignment of any additional civilian, military, or contractor personnel to fulfill additional responsibilities akin to those of the Secretary of a military department that are specified by the covered authority.

(5) An explanation how the responsibilities akin to those of the Secretary of a military department that assigned to the Assistant Secretary by the covered authority will be fulfilled in the absence of additional personnel being assigned to the office of the Assistant Secretary.

(6) An assessment of whether the responsibilities specified in section 138(b)(4) of title 10, United States Code, could be accomplished more effectively if the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict were elevated to an Under Secretary, including the potential benefits and negative consequences of such a change.

(7) Any other matters the Secretary considers appropriate.

SEC. 1075. REPORT ON THE GLOBAL FOOD SYSTEM AND VULNERABILITIES RELEVANT TO DEPARTMENT OF DEFENSE MISSIONS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the heads of such components of the Department of Defense as the Secretary considers appropriate, submit to the congressional defense committees an assessment of Department of Defense policies and operational plans for addressing the national security implications of global food system vulnerabilities.

(b) CONTENTS.—The report required by subsection (a) shall include, at a minimum, the following:

(1) An evaluation of vulnerabilities in the global food system that may affect the national security of the United States and the Department of Defense roles, missions, and capabilities in addressing such vulnerabilities, including information technology, data management, and surveillance capabilities for detection and assessment of food system shocks with the potential to result in the deployment of the Armed Forces or directly affect bilateral security interests with allies or partners.

(2) A characterization of how Department of Defense strategy, policies, and plans, including the Unified Command Plan, defense planning scenarios, operational plans, theater cooperation plans, and other relevant planning documents and procedures, account for food system vulnerabilities as precursors to and components of protracted major state conflicts, civil wars, insurgencies, or terrorism.

(3) An evaluation of United States interests, including the interests of allies and strategic partners, and potential United States military operations, including thresholds for ordering such operations, in regions where food system instability represents an urgent and growing threat, including due to the presence of destabilizing non-state actors who may weaponize access to food.

(4) An identification of opportunities to initiate or further develop cooperative military-to-military relationships to build partner capacity to avoid, minimize, or control global and regional food system shocks.

Subtitle G—Modernizing Government Technology

40 USC 11301 note.

SEC. 1076. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) BOARD.—The term "Board" means the Technology Modernization Board established under section 1094(c)(1).

(3) CLOUD COMPUTING.—The term "cloud computing" has the meaning given the term by the National Institute of Standards and Technology in NIST Special Publication 800–145 and any amendatory or superseding document thereto.

(4) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(5) FUND.—The term "Fund" means the Technology Modernization Fund established under section 1094(b)(1).

(6) INFORMATION TECHNOLOGY.—The term "information technology" has the meaning given the term in section 3502 of title 44, United States Code.

(7) IT WORKING CAPITAL FUND.—The term "IT working capital fund" means an information technology system modernization and working capital fund established under section 1093(b)(1).

(8) LEGACY INFORMATION TECHNOLOGY SYSTEM.—The term "legacy information technology system" means an outdated or obsolete system of information technology.

SEC. 1077. ESTABLISHMENT OF AGENCY INFORMATION TECHNOLOGY SYSTEMS MODERNIZATION AND WORKING CAPITAL FUNDS.

40 USC 11301 note.

(a) DEFINITION.—In this section, the term "covered agency" means each agency listed in section 901(b) of title 31, United States Code.

(b) INFORMATION TECHNOLOGY SYSTEM MODERNIZATION AND WORKING CAPITAL FUNDS.—

(1) ESTABLISHMENT.—The head of a covered agency may establish within the covered agency an information technology system modernization and working capital fund for necessary expenses described in paragraph (3).

(2) SOURCE OF FUNDS.—The following amounts may be deposited into an IT working capital fund:

(A) Reprogramming and transfer of funds made available in appropriations Acts enacted after the date of enactment of this Act, including the transfer of any funds for the operation and maintenance of legacy information technology systems, in compliance with any applicable reprogramming law or guidelines of the Committees on Appropriations of the Senate and the House of Representatives or transfer authority specifically provided in appropriations law.

(B) Amounts made available to the IT working capital fund through discretionary appropriations made available after the date of enactment of this Act.

(3) USE OF FUNDS.—An IT working capital fund established under paragraph (1) may only be used—

(A) to improve, retire, or replace existing information technology systems in the covered agency to enhance cybersecurity and to improve efficiency and effectiveness across the life of a given workload, procured using full and open competition among all commercial items to the greatest extent practicable;

(B) to transition legacy information technology systems at the covered agency to commercial cloud computing and

other innovative commercial platforms and technologies, including those serving more than 1 covered agency with common requirements;

(C) to assist and support covered agency efforts to provide adequate, risk-based, and cost-effective information technology capabilities that address evolving threats to information security;

(D) to reimburse funds transferred to the covered agency from the Fund with the approval of the Chief Information Officer, in consultation with the Chief Financial Officer, of the covered agency; and

(E) for a program, project, or activity or to increase funds for any program, project, or activity that has not been denied or restricted by Congress.

(4) EXISTING FUNDS.—An IT working capital fund may not be used to supplant funds provided for the operation and maintenance of any system within an appropriation for the covered agency at the time of establishment of the IT working capital fund.

(5) PRIORITIZATION OF FUNDS.—The head of each covered agency—

(A) shall prioritize funds within the IT working capital fund of the covered agency to be used initially for cost savings activities approved by the Chief Information Officer of the covered agency; and

(B) may reprogram and transfer any amounts saved as a direct result of the cost savings activities approved under clause (i) for deposit into the IT working capital fund of the covered agency, consistent with paragraph (2)(A).

(6) AVAILABILITY OF FUNDS.—

(A) IN GENERAL.—Any funds deposited into an IT working capital fund shall be available for obligation for the 3-year period beginning on the last day of the fiscal year in which the funds were deposited.

(B) TRANSFER OF UNOBLIGATED AMOUNTS.—Any amounts in an IT working capital fund that are unobligated at the end of the 3-year period described in subparagraph (A) shall be transferred to the general fund of the Treasury.

(7) AGENCY CIO RESPONSIBILITIES.—In evaluating projects to be funded by the IT working capital fund of a covered agency, the Chief Information Officer of the covered agency shall consider, to the extent applicable, guidance issued under section 1094(b)(1) to evaluate applications for funding from the Fund that include factors including a strong business case, technical design, consideration of commercial off-the-shelf products and services, procurement strategy (including adequate use of rapid, iterative software development practices), and program management.

(c) REPORTING REQUIREMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 6 months thereafter, the head of each covered agency shall submit to the Director, with respect to the IT working capital fund of the covered agency—

(A) a list of each information technology investment funded, including the estimated cost and completion date for each investment; and

(B) a summary by fiscal year of obligations, expenditures, and unused balances.

(2) PUBLIC AVAILABILITY.—The Director shall make the information submitted under paragraph (1) publicly available on a website.

SEC. 1078. ESTABLISHMENT OF TECHNOLOGY MODERNIZATION FUND AND BOARD.

40 USC 11301 note.

(a) DEFINITION.—In this section, the term "agency" has the meaning given the term in section 551 of title 5, United States Code.

(b) TECHNOLOGY MODERNIZATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury a Technology Modernization Fund for technology-related activities, to improve information technology, to enhance cybersecurity across the Federal Government, and to be administered in accordance with guidance issued by the Director.

(2) ADMINISTRATION OF FUND.—The Administrator, in consultation with the Chief Information Officers Council and with the approval of the Director, shall administer the Fund in accordance with this subsection.

(3) USE OF FUNDS.—The Administrator shall, in accordance with recommendations from the Board, use amounts in the Fund—

(A) to transfer such amounts, to remain available until expended, to the head of an agency for the acquisition of products and services, or the development of such products and services when more efficient and cost effective, to improve, retire, or replace existing Federal information technology systems to enhance cybersecurity and privacy and improve long-term efficiency and effectiveness;

(B) to transfer such amounts, to remain available until expended, to the head of an agency for the operation and procurement of information technology products and services, or the development of such products and services when more efficient and cost effective, and acquisition vehicles for use by agencies to improve Governmentwide efficiency and cybersecurity in accordance with the requirements of the agencies;

(C) to provide services or work performed in support of—

(i) the activities described in subparagraph (A) or (B); and

(ii) the Board and the Director in carrying out the responsibilities described in subsection (c)(2); and

(D) to fund only programs, projects, or activities or to fund increases for any programs, projects, or activities that have not been denied or restricted by Congress.

(4) AUTHORIZATION OF APPROPRIATIONS; CREDITS; AVAILABILITY OF FUNDS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $250,000,000 for each of fiscal years 2018 and 2019.

(B) CREDITS.—In addition to any funds otherwise appropriated, the Fund shall be credited with all reimbursements, advances, or refunds or recoveries relating

to information technology or services provided for the purposes described in paragraph (3).

(C) AVAILABILITY OF FUNDS.—Amounts deposited, credited, or otherwise made available to the Fund shall be available until expended for the purposes described in paragraph (3).

(5) REIMBURSEMENT.—

(A) REIMBURSEMENT BY AGENCY.—

(i) IN GENERAL.—The head of an agency shall reimburse the Fund for any transfer made under subparagraph (A) or (B) of paragraph (3), including any services or work performed in support of the transfer under paragraph (3)(C), in accordance with the terms established in a written agreement described in paragraph (6).

(ii) REIMBURSEMENT FROM SUBSEQUENT APPROPRIATIONS.—Notwithstanding any other provision of law, an agency may make a reimbursement required under clause (i) from any appropriation made available after the date of enactment of this Act for information technology activities, consistent with any applicable reprogramming law or guidelines of the Committees on Appropriations of the Senate and the House of Representatives.

(iii) RECORDING OF OBLIGATION.—Notwithstanding section 1501 of title 31, United States Code, an obligation to make a payment under a written agreement described in paragraph (6) in a fiscal year after the date of enactment of this Act shall be recorded in the fiscal year in which the payment is due.

(B) PRICES FIXED BY ADMINISTRATOR.—

(i) IN GENERAL.—The Administrator, in consultation with the Director, shall establish amounts to be paid by an agency under this paragraph and the terms of repayment for activities funded under paragraph (3), including any services or work performed in support of that development under paragraph (3)(C), at levels sufficient to ensure the solvency of the Fund, including operating expenses.

(ii) REVIEW AND APPROVAL.—Before making any changes to the established amounts and terms of repayment, the Administrator shall conduct a review and obtain approval from the Director.

(C) FAILURE TO MAKE TIMELY REIMBURSEMENT.—The Administrator may obtain reimbursement from an agency under this paragraph by the issuance of transfer and counterwarrants, or other lawful transfer documents, supported by itemized bills, if payment is not made by the agency during the 90-day period beginning after the expiration of a repayment period described in a written agreement described in paragraph (6).

(6) WRITTEN AGREEMENT.—

(A) IN GENERAL.—Before the transfer of funds to an agency under subparagraphs (A) and (B) of paragraph (3), the Administrator, in consultation with the Director, and the head of the agency shall enter into a written agreement—

(i) documenting the purpose for which the funds will be used and the terms of repayment, which may not exceed 5 years unless approved by the Director; and

(ii) which shall be recorded as an obligation as provided in paragraph (5)(A).

(B) REQUIREMENT FOR USE OF INCREMENTAL FUNDING, COMMERCIAL PRODUCTS AND SERVICES, AND RAPID, ITERATIVE DEVELOPMENT PRACTICES.—The Administrator shall ensure—

(i) for any funds transferred to an agency under paragraph (3)(A), in the absence of compelling circumstances documented by the Administrator at the time of transfer, that such funds shall be transferred only on an incremental basis, tied to metric-based development milestones achieved by the agency through the use of rapid, iterative, development processes; and

(ii) that the use of commercial products and services are incorporated to the greatest extent practicable in activities funded under subparagraphs (A) and (B) of paragraph (3), and that the written agreement required under paragraph (6) documents this preference.

(7) REPORTING REQUIREMENTS.—

(A) LIST OF PROJECTS.—

(i) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director shall maintain a list of each project funded by the Fund, to be updated not less than quarterly, that includes a description of the project, project status (including any schedule delay and cost overruns), financial expenditure data related to the project, and the extent to which the project is using commercial products and services, including if applicable, a justification of why commercial products and services were not used and the associated development and integration costs of custom development.

(ii) PUBLIC AVAILABILITY.—The list required under clause (i) shall be published on a public website in a manner that is, to the greatest extent possible, consistent with applicable law on the protection of classified information, sources, and methods.

(B) COMPTROLLER GENERAL REPORTS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Comptroller General of the United States shall submit to Congress and make publically available a report assessing—

(i) the costs associated with establishing the Fund and maintaining the oversight structure associated with the Fund compared with the cost savings associated with the projects funded both annually and over the life of the acquired products and services by the Fund;

(ii) the reliability of the cost savings estimated by agencies associated with projects funded by the Fund;

(iii) whether agencies receiving transfers of funds from the Fund used full and open competition to acquire the custom development of information technology products or services; and

(iv) the number of IT procurement, development, and modernization programs, offices, and entities in the Federal Government, including 18F and the United States Digital Services, the roles, responsibilities, and goals of those programs and entities, and the extent to which they duplicate work.

(c) TECHNOLOGY MODERNIZATION BOARD.—

(1) ESTABLISHMENT.—There is established a Technology Modernization Board to evaluate proposals submitted by agencies for funding authorized under the Fund.

(2) RESPONSIBILITIES.—The responsibilities of the Board are—

(A) to provide input to the Director for the development of processes for agencies to submit modernization proposals to the Board and to establish the criteria by which those proposals are evaluated, which shall include—

(i) addressing the greatest security, privacy, and operational risks;

(ii) having the greatest Governmentwide impact; and

(iii) having a high probability of success based on factors including a strong business case, technical design, consideration of commercial off-the-shelf products and services, procurement strategy (including adequate use of rapid, agile iterative software development practices), and program management;

(B) to make recommendations to the Administrator to assist agencies in the further development and refinement of select submitted modernization proposals, based on an initial evaluation performed with the assistance of the Administrator;

(C) to review and prioritize, with the assistance of the Administrator and the Director, modernization proposals based on criteria established pursuant to subparagraph (A);

(D) to identify, with the assistance of the Administrator, opportunities to improve or replace multiple information technology systems with a smaller number of information technology services common to multiple agencies;

(E) to recommend the funding of modernization projects, in accordance with the uses described in subsection (b)(3), to the Administrator;

(F) to monitor, in consultation with the Administrator, progress and performance in executing approved projects and, if necessary, recommend the suspension or termination of funding for projects based on factors including the failure to meet the terms of a written agreement described in subsection (b)(6); and

(G) to monitor the operating costs of the Fund.

(3) MEMBERSHIP.—The Board shall consist of 7 voting members.

(4) CHAIR.—The Chair of the Board shall be the Administrator of the Office of Electronic Government.

(5) PERMANENT MEMBERS.—The permanent members of the Board shall be—

(A) the Administrator of the Office of Electronic Government; and

(B) a senior official from the General Services Administration having technical expertise in information technology development, appointed by the Administrator, with the approval of the Director.

(6) ADDITIONAL MEMBERS OF THE BOARD.—

(A) APPOINTMENT.—The other members of the Board shall be—

(i) 1 employee of the National Protection and Programs Directorate of the Department of Homeland Security, appointed by the Secretary of Homeland Security; and

(ii) 4 employees of the Federal Government primarily having technical expertise in information technology development, financial management, cybersecurity and privacy, and acquisition, appointed by the Director.

(B) TERM.—Each member of the Board described in paragraph (A) shall serve a term of 1 year, which shall be renewable not more than 4 times at the discretion of the appointing Secretary or Director, as applicable.

(7) PROHIBITION ON COMPENSATION.—Members of the Board may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(8) STAFF.—Upon request of the Chair of the Board, the Director and the Administrator may detail, on a reimbursable or nonreimbursable basis, any employee of the Federal Government to the Board to assist the Board in carrying out the functions of the Board.

(d) RESPONSIBILITIES OF ADMINISTRATOR.—

(1) IN GENERAL.—In addition to the responsibilities described in subsection (b), the Administrator shall support the activities of the Board and provide technical support to, and, with the concurrence of the Director, oversight of, agencies that receive transfers from the Fund.

(2) RESPONSIBILITIES.—The responsibilities of the Administrator are—

(A) to provide direct technical support in the form of personnel services or otherwise to agencies transferred amounts under subsection (b)(3)(A) and for products, services, and acquisition vehicles funded under subsection (b)(3)(B);

(B) to assist the Board with the evaluation, prioritization, and development of agency modernization proposals.

(C) to perform regular project oversight and monitoring of approved agency modernization projects, in consultation with the Board and the Director, to increase the likelihood of successful implementation and reduce waste; and

(D) to provide the Director with information necessary to meet the requirements of subsection (b)(7).

(e) EFFECTIVE DATE.—This section shall take effect on the date that is 90 days after the date of enactment of this Act.

(f) SUNSET.—

(1) IN GENERAL.—On and after the date that is 2 years after the date on which the Comptroller General of the United States issues the third report required under subsection (b)(7)(B), the Administrator may not award or transfer funds from the Fund for any project that is not already in progress as of such date.

(2) TRANSFER OF UNOBLIGATED AMOUNTS.—Not later than 90 days after the date on which all projects that received an award from the Fund are completed, any amounts in the Fund shall be transferred to the general fund of the Treasury and shall be used for deficit reduction.

(3) TERMINATION OF TECHNOLOGY MODERNIZATION BOARD.—Not later than 90 days after the date on which all projects that received an award from the Fund are completed, the Technology Modernization Board and all the authorities of subsection (c) shall terminate.

Subtitle H—Other Matters

SEC. 1081. TECHNICAL, CONFORMING, AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 113(j)(1) is amended by striking "the Committee on" the first place it appears and all that follows through "of Representatives" and inserting "congressional defense committees".

(2) Section 115(i)(9) is amended by striking "section 1203(b) of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952(b))" and inserting "section 1321(a) of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711(a))".

(3) Section 122a(a) is amended by striking "acting through the Office of the Assistant Secretary of Defense for Public Affairs" and inserting "acting through the Assistant to the Secretary of Defense for Public Affairs".

(4) Section 127(c)(1) is amended by striking "the Committee on" the first place it appears and all that follows through "of Representatives" and inserting "congressional defense committees".

(5) Section 129a(b) is amended by striking "(as identified pursuant to section 118b of this title)".

(6) Section 130f(b)(1) is amended by adding a period at the end.

(7) Section 139b(c)(2) is amended by inserting a period at the end of subparagraph (K).

(8) Section 153(a) is amended by inserting a colon after "the following" in the matter preceding paragraph (1).

(9) Section 162(a)(4) is amended by striking the comma after "command of".

(10) Section 164(a)(1)(B) is amended by striking "section 664(f)" and inserting "section 664(d)".

(11) Section 166(c) is amended by striking "section 2011" and inserting "section 322".

(12) Section 167b(e)(2)(A)(iii)(II) is amended by striking "Fiscal Year 2014" and inserting "Fiscal Year 2016".

(13) Section 171a is amended—

(A) in subsection (f), by striking "(4))" and inserting "(4)))"; and

(B) in subsection (i)(3), by striking "section 2366(e)" and inserting "sections 2366(e) and 2366a(d)".

(14) Section 179(f)(3)(B)(iii) is amended by striking "Joints" and inserting "Joint".

(15) Section 181(b)(1) is amended by striking "section 118" and inserting "section 113(g)".

(16) Section 222(b) is amended by striking "both" through the period at the end and inserting "major force programs.".

(17) Section 342(j)(2) is amended by striking the second period at the end.

(18) Section 347(a)(1)(A) is amended by inserting "section" in clauses (i) and (iii) after "Academy under".

(19) Section 494(b)(2)(B) is amended by striking "of title 10" and inserting "of this title".

(20) Section 661(c) is amended by striking "section 664(f)" in paragraphs (1)(B)(i) and (3)(A) and inserting "section 664(d)".

(21) Section 801 (article 1 of the Uniform Code of Military Justice) is amended in the matter preceding paragraph (1) by striking "chapter:" and inserting "chapter (the Uniform Code of Military Justice):".

(22) Section 806b(b) (article 6b(b) of the Uniform Code of Military Justice) is amended by striking "(the Uniform Code of Military Justice)".

(23) Section 1073c(a)(1)(E) is amended by striking "miliary" and inserting "military".

(24) Section 1074g(a)(9) is amended by moving subparagraphs (B) and (C) two ems to the left.

(25) Section 1451 is amended in subsections (a) and (b) by striking "section 1450(a)(4)" each place it appears and inserting "section 1450(a)(5)".

(26) Section 1452(c) is amended in paragraphs (1) and (3) by striking "section 1450(a)(4)" both places it appears and inserting "section 1450(a)(5)".

(27) Subsection (i) of section 1552, as redesignated by section 511(a)(1) of this Act, is amended by striking "calender" each place it appears and inserting "calendar".

(28) Section 1553(f) is amended by striking "calender" each place it appears and inserting "calendar".

(29) Section 2264(b)(3) is amended by striking "the date of the" and all the follows through "2015" and inserting "December 19, 2014".

(30) Section 2330a is amended—

(A) in subsection (d)(1)(C), by striking "management.;" and inserting "management;"; and

(B) in subsection (h)—

(i) in paragraph (1), by inserting "PERFORMANCE-BASED.—" after "(1)";

(ii) by designating the four paragraphs after paragraph (4) as paragraphs (5), (6), (7), and (8), respectively;

(iii) in paragraph (5), as redesignated, by inserting "SERVICE ACQUISITION PORTFOLIO GROUPS.—" after "(5)"; and

(iv) in paragraph (6), as redesignated, by inserting "STAFF AUGMENTATION CONTRACTS.—" after "(6)".

(31) Section 2334(a)(6)(B) is amended by adding a semicolon at the end.

(32) Section 2335 is amended by striking "(2 U.S.C. 431 et seq.)" in subsections (c)(1) and (d)(3) and inserting "(52 U.S.C. 30101 et seq.)".

10 USC prec. 2351.

(33) The table of sections at the beginning of chapter 139 is amended by inserting at period at the end of the items relating to sections 2372 and 2372a.

(34) Section 2364(a)(6) is amended by striking "conveys" and inserting "convey".

(35) Section 2372 is amended by striking "subsection (c)(3)(A)" and inserting "subsection (c)(2)(A)".

(36) Section 2411(1)(D) is amended by striking "(Public Law 93–638; 25 U.S.C. 450b(l))" and inserting "(25 U.S.C. 5304(l))".

10 USC prec. 2430.

(37) The item relating to section 2431b in the table of sections at the beginning of chapter 144 is amended to read as follows:

"2431b. Risk management and mitigation in major defense acquisition programs and major systems.".

(38) Section 2430 is amended by striking "subsection (a)(2)" in subsections (b) and (c) and inserting "subsection (a)(1)(B)".

(39) Section 2431a(d) is amended by inserting "(1)" after "REVIEW.—".

(40) Section 2446b(e) is amended—

(A) in the matter preceding paragraph (1), by striking "in writing that—" and inserting "in writing—"; and

(B) in paragraph (1), by inserting ", that" after "open system approach".

(41) Section 2548(e) is amended—

(A) by striking "REQUIREMENTS" and all that follows through "by the Secretary" and inserting "REQUIREMENT.—The annual report prepared by the Secretary";

(B) by striking "system; and" and inserting "system."; and

(C) by striking paragraph (2).

10 USC prec. 2551.

(42) The table of sections at the beginning of chapter 152 is amended by inserting a period at the end of the item relating to section 2567.

(43) Section 2576a(b) is amended by striking "and" at the end of paragraph (4).

(44) Section 2612(a) is amended by striking "section 2166(f)(4)" and inserting "section 343(f)(4)".

(45) Section 2662(f)(1)(D) is amended by striking "section 334" and inserting "section 254".

(46) Section 2667(e) is amended—

(A) in paragraph (1)(E), by striking "military museum described in section 489(a) of this title" and inserting "military museum";

(B) in paragraph (4), by striking "before January 1, 2005, shall be deposited into the account" and inserting

"shall be deposited into the Department of Defense Base Closure Account"; and

(C) by striking paragraph (5).

(47) Section 2667(k) is amended by striking "section 9101" and inserting "section 8101".

(48) Section 2925(b)(1) is amended by striking "section 138c" and inserting "section 2926(b)".

(49) Chapter 449 is amended—

(A) by striking the second section 4781; and

(B) in the table of sections, by striking the item relating to the second section 4781. 10 USC prec. 4771.

(50) Section 7235(e)(2) is amended by striking "24 months after the date of the enactment of this section" and inserting "November 25, 2017,".

(51) The item relating to section 9517 in the table of sections at the beginning of chapter 931 is amended by making the first letter of the third word lower case. 10 USC prec. 9511.

(b) AMENDMENTS RELATED TO REPEAL OF PENDING AUTHORITY TO ESTABLISH UNDER SECRETARY OF DEFENSE FOR BUSINESS MANAGEMENT AND INFORMATION.—

(1) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015.—Effective as of December 23, 2016, section 901 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3462), as amended by section 901(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2342), is further amended— 5 USC 5313 note.

(A) by striking subsection (j);

(B) in subsection (l)(1), by striking subparagraph (A);

(C) in subsection (m), by striking paragraphs (1) and (2); and

(D) in subsection (n), by striking paragraph (1).

(2) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016.—Effective as of November 25, 2015, subsection (f) of section 883 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), as added by section 1081(c)(5) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), is amended by striking paragraph (1). 10 USC 2222 note.

(c) TECHNICAL CORRECTIONS RELATED TO UNIFORM CODE OF MILITARY JUSTICE REFORM.—

(1) IN GENERAL.—Chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), as amended by the Military Justice Act of 2016 (division E of Public Law 114–328), is further amended as follows:

(A) Section 801 (article 1) is amended, in the matter preceding paragraph (1), by inserting "(the Uniform Code of Military Justice)" after "chapter".

(B) Subsection (b) of section 806b (article 6b), as amended by section 5105 of the Military Justice Act of 2016 (130 Stat. 2895) is amended by striking "(the Uniform Code of Military Justice)".

(C) Subsections (b) and (c) of section 816 (article 16), as amended by section 5161 of the Military Justice Act of 2016 (130 Stat. 2897) are amended by striking "sections 825(d)(3) and 829 of this title (articles 25(d)(3) and 29)" each place it appears and inserting "sections 825(e)(3) and 829 of this title (articles 25(e)(3) and 29)".

(D) Subsection (a)(4) of section 839 (article 39), as added by section 5222(1) of the Military Justice Act of 2016 (130 Stat. 2909), is amended by striking "in non-capital cases unless the accused requests sentencing by members under section 825 of this title (article 25)" and inserting "under section 853(b)(1) of this title (article 53(b)(1))".

(E) Subsection (i) of section 843 (article 43), as added by section 5225(c) of the Military Justice Act of 2016 (130 Stat. 2909), is amended by striking "DNA EVIDENCE.—" and inserting "DNA EVIDENCE.—".

(F) Section 848(c)(1) (article 48(c)(1)), as amended by section 5230 of the Military Justice Act of 2016 (130 Stat. 2913), is further amended by striking "section 866(g) of this title (article 66(g))" and inserting "section 866(h) of this title (article 66(h))".

(G) Section 853(b)(1)(B) (article 53(b)(1)(B)), as amended by section 5236 of the Military Justice Act of 2016 (130 Stat. 2937), is further amended by striking "in a trial".

(H) Subsection (d) of section 853a (article 53a), as added by section 5237 of the Military Justice Act of 2016 (130 Stat. 2917), is amended by striking "military judge" the second place it appears and inserting "court-martial".

(I) Section 864(a) (article 64(a)), as amended by section 5328(a) of the Military Justice Act of 2016 (130 Stat. 2929), is further amended by striking "(a) (a) IN GENERAL.—" and inserting "(a) IN GENERAL.—".

(J) Subsection (b)(1) of section 865 (article 65), as added by section 5329 of the Military Justice Act of 2016 (130 Stat. 2930), is amended by striking "section 866(b)(2) of this title (article 66(b)(2))" and inserting "section 866(b)(3) of this title (article 66(b)(3))".

(K) Subsection (f)(3) of section 866 (article 66), as added by section 5330 of the Military Justice Act of 2016 (130 Stat. 2932), is amended by inserting after "Court" the first place it appears the following: "of Criminal Appeals".

(L) Section 869(c)(1)(A) (article 69(c)(1)(A)), as amended by section 5333 of the Military Justice Act of 2016 (130 Stat. 2935), is further amended by inserting a comma after "in part".

(M) Section 882(b) (article 82(b)), as amended by section 5403 of the Military Justice Act of 2016 (130 Stat. 2939), is further amended by striking "section 99" and inserting "section 899".

(N) Section 919a(b) (article 119a(b)), as amended by section 5401(13)(B) of the Military Justice Act of 2016 (130 Stat. 2939), is further amended—

(i) by striking "928a, 926, and 928" and inserting "926, 928, and 928a"; and

(ii) by striking "128a 126, and 128" and inserting "126, 128, and 128a".

(O) Section 920(g)(2) (article 120(g)(2)), as amended by section 5430(b) of the Military Justice Act of 2016 (130 Stat. 2949), is further amended in the first sentence by striking "brest" and inserting "breast".

(P) Section 928(b)(2) (article 128(b)(2)), as amended by section 5441 of the Military Justice Act of 2016 (130 Stat. 2954), is further amended by striking the comma after "substantial bodily harm".

(Q) Subsection (b)(2) of section 932 (article 132), as added by section 5450 of the Military Justice Act of 2016 (130 Stat. 2957), is amended by striking "section 1034(h)" and inserting "section 1034(j)".

(R) Section 937 (article 137), as amended by section 5503 of the Military Justice Act of 2016 (130 Stat. 2960), is further amended by striking "(the Uniform Code of Military Justice)" each place it appears as follows:

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

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

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

(2) CROSS-REFERENCES TO STALKING.—Title 10, United States Code, is amended as follows:

(A) Section 673(a) is amended—

(i) by striking "920a, or 920c" and inserting "920c, or 930"; and

(ii) by striking "120a, or 120c" and inserting "120c, or 130".

(B) Section 674(a) is amended—

(i) by striking "920a, 920b, 920c, or 925" and inserting "920b, 920c, or 930"; and

(ii) by striking "120a, 120b, 120c, or 125" and inserting "120b, 120c, or 130".

(C) Section 1034(c)(2)(A) is amended by striking "sections 920 through 920c of this title (articles 120 through 120c of the Uniform Code of Military Justice)" and inserting "section 920, 920b, 920c, or 930 of this title (article 120, 120b, 120c, or 130 of the Uniform Code of Military Justice)".

(D) Section 1044e(g)(1) is amended—

(i) by striking "920a, 920b, 920c, or 925" and inserting "920b, 920c, or 930"; and

(ii) by striking "120a, 120b, 120c, or 125" and inserting "120b, 120c, or 130".

(3) CROSS-REFERENCE IN TITLE 5.—Section 8312(b)(2)(A) of title 5, United States Code, is amended by striking "article 106 (spies), or article 106a (espionage)" and inserting "article 103a (espionage), or article 106 (spies)".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect immediately after the amendments made by the Military Justice Act of 2016 (division E of Public Law 114–328) take effect as provided for in section 5542 of that Act (130 Stat. 2967). 10 USC 801 note.

(d) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017.—Effective as of December 23, 2016, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended as follows: 10 USC 131 note.

(1) Section 217(a)(2) (130 Stat. 2051) is amended by striking "section 821b" and inserting "section 821(b)". 10 USC prec. 2301.

10 USC 2358 note.

(2) Section 233 (10 U.S.C. 2358 note; 130 Stat. 2061) is amended in subsections (a)(1) and (b)(1), by striking "secretaries" and inserting "Secretaries".

10 USC 1073b.

(3) Section 728(b)(1) (130 Stat. 2234) is amended by inserting "(c)" after "Section 1073b".

10 USC prec. 101, prec. 2201.

(4) Section 805(a)(2) (130 Stat. 2255) is amended by striking "The table of chapters for title 10, United States Code, is" and inserting "The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of title 10, United States Code, are".

10 USC 2313a.

(5) The matter to be inserted by section 824(d)(1)(B) (130 Stat. 2279) is amended—

(A) by striking "(3)" and inserting "(4)"; and

(B) by striking "(4)" and inserting "(5)".

(6) Section 833(b)(2)(C) (130 Stat. 2284) is amended—

(A) in clause (ii), by striking "Section 2330a(j) of title 10, United States Code," and inserting "Section 2330a(h) of title 10, United States Code, as redesignated by section 812(d),"; and

10 USC 2358 note.

(B) in clause (iii), in the matter proposed to be inserted, by striking "section 2330a(j)" and inserting "section 2330a(h)".

(7) Section 865(b)(2) (130 Stat. 2305) is amended by striking "section 2330a(g)(5)" and inserting "section 2330a(h)(4)".

10 USC 2302 note.

(8) Section 893(c) (130 Stat. 2324) is amended by inserting "paragraph (2) of" after "is further amended in".

10 USC 131.

(9) Section 902(b) (130 Stat. 2344) is amended by striking "Section 151(b)(5)" and inserting "Section 131(b)(5)".

10 USC 153.

(10) Section 921(c) (130 Stat. 2351) is amended by inserting after "The text of" the following: "subsection (a) (after the subsection heading)".

10 USC 111 note.

(11) Section 1061(c)(23) (130 Stat. 2400) is amended by striking "488(c)" and inserting "488".

10 USC 111 note.

(12) Section 1061(i) (130 Stat. 2404) is amended—

(A) in paragraph (23), by striking "2010 (Public Law 110–417)" and inserting "2009 (Public Law 110–417; 10 U.S.C. prec. 701 note)"; and

(B) in paragraph (24), by striking "2010" and inserting "2009".

(13) Section 1064(b) (130 Stat. 2409) is amended by striking "Public Law 113–239" and inserting "Public Law 112–239".

10 USC 301 note.

(14) Section 1253(b) (130 Stat. 2532) is amended by striking "this subchapter" both places it appears and inserting "this subtitle".

10 USC 2687a and note, 2802.

(15) Section 2811(c) (130 Stat. 2716) is amended by striking ", and the provisions of law amended by subsections (a) and (b) of that section shall be restored as if such section had not been enacted into law".

10 USC 2674.

(16) Section 2829E(a) (130 Stat. 2733) is amended by striking paragraph (3).

10 USC 843 note.

(17) Section 5225(f) (130 Stat. 2910) is amended by striking "this subsection" and inserting "this section".

10 USC prec. 877.

(18) The table of sections to be inserted by section 5452 (130 Stat. 2958) is amended—

(A) by striking "Art." each place it appears, except the first place it appears;

(B) in the item relating to section 887a, by striking "Resistence" and inserting "Resistance";

(C) in the item relating to section 908, by striking "of the United States–Loss" and inserting "of United States–Loss,";

(D) in the item relating to section 909, by striking "of the" and inserting "of"; and

(E) in the item relating to section 909a, by striking the second period at the end.

(19) The matters to be inserted by section 5541 (130 Stat. 2965) is amended—

*(A) by striking "Art." each place it appears;

(B) by striking "825." and inserting "825a."; and

(C) by striking "830." and inserting "830a.".

10 USC prec. 822.

10 USC prec. 830.

(e) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016.—Effective as of November 25, 2015, and as if included therein as enacted, section 574 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 831) is amended by striking "1785 note" both places it appears and inserting "1788 note".

10 USC 1788 note.

10 USC 1788 note.

(f) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015.—Effective as of December 19, 2014, and as if included therein as enacted, section 1044(a)(2)(A) of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3493) is amended by striking "October 28" and inserting "September 30".

10 USC 2642 note.

10 USC 2642.

(g) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—Effective as of January 7, 2011, and as if included therein as enacted, section 896(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–398; 124 Stat. 4315) is amended—

10 USC 2501 note.

(1) in paragraph (1), by striking "Chapter" and inserting "Subchapter II of chapter"; and

10 USC 2508.

(2) in paragraph (2), by striking "chapter" and inserting "subchapter".

10 USC prec. 2501.

(h) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009.—Section 943(d)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417), as amended by section 1205(c)(2) of Public Law 112–81 (125 Stat. 1623), is further amended by striking the second period at the end of the first sentence.

(i) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004.—Section 1022(e) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 271 note) is amended by striking "section 1004(j)" and all that follows through the end of the subsection and inserting "section 284(i) of title 10, United States Code".

(j) COORDINATION WITH OTHER AMENDMENTS MADE BY THIS ACT.—For purposes of applying amendments made by provisions of this Act other than this section, the amendments made by this section shall be treated as having been enacted immediately before any such amendments by other provisions of this Act.

10 USC 101 note.

*Note: Citations in Sec. 1801(d)(19)(A) for title 10, United States Code: 10 USC prec. 807, prec. 822, prec. 830, prec. 838, prec. 855, prec. 859, prec. 935, prec. 941.

SEC. 1082. CLARIFICATION OF APPLICABILITY OF CERTAIN PROVISIONS OF LAW TO CIVILIAN JUDGES OF THE UNITED STATES COURT OF MILITARY COMMISSION REVIEW.

Section 950f(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) For purposes of sections 203, 205, 207, 208, and 209 of title 18, the term 'special Government employee' shall include a judge of the Court appointed under paragraph (3).

"(B) A person appointed as a judge of the Court under paragraph (3) shall be considered to be an officer or employee of the United States with respect to such person's status as a judge, but only during periods in which such person is performing the duties of such a judge. Any provision of law that prohibits or limits the political or business activities of an employee of the United States shall only apply to such a judge during such periods.".

SEC. 1083. MODIFICATION OF REQUIREMENT RELATING TO CONVERSION OF CERTAIN MILITARY TECHNICIAN (DUAL STATUS) POSITIONS TO CIVILIAN POSITIONS.

(a) REVISED REDUCTION.—Section 1053(a)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 10216 note), as amended by section 1084(a)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2421), is further amended by striking "20 percent" and inserting "12.6 percent".

(b) TECHNICAL CORRECTION.—Section 1084(a)(2) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2421), is amended by striking "paragraph (2)" and inserting "paragraph (2)(A)".

10 USC 10216 note.

SEC. 1084. NATIONAL GUARD ACCESSIBILITY TO DEPARTMENT OF DEFENSE ISSUED UNMANNED AIRCRAFT.

(a) REVIEW REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Chief of the National Guard Bureau, the Commander of United States Northern Command, and the Commander of United States Pacific Command, shall conduct an efficiency and effectiveness review of the governance structure, coordination processes, documentation, and timing and deadline requirements stipulated in Department of Defense Policy Memorandum 15-002, entitled "Guidance for the Domestic Use of Unmanned Aircraft Systems" and dated February 17, 2015. In conducting the review, the Secretary shall take into account information and data points provided by State governors and State adjutant generals in assessing the efficiency and effectiveness of accessing Department of Defense issued unmanned aircraft systems for State and National Guard operations.

(b) SUBMITTAL TO CONGRESS.—Not later than 30 days after the completion of the review required by subsection (a), the Secretary shall submit the review to the Committees on Armed Services of the Senate and House of Representatives.

SEC. 1085. SENSE OF CONGRESS REGARDING AIRCRAFT CARRIERS.

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

(1) Naval aviation was born in the United States when Eugene Ely launched from the deck of a United States Navy ship on November 14, 1910, in a Curtiss Model D.

(2) In 1915, Cpt. Henry C. Mustin made the first catapult launch aboard a ship underway in a Curtiss Model AB-2, beginning a century of technological advancements that have led to today's Electromagnetic Aircraft Launch System.

(3) In 1924, Lt. Dixie Kiefer made the first night catapult launch in a Vought UO-1 in San Diego harbor.

(4) The first nuclear-powered aircraft carrier, USS Enterprise (CVN 65), was commissioned in 1961, ushering in a new era of the world's most dominant and capable warships.

(5) In 2013, aircraft carrier USS George Washington (CVN 73) provided humanitarian assistance, medical supplies, food, and water to the victims in the Republic of the Philippines of Super Typhoon Haiyan, once again demonstrating the versatility of aircraft carriers for combat, diplomatic, and humanitarian operations.

(6) In 2017, the first of the next generation of aircraft carriers, USS Gerald R. Ford (CVN 78), was commissioned, marking a continuation of the innovative naval aviation spirit, technological advancement, and war fighting capabilities of aircraft carriers.

(7) For over 70 years, aircraft carriers have been employed in every major and many smaller conflicts, including World War II, Korea, Vietnam, Grenada, Lebanon, Libya, Operation Desert Storm, Afghanistan, Iraq, and the fight against terrorism.

(8) The United States Navy's aircraft carriers are a cornerstone of the Nation's ability to project its power and strength.

(9) When aircraft carriers sail the globe they are a statement of national purpose and a symbol of the Nation's industrial strength, competitive edge, and economic prosperity.

(10) Aircraft carriers are 4.5 acres of sovereign United States territory enabling the Nation to reduce its dependency on other nations while it pursues its national security interests.

(11) Aircraft carriers enable the United States Armed Forces to carry out operations from international waters, often obviating the need to obtain fly-over rights and land-base rights from other nations.

(12) Aircraft carriers are modern, mobile United States military bases complete with airfield, hospital, and communications systems from which the United States can strike at its enemies.

(13) Over 90 percent of world trade is moved by sea, including much of the world's gas and oil supply, and aircraft carriers patrol vital regions of the world to keep shipping lanes open and protect the interests of the United States and its allies.

(14) There are more than 2,450 companies in 48 States and over 364 congressional districts, and more than 13,100 shipbuilders, who proudly contribute to the construction and maintenance of these complex and technologically advanced ships.

(15) Thousands of members of the United States Armed Forces have served the Nation aboard aircraft carriers in war, peace, and times of crisis.

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

(1) United States aircraft carriers are premier sea-based power projection platforms and have served the Nation's

interests in times of war and peace, adapting to the immediate and ever-changing nature of the world for over 90 years; and

(2) aircraft carrier contributions and heritage should be celebrated.

SEC. 1086. SENSE OF CONGRESS RECOGNIZING THE UNITED STATES NAVY SEABEES.

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

(1) On March 5, 1942, Navy Construction Force personnel, known as the "Seabees", were officially established by the Navy Department.

(2) The purpose of the Navy Seabees is to build, maintain, and support base infrastructure in remote locations for the Navy and Marine Corps, while simultaneously being capable of engaging in combat operations.

(3) The Navy Seabees dual-role is exemplified by the Seabee motto *Construimus, Batuimus*: We Build, We Fight.

(4) Throughout their history, the Navy Seabees have answered the call of duty to protect the United States and its democratic values both in times of war and peace.

(5) The Navy Seabees support United States national security at Navy fleet and combatant commands worldwide, through the construction, both on land and underwater, of bases, airfields, roads, bridges, and other infrastructure.

(6) The Navy Seabees and their families have demonstrated unmatched courage and dedication to sacrifice for the United States, from service in World War II, Korea, and Vietnam to the recent conflicts in Afghanistan, Iraq, and elsewhere.

(7) The Navy Seabees exhibit honor, personal courage, and commitment as they sacrifice their personal comfort to keep the United States safe from threats.

(8) The Navy Seabees continue to display strength, professionalism, and bravery in the all-volunteer force.

(b) SENSE OF CONGRESS.—Congress recognizes the United States Navy Seabees and the Navy personnel who comprise the construction force for the Navy and the Marine Corps as critical elements in deterring conflict, overcoming aggression, and rebuilding democratic institutions.

38 USC 2409 note.

SEC. 1087. CONSTRUCTION OF MEMORIAL TO THE CREW OF THE APOLLO I LAUNCH TEST ACCIDENT AT ARLINGTON NATIONAL CEMETERY.

Subject to applicable requirements of section 2409(b)(2)(E) of title 38, United States Code, the Secretary of the Army, in consultation with the Administrator of the National Aeronautics and Space Administration, the Commission of Fine Arts, and the Advisory Committee on Arlington National Cemetery, shall authorize the construction, at an appropriate place in Arlington National Cemetery, Virginia, of a memorial marker honoring the three members of the crew of the Apollo I who died during a launch rehearsal test on January 27, 1967, in Cape Canaveral, Florida. The memorial may not be constructed in a location that is otherwise suitable as an interment site.

10 USC 113 note.

SEC. 1088. DEPARTMENT OF DEFENSE ENGAGEMENT WITH COVERED NON-FEDERAL ENTITIES.

(a) REVIEW OF CURRENT GUIDANCE.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense

and the Secretary of State shall jointly conduct a review of the guidance of the Department of Defense applicable to Department of Defense engagements with covered non-Federal entities.

(b) ADDITIONAL GUIDANCE.—If the Secretary of Defense and the Secretary of State determine pursuant to the review under subsection (a) that additional guidance is required in connection with Department of Defense engagements with covered non-Federal entities, the Secretary of Defense, with the concurrence of the Secretary of State, shall, by not later than 180 days after the date of the enactment of this Act, issue such additional guidance as the Secretaries consider appropriate in light of the review. Any such additional guidance shall be consistent with—

(1) applicable law, as in effect on the date of the enactment of this Act;

(2) Department of Defense guidance with respect to solicitation and preferential treatment, as in effect on the date of the enactment of this Act, including such guidance specified in the Department of Defense Joint Ethics Regulations; and

(3) the principle that the Department of State and the United States Agency for International Development are the principal United States agencies with primary responsibility for providing and coordinating humanitarian and economic assistance.

(c) BRIEFING.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly provide to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a briefing on the findings of the review required under subsection (a).

(d) COVERED NON-FEDERAL ENTITY DEFINED.—In this section, the term "covered non-Federal entity" means an organization that—

(1) is based in the United States;

(2) has an independent board of directors and is subject to independent financial audits;

(3) is substantially privately-funded;

(4) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code;

(5) provides international assistance; and

(6) has a stated mission of supporting United States military missions abroad.

SEC. 1089. PRIZE COMPETITION TO IDENTIFY ROOT CAUSE OF PHYSIOLOGICAL EPISODES ON NAVY, MARINE CORPS, AND AIR FORCE TRAINING AND OPERATIONAL AIRCRAFT.

10 USC 2374a note.

(a) IN GENERAL.—Under the authority of section 2374a of title 10, United States Code, and section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719), the Secretary of Defense, in consultation with the Secretary of the Navy, the Secretary of the Air Force, the Commandant of the Marine Corps, and the heads of any other appropriate Federal agencies that have experience in prize competitions, and when appropriate, in coordination with private organizations, may establish a prize competition designed to accelerate identification of the root cause or causes of, or find solutions to, physiological episodes experienced in Navy, Marine Corps, and Air Force training and operational aircraft.

(b) EVALUATION OF PERSONNEL.—The Secretary of Defense, or the Secretary's designee, shall select the person or persons to conduct the competition authorized in subsection (a) and evaluate any submissions.

(c) LIMITATION.—The Secretary of Defense may not exercise the authority under subsection (a) before the date that is 15 days after the date on which the Secretary of Defense submits to congressional defense committees certification in writing that the use of the authority will not compromise classified information, proprietary information, or intellectual property.

2 USC 5510.

SEC. 1090. PROVIDING ASSISTANCE TO HOUSE OF REPRESENTATIVES IN RESPONSE TO CYBERSECURITY EVENTS.

(a) PROVISION OF ASSISTANCE.—If the Speaker of the House of Representatives (or the Speaker's designee), with the concurrence of the Minority Leader of the House of Representatives (or the Minority Leader's designee), determines that a cybersecurity event has occurred and that containing, mitigating, or resolving the event exceeds the resources of the House of Representatives, then notwithstanding any other provision of law or any rule, regulation, or executive order—

(1) the Speaker may request assistance in responding to the event from the head of any Executive department, military department, or independent establishment;

(2) not later than 24 hours after receiving the request, the head of the department or establishment shall begin to provide appropriate assistance in response to the incident, including (if necessary) restoring the information systems of the House to an operational state which allows for the continuation of the legislative process and for Members, officers, and employees of the House to continue to meet their official and representational duties; and

(3) such assistance shall be provided without reimbursement by the House of Representatives.

(b) SCOPE OF ASSISTANCE.—

(1) IN GENERAL.—The assistance provided to the Speaker by the head of a department or establishment under this section may consist only of a type that the head of the department or establishment is authorized under law to provide to the department or establishment, another Executive department, military department, or independent establishment, or a private entity.

(2) CONNECTIONS BETWEEN DEPARTMENT OR ESTABLISHMENT AND HOUSE INFORMATION SYSTEMS.—In providing assistance under this section—

(A) personnel of a department or establishment may not log onto the information systems of the House without the authorization of the Speaker (or the Speaker's designee); and

(B) personnel of a department or establishment may provide the House with access to technological support services of the department or establishment, including by authorizing personnel or systems of the House to connect with and operate services or programs of the department or establishment with guidance from subject matter experts of the department or establishment.

(c) TERMINATION OF ASSISTANCE.—

(1) TERMINATION UPON NOTICE FROM SPEAKER.—After initiating assistance under this section, the head of the department or establishment shall continue providing assistance until the Speaker (or Speaker's designee) notifies the head of the department or establishment that the cybersecurity incident has terminated and that it is no longer necessary for the department or establishment to provide post-incident assistance.

(2) REMOVAL OF TECHNOLOGICAL SUPPORT SERVICES.—Upon receiving notice from the Speaker under paragraph (1), the head of the department or establishment shall ensure that any technological support services or programs of the department or establishment are removed from the information systems of the House, and that personnel of the department or establishment are no longer monitoring such systems.

(d) COMPLIANCE WITH EXISTING STANDARDS.—In providing assistance under this section, the head of the Executive department, military department, or independent establishment shall meet the requirements of section 113 of the Legislative Branch Appropriations Act, 2017 (Public Law 115–31).

(e) NO EFFECT ON OTHER AUTHORITY TO PROVIDE SUPPORT.—Nothing in this section may be construed to affect the authority of an Executive department, military department, or independent establishment to provide any support, including cybersecurity support, to the House of Representatives under any other law, rule, or regulation.

(f) DEFINITIONS.—In this section, each of the terms "Executive department", "military department", and "independent establishment" has the meaning given such term in chapter 1 of title 5, United States Code.

SEC. 1091. TRANSFER OF SURPLUS FIREARMS TO CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY.

(a) TRANSFER REQUIREMENT.—

(1) IN GENERAL.—During fiscal years 2018 and 2019, the Secretary of the Army shall transfer surplus caliber .45 M1911/M1911A1 pistols described in paragraph (2) to the Corporation for the Promotion of Rifle Practice and Firearms Safety in accordance with this section.

(2) PISTOLS DESCRIBED.—The pistols described in this paragraph are surplus caliber .45 M1911/M1911A1 pistols and spare parts and related accessories for those pistols that, on the date of the enactment of this section, are under the control of the Secretary and are surplus to the requirements of the Department of the Army.

(3) NUMBER TO BE TRANSFERRED.—

(A) TOTAL NUMBER.—For any fiscal year, a total of not more than 10,000 surplus caliber .45 M1911/M1911A1 pistols may be transferred to the Corporation under this section and section 40728 of title 36, United States Code.

(B) FISCAL YEAR 2018.—For fiscal year 2018, not less than 8,000 surplus caliber .45 M1911/M1911A1 pistols shall be transferred to the Corporation pursuant to this section.

(4) TERMS OF TRANSFERS.—Subsections (b), (c), (d), (e), and (g) of section 40728 of title 36, United States Code, shall apply to a transfer under this section in the same manner such

subsections apply to transfers of firearms under such section 40728.

(5) OTHER REQUIREMENTS.—Except as provided in subsection (b)(1), subchapter II of chapter 407 of title 36, United States Code, shall apply with respect to firearms transferred under this section.

(b) SUSPENSION OF DISCRETIONARY TRANSFER AUTHORITY.—

(1) IN GENERAL.—During the period described in paragraph (2), the Secretary of the Army may only transfer surplus caliber .45 M1911/M1911A1 pistols to the Corporation under the authority of this section and may not transfer such pistols to such Corporation under section 40728 of title 36, United States Code.

(2) PERIOD DESCRIBED.—The period described in this paragraph is the period beginning on the date of the enactment of this Act and ending on the earlier of the following dates:

(A) The date that is 60 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020.

(B) June 1, 2020.

(c) CONFORMING REPEAL OF PILOT PROGRAM FOR TRANSFER OF PISTOLS.—Section 1087 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1012) is amended by striking subsections (b) and (c).

36 USC 40728 note.

(d) REPORTS ON TRANSFERS.—

(1) IN GENERAL.—For each fiscal year during which the Secretary transfers surplus caliber .45 M1911/M1911A1 pistols under subsection (a), the Secretary shall submit to Congress a report detailing the transfer and sale of such pistols during such fiscal year. A report under this paragraph for a fiscal year shall be submitted not later than 5 days after the budget of the President for the subsequent fiscal year is submitted to Congress under section 1105 of title 31, United States Code.

(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall include, for the fiscal year covered by the report—

(A) the number of surplus caliber .45 M1911/M1911A1 pistols transferred to the Corporation under subsection (a);

(B) the number of such pistols sold by the Corporation; and

(C) to the extent feasible based on the information available to the Secretary, information on any crimes committed using any such pistols transferred to or sold by the Corporation.

(e) EVALUATION OF CORPORATION.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall enter into an agreement with a Federally funded research and development center with relevant expertise to conduct an evaluation of the Corporation for the Promotion for Rifle Practice and Firearms Safety for the purpose of assessing future transfers of excess firearms to the Corporation.

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

(A) An assessment of the effectiveness of the Civilian Marksmanship Program, including an examination of the functions and activities of the Program, as described in

section 40722 of title 36, United States Code, that support the mission of the Program.

(B) A comparison the Civilian Marksmanship Program to similar organizations that offer instruction in marksmanship, firearm practice and safety, and opportunities for marksmanship competitions.

(C) An evaluation of benefits the Army receives from the Civilian Marksmanship Program relative to the resources the Army provides to the Program.

(D) An assessment of present and prospective funding models to support a transition to self-sustainment, including opportunities for non-Federal resources.

(E) An assessment of the costs and profits associated with the transfer of excess firearms from the Army to the Civilian Marksmanship Program (including the costs associated with the storage, inspection, and, refurbishment of such firearms), which shall be determined with respect to surplus caliber .45 M1911/M1911A pistols using data from a minimum of 8,000 sales transactions.

(F) Any other matters the Secretary determines appropriate.

(3) REPORT TO CONGRESS.—The Secretary shall submit to the congressional defense committees a report on the results of the evaluation by not later than January 1, 2019, and shall provide interim briefings upon request.

(f) COMPTROLLER GENERAL REVIEWS.—

(1) CONCURRENT REVIEW OF CORPORTION.—

(A) IN GENERAL.—At the same time as the Federally funded research and development center conducts the evaluation under subsection (d), the Comptroller General shall conduct a review of the Corporation for the Promotion for Rifle Practice and Firearms Safety.

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

(i) A review of whether the procedures relating to sales of surplus caliber .45 M1911/M1911A pistols covered by the evaluation were conducted in accordance with applicable Federal laws.

(ii) A review of the business operations of the Civilian Marksmanship Program in comparison to the business operations of other Federally chartered organizations.

(iii) An evaluation of any authorities or agreements governing the relationship between the Army and the Program.

(iv) An assessment of the financial operations of the Civilian Marksmanship Program, including how the Program's endowment is funded by the proceeds from sales of excess weapons transferred to the Program from the Army.

(v) An assessment of the costs and profits associated with the transfer of excess firearms from the Army to the Civilian Marksmanship Program, which shall be determined with respect to surplus caliber .45 M1911/M1911A1 pistols using data from a minimum of 8,000 sales transactions.

(vi) Any other matters the Comptroller General determines are relevant.

(C) REPORT TO CONGRESS.—The Comptroller General shall submit to the congressional defense committees a report on the review required by subparagraph (A) by not later than January 1, 2019.

(2) REVIEW OF FFRDC REPORT.—

(A) IN GENERAL.—The Comptroller General shall conduct a review of the report submitted under subsection (d)(3).

(B) BRIEFING.—Not later than 60 days after the Secretary of the Army submits the report required under subsection (d)(3), the Comptroller General shall provide to the congressional defense committees a briefing on the preliminary results of the review required by paragraph (1).

(C) REPORT.—Not later than 120 days after the Secretary submits such report, the Comptroller General shall submit to the congressional defense committees a report containing the findings and recommendations of the Comptroller General pursuant to the review required by paragraph (1).

49 USC 40101 note.

SEC. 1092. COLLABORATION BETWEEN FEDERAL AVIATION ADMINISTRATION AND DEPARTMENT OF DEFENSE ON UNMANNED AIRCRAFT SYSTEMS.

(a) COLLABORATION.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration and the Secretary of Defense may collaborate on sense-and-avoid capabilities for unmanned aircraft systems.

(2) ELEMENTS.—The collaboration described in paragraph (1) may include, as appropriate, the following:

(A) Sharing information on safely integrating unmanned aircraft systems and manned aircraft in the national airspace system.

(B) The development of civil standards, policies, and procedures for the Federal Aviation Administration for integrating unmanned aircraft systems in the national airspace system by leveraging the historical and current testing, training, and operational experiences of the Department of Defense, particularly the Air Force, of unmanned flight operations

(C) Informing stakeholders about—

(i) the development of airborne and ground-based sense-and-avoid capabilities for unmanned aircraft systems; and

(ii) research and development on unmanned aircraft systems, especially with respect to matters involving human factors, information assurance, and security.

(b) PARTICIPATION BY FAA IN DOD ACTIVITIES.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may participate, and provide assistance to the Secretary of Defense for activities during the test and evaluation efforts of the Department of Defense, including the

Air Force, relating to airborne and ground-based sense-and-avoid capabilities for unmanned aircraft systems.

(2) PARTICIPATION THROUGH TEST SITES.—Participation under paragraph (1) may include provision of assistance through Department of Defense unmanned aircraft systems test sites or a Federal Aviation Administration test range.

(c) DEFINITIONS.—In this section, the terms "unmanned aircraft system" and "test range" have the meaning given such terms in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

(d) RESTORATION OF RULES FOR REGISTRATION AND MARKING OF UNMANNED AIRCRAFT.—The rules adopted by the Administrator of the Federal Aviation Administration in the matter of registration and marking requirements for small unmanned aircraft (FAA-2015-7396; published on December 16, 2015) that were vacated by the United States Court of Appeals for the District of Columbia Circuit in Taylor v. Huerta (No. 15-1495; decided on May 19, 2017) shall be restored to effect on the date of enactment of this Act.

SEC. 1093. CARRIAGE OF CERTAIN PROGRAMMING. 47 USC 537a.

(a) DEFINITIONS.—In this section—

(1) the term "local commercial television station" has the meaning given the term in section 614(h) of the Communications Act of 1934 (47 U.S.C. 534(h));

(2) the term "multichannel video programming distributor" has the meaning given the term in section 602 of the Communications Act of 1934 (47 U.S.C. 522);

(3) the term "qualified noncommercial educational television station" has the meaning given the term in section 615(l) of the Communications Act of 1934 (47 U.S.C. 535(l));

(4) the term "retransmission consent" means the authority granted to a multichannel video programming distributor under section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) to retransmit the signal of a television broadcast station; and

(5) the term "television broadcast station" has the meaning given the term in section 76.66(a) of title 47, Code of Federal Regulations.

(b) CARRIAGE OF CERTAIN CONTENT.—Notwithstanding any other provision of law, a multichannel video programming distributor may not be directly or indirectly required, including as a condition of obtaining retransmission consent, to—

(1) carry non-incidental video content from a local commercial television station, qualified noncommercial educational television station, or television broadcast station to the extent that such content is owned, controlled, or financed (in whole or in part) by the Government of the Russian Federation; or

(2) lease, or otherwise make available, channel capacity to any person for the provision of video programming that is owned, controlled, or financed (in whole or in part) by the Government of the Russian Federation.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed as applying to the editorial use by a local commercial television station, qualified noncommercial educational television station, or television broadcast station of programming that is

owned, controlled, or financed (in whole or in part) by the Government of the Russian Federation.

SEC. 1094. NATIONAL STRATEGY FOR COUNTERING VIOLENT EXTREMISM.

(a) STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than June 1, 2018, the President shall submit to the appropriate committees of Congress a report on a comprehensive, interagency national strategy for countering violent extremism.

(2) ELEMENTS.—The comprehensive, interagency national strategy required by paragraph (1) shall include the following elements:

(A) Identification of the interagency tools for combating and countering violent extremism, including—

(i) countering violent extremist messaging and ideological support;

(ii) combating violent extremist financing, intelligence gathering, and cooperation;

(iii) law enforcement activities, sanctions, counterterrorism, and counterintelligence activities;

(iv) support to civil-society groups, commercial entities, allies, and counter radicalization activities; and

(v) support by the Armed Forces of the United States to combat violent extremism.

(B) Use of, coordination with, or liaison to international partners, non-governmental organizations, or commercial entities that support United States policy goals in countering violent extremist ideologies and organizations.

(C) Synchronization processes for the use of interagency tools to combat violent extremism, including the roles and responsibilities of the Global Engagement Center, as well as the National Security Council in coordinating the interagency tools.

(D) Recommendations for improving coordination between Federal Government agencies, as well as with State, local, international, and non-governmental entities.

(E) Other matters as the President considers appropriate.

(b) ASSESSMENT.—Not later than one year after the date of the submission of the strategy required by subsection (a), the President shall submit to the appropriate committees of Congress an assessment of the strategy, including—

(1) the status of implementation of the strategy;

(2) progress toward the achievement of benchmarks or implementation of any recommendations; and

(3) any changes to the strategy since such submission.

(c) FORM.—The report and assessment required by this section shall each be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Foreign Relations, Armed Services, Appropriations, Homeland Security and Governmental Affairs, and the Judiciary and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Foreign Affairs, Armed Services, Appropriations, Homeland Security, and the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1095. SENSE OF CONGRESS REGARDING WORLD WAR I.

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

(1) The United States declared war against Germany on April 6, 1917, to redress wrongs, including Germany's resumption of unrestricted submarine warfare, violation of United States neutrality, meddling in Mexican affairs, and denial of freedom of the seas to nonbelligerent nations.

(2) The United States associated itself with the allied powers of the United Kingdom and its Commonwealth, France and its colonies, Russia, Italy, and Japan to defeat the German Empire.

(3) The United States Army, consisting of the Regular Army, National Guard, and Reserve Corps, with the addition of volunteers and the draftees of the National Army, underwent a transformation from a frontier constabulary and coastal defense force to a modern land warfare force.

(4) Early 20th century military and technological advances resulted in the incorporation of motor transport, aviation, anti-aircraft artillery, tanks, chemical weapons, submarines and anti-submarine warfare, underwater mines, and other innovations into the military arsenal of the United States.

(5) The need to quickly build a military strength of four million soldiers and half a million sailors required the mobilization of the human resources of the United States, during which members of diverse ethnic groups, races, and creeds, both native-born and immigrant, forged a new American identity.

(6) The United States Army maintained its defense of American seacoasts, southern border, and overseas possessions, while the Army American Expeditionary Forces arrived in Europe in June 1917 and deployed for combat operations in October.

(7) By the end of World War I, almost 2,000,000 members of the Army served overseas in the American Expeditionary Forces.

(8) During World War I, the United States Navy increased in strength from approximately 67,000 sailors and marines to approximately 500,000 sailors and marines by the war's end, and the size of the Navy increased from around 200 ships at the outbreak of war in Europe in 1914, to 342 vessels by the time the United States entered the war, and 774 vessels by the day of the Armistice

(9) The Navy operated in the Atlantic and Pacific Oceans, and the North and Mediterranean Seas in cooperation with allied navies.

(10) The Navy began the fight against the German U-boat menace by first dispatching 34 destroyers stationed specifically for such purpose, which by war's end grew to 110 total destroyers

(11) Navy vessels escorted troop transports carrying 1,250,000 passengers and escorted supply transports carrying 27 percent of all cargo shipped to Europe.

(12) The Navy deployed five batteries of large-caliber battleship guns mounted on railroad trains to France for service as long-range artillery for the Army.

(13) The United States Coast Guard transferred to the operational control of the Navy and augmented that service with officers and sailors, vessels of all types, and shore stations.

(14) The United States Marine Corps, with an eventual wartime strength of 53,000 officers and men, detached the 5th and 6th regiments and a machine gun battalion to constitute an infantry brigade integrated into the Army's 2d Division for service in France.

(15) On July 4, 1917, Colonel Charles E. Stanton, one of the officers on the staff of General John Pershing, commander of the American Expeditionary Forces in Europe, famously announced the commitment of the United States to the fight when Colonel Stanton proclaimed upon his arrival in France, "Lafayette, we are here!".

(16) Whereas the American Expeditionary Forces formed three field armies, nine corps and 43 divisions, plus various units of the Services of Supply.

(17) The American Expeditionary Forces suffered 255,000 casualties and over 50,000 non-battle casualties while participating in 13 named campaigns in World War I.

(18) Participation in World War I resulted in the completion of a period of reform and professionalism that transformed the Armed Forces from a small dispersed organization to a modern industrialized fighting force capable of global reach and influence.

(b) SENSE OF CONGRESS.—Congress—

(1) honors the memory of the fallen heroes who wore the uniform of the United States Armed Forces during World War I;

(2) commends the Unites States Armed Forces for preserving and protecting the interests of the United States during World War I;

(3) commends the brave members of the United States Armed Forces for their courage while preserving the founding principles of the United States at home and abroad during World War I;

(4) commends the brave members of the United States Armed Forces for preserving and protecting the sea lanes of commerce and communications during World War I that ensured the continued prosperity of the United States;

(5) celebrates and congratulates the United States Army, Navy, Marine Corps, Air Force, and Coast Guard during the commemoration of the centennial of World War I for a job well done; and

(6) calls on all people of the United States to join in the commemoration of the centennial of World War I in events throughout the United States and overseas.

10 USC 113 note.

SEC. 1096. NOTICE TO CONGRESS OF TERMS OF DEPARTMENT OF DEFENSE SETTLEMENT AGREEMENTS.

(a) REQUEST OF SETTLEMENT AGREEMENTS.—At the request of the Chairman, in coordination with the Ranking Member, of the Committee on Armed Services of the Senate or the House of Representatives or the Chairman, in coordination with the

Ranking Member, of the Committee on Appropriations of the Senate or the House of Representatives, the Secretary of Defense shall make available (in an appropriate manner with respect to classified or other protected information) to the Chairman and Ranking Member of the requesting committee a settlement agreement (including a consent decree) in any civil action in a court of competent jurisdiction involving the Department of Defense, a military department, or a Defense Agency.

(b) PROVISION OF SETTLEMENT AGREEMENTS.—The Secretary shall take all necessary steps to ensure the settlement agreement is provided to the Chairman and Ranking Member of the requesting committee, including by making any necessary requests to a court with competent jurisdiction over the settlement.

SEC. 1097. OFFICE OF SPECIAL COUNSEL REAUTHORIZATION.

(a) ADEQUATE ACCESS OF SPECIAL COUNSEL TO INFORMATION.—Section 1212(b) of title 5, United States Code, is amended by adding at the end the following:

"(5)(A) Except as provided in subparagraph (B), the Special Counsel, in carrying out this subchapter, is authorized to—

"(i) have timely access to all records, data, reports, audits, reviews, documents, papers, recommendations, or other material available to the applicable agency that relate to an investigation, review, or inquiry conducted under—

"(I) section 1213, 1214, 1215, or 1216 of this title; or

"(II) section 4324(a) of title 38;

"(ii) request from any agency the information or assistance that may be necessary for the Special Counsel to carry out the duties and responsibilities of the Special Counsel under this subchapter; and

"(iii) require, during an investigation, review, or inquiry of an agency, the agency to provide to the Special Counsel any record or other information that relates to an investigation, review, or inquiry conducted under—

"(I) section 1213, 1214, 1215, or 1216 of this title; or

"(II) section 4324(a) of title 38.

"(B)(i) The authorization of the Special Counsel under subparagraph (A) shall not apply with respect to any entity that is an element of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003), unless the Special Counsel is investigating, or otherwise carrying out activities relating to the enforcement of, an action under subchapter III of chapter 73.

"(ii) An Inspector General may withhold from the Special Counsel material described in subparagraph (A) if the Inspector General determines that the material contains information derived from, or pertaining to, intelligence activities.

"(iii) The Attorney General or an Inspector General may withhold from the Special Counsel material described in subparagraph (A) if—

"(I)(aa) disclosing the material could reasonably be expected to interfere with a criminal investigation or prosecution that is ongoing as of the date on which the Special Counsel submits a request for the material; or

"(bb) the material—

"(AA) may not be disclosed pursuant to a court order; or

"(BB) has been filed under seal under section 3730 of title 31; and

"(II) the Attorney General or the Inspector General, as applicable, submits to the Special Counsel a written report that describes—

"(aa) the material being withheld; and

"(bb) the reason that the material is being withheld.

"(C)(i) A claim of common law privilege by an agency, or an officer or employee of an agency, shall not prevent the Special Counsel from obtaining any material described in subparagraph (A)(i) with respect to the agency.

"(ii) The submission of material described in subparagraph (A)(i) by an agency to the Special Counsel may not be deemed to waive any assertion of privilege by the agency against a non-Federal entity or against an individual in any other proceeding.

"(iii) With respect to any record or other information made available to the Special Counsel by an agency under subparagraph (A), the Special Counsel may only disclose the record or information for a purpose that is in furtherance of any authority provided to the Special Counsel under this subchapter.

"(6) The Special Counsel shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and each committee of Congress with jurisdiction over the applicable agency a report regarding any case of contumacy or failure to comply with a request submitted by the Special Counsel under paragraph (5)(A).".

(b) INFORMATION ON WHISTLEBLOWER PROTECTIONS.—

(1) AGENCY RESPONSIBILITIES.—

(A) REPEAL.—Section 2307 of chapter 23 of title 5, United States Code, and the item related to such section in the table of sections for such chapter, is repealed.

5 USC prec. 2301.

(B) INFORMATION ON WHISTLEBLOWER PROTECTIONS.—Section 2302 of title 5, United States Code, is amended by—

(i) redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(ii) by inserting after subsection (b) the following:

"(c)(1) In this subsection—

"(A) the term 'new employee' means an individual—

"(i) appointed to a position as an employee on or after the date of enactment of this subsection; and

"(ii) who has not previously served as an employee; and

"(B) the term 'whistleblower protections' means the protections against and remedies for a prohibited personnel practice described in paragraph (8) or subparagraph (A)(i), (B), (C), or (D) of paragraph (9) of subsection (b).

"(2) The head of each agency shall be responsible for—

"(A) preventing prohibited personnel practices;

"(B) complying with and enforcing applicable civil service laws, rules, and regulations and other aspects of personnel management; and

"(C) ensuring, in consultation with the Special Counsel and the Inspector General of the agency, that employees of

the agency are informed of the rights and remedies available to the employees under this chapter and chapter 12, including—

"(i) information with respect to whistleblower protections available to new employees during a probationary period;

"(ii) the role of the Office of Special Counsel and the Merit Systems Protection Board with respect to whistleblower protections; and

"(iii) the means by which, with respect to information that is otherwise required by law or Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, an employee may make a lawful disclosure of the information to—

"(I) the Special Counsel;

"(II) the Inspector General of an agency;

"(III) Congress; or

"(IV) another employee of the agency who is designated to receive such a disclosure.

"(3) The head of each agency shall ensure that the information described in paragraph (2) is provided to each new employee of the agency not later than 180 days after the date on which the new employee is appointed.

"(4) The head of each agency shall make available information regarding whistleblower protections applicable to employees of the agency on the public website of the agency and on any online portal that is made available only to employees of the agency, if such portal exists.

"(5) Any employee to whom the head of an agency delegates authority for any aspect of personnel management shall, within the limits of the scope of the delegation, be responsible for the activities described in paragraph (2).".

(2) INFORMATION ON APPEAL RIGHTS.— 5 USC 7503 note.

(A) IN GENERAL.—Any notice provided to an employee under section 7503(b)(1), section 7513(b)(1), or section 7543(b)(1) of title 5, United States Code, shall include detailed information with respect to—

(i) the right of the employee to appeal an action brought under the applicable section;

(ii) the forums in which the employee may file an appeal described in clause (i); and

(iii) any limitations on the rights of the employee that would apply because of the forum in which the employee decides to file an appeal.

(B) DEVELOPMENT OF INFORMATION.—The information described in subparagraph (A) shall be developed by the Director of the Office of Personnel Management, in consultation with the Special Counsel, the Merit Systems Protection Board, and the Equal Employment Opportunity Commission.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Section 4505a(b)(2) of title 5, United States Code, is amended by striking "section 2302(c)" and inserting "section 2302(d)".

(B) Section 5755(b)(2) of title 5, United States Code, is amended by striking "section 2302(c)" and inserting "section 2302(d)".

(C) Section 110(b)(2) of the Whistleblower Protection Enhancement Act of 2012 (5 U.S.C. 2302 note) is amended by striking "section 2302(e)(1) or (2)" and inserting "section 2302(f)(1) or (2)".

(D) Section 1217(d)(3) of the Panama Canal Act of 1979 (22 U.S.C. 3657(d)(3)) is amended by striking "section 2302(c)" and inserting "section 2302(d)".

(E) Section 1233(b) of the Panama Canal Act of 1979 (22 U.S.C. 3673(b)) is amended by striking "section 2302(c)" and inserting "section 2302(d)".

(c) ADDITIONAL WHISTLEBLOWER PROVISIONS.—

(1) PROHIBITED PERSONNEL PRACTICES.—Section 2302 of title 5, United States Code, is amended—

(A) in subsection (b)(9)(C), by inserting "(or any other component responsible for internal investigation or review)" after "Inspector General"; and

(B) in subsection (f)—

(i) in paragraph (1)—

(I) in subparagraph (E), by striking "or" at the end;

(II) by redesignating subparagraph (F) as subparagraph (G); and

(III) by inserting after subparagraph (E) the following:

"(F) the disclosure was made before the date on which the individual was appointed or applied for appointment to a position; or"; and

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

"(2) If a disclosure is made during the normal course of duties of an employee, the principal job function of whom is to regularly investigate and disclose wrongdoing (referred to in this paragraph as the 'disclosing employee'), the disclosure shall not be excluded from subsection (b)(8) if the disclosing employee demonstrates that an employee who has the authority to take, direct other individuals to take, recommend, or approve any personnel action with respect to the disclosing employee took, failed to take, or threatened to take or fail to take a personnel action with respect to the disclosing employee in reprisal for the disclosure made by the disclosing employee.".

(2) EXPLANATIONS FOR FAILURE TO TAKE ACTION.—Section 1213 of title 5, United States Code, is amended—

(A) in subsection (b), by striking "15 days" and inserting "45 days"; and

(B) in subsection (e)—

(i) in paragraph (1), by striking "Any such report" and inserting "Any report required under subsection (c) or paragraph (5) of this subsection";

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

"(2) Upon receipt of any report that the head of an agency is required to submit under subsection (c), the Special Counsel shall review the report and determine whether—

"(A) the findings of the head of the agency appear reasonable; and

"(B) if the Special Counsel requires the head of the agency to submit a supplemental report under paragraph

(5), the reports submitted by the head of the agency collectively contain the information required under subsection (d).";

(iii) in paragraph (3), by striking "agency report received pursuant to subsection (c) of this section" and inserting "report submitted to the Special Counsel by the head of an agency under subsection (c) or paragraph (5) of this subsection"; and

(iv) by adding at the end the following:

"(5) If, after conducting a review of a report under paragraph (2), the Special Counsel concludes that the Special Counsel requires additional information or documentation to determine whether the report submitted by the head of an agency is reasonable and sufficient, the Special Counsel may request that the head of the agency submit a supplemental report—

"(A) containing the additional information or documentation identified by the Special Counsel; and

"(B) that the head of the agency shall submit to the Special Counsel within a period of time specified by the Special Counsel.".

(3) TRANSFER REQUESTS DURING STAYS.—

(A) PRIORITY GRANTED.—Section 1214(b)(1) of title 5, United States Code, is amended—

(i) by striking subparagraph (E); and

(ii) by adding at the end the following:

"(E) If the Board grants a stay under subparagraph (A), the head of the agency employing the employee who is the subject of the action shall give priority to a request for a transfer submitted by the employee.".

(B) PROBATIONARY EMPLOYEES.—Section 1221 of title 5, United States Code, is amended—

(i) by striking subsection (k); and

(ii) by adding at the end the following:

"(k) If the Board grants a stay under subsection (c) and the employee who is the subject of the action is in probationary status, the head of the agency employing the employee shall give priority to a request for a transfer submitted by the employee.".

(4) RETALIATORY INVESTIGATIONS.—Section 1214 of title 5, United States Code, is amended by adding at the end the following:

"(i) The Special Counsel may petition the Board to order corrective action, including fees, costs, or damages reasonably incurred by an employee due to an investigation of the employee by an agency, if the investigation by an agency was commenced, expanded, or extended in retaliation for a disclosure or protected activity described in section 2302(b)(8) or subparagraph (A)(i), (B), (C), or (D) of section 2302(b)(9), without regard to whether a personnel action, as defined in section 2302(a)(2)(A), is taken.".

(d) PROTECTION OF WHISTLEBLOWERS AS CRITERIA IN PERFORMANCE APPRAISALS.—

(1) ESTABLISHMENT OF SYSTEMS.—Section 4302 of title 5, United States Code, is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following:

"(b)(1) The head of each agency, in consultation with the Director of the Office of Personnel Management and the Special Counsel, shall develop criteria that—

"(A) the head of the agency shall use as a critical element for establishing the job requirements of a supervisory employee; and

"(B) promote the protection of whistleblowers.

"(2) The criteria required under paragraph (1) shall include—

"(A) principles for the protection of whistleblowers, such as the degree to which supervisory employees—

"(i) respond constructively when employees of the agency make disclosures described in subparagraph (A) or (B) of section 2302(b)(8);

"(ii) take responsible actions to resolve the disclosures described in clause (i); and

"(iii) foster an environment in which employees of the agency feel comfortable making disclosures described in clause (i) to supervisory employees or other appropriate authorities; and

"(B) for each supervisory employee—

"(i) whether the agency entered into an agreement with an individual who alleged that the supervisory employee committed a prohibited personnel practice; and

"(ii) if the agency entered into an agreement described in clause (i), the number of instances in which the agency entered into such an agreement with respect to the supervisory employee.

"(3) In this subsection—

"(A) the term 'agency' means any entity the employees of which are covered under paragraphs (8) and (9) of section 2302(b), without regard to whether any other provision of this section is applicable to the entity;

"(B) the term 'prohibited personnel practice' has the meaning given the term in section 2302(a)(1);

"(C) the term 'supervisory employee' means an employee who would be a supervisor, as defined in section 7103(a), if the agency employing the employee was an agency for purposes of chapter 71; and

"(D) the term 'whistleblower' means an employee who makes a disclosure described in section 2302(b)(8).".

(2) CRITERIA FOR PERFORMANCE APPRAISALS.—Section 4313 of title 5, United States Code, is amended—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(6) protecting whistleblowers, as described in section 4302(b)(2).".

5 USC 4302 note.

(3) ANNUAL REPORT TO CONGRESS ON UNACCEPTABLE PERFORMANCE IN WHISTLEBLOWER PROTECTION.—

(A) DEFINITIONS.—In this paragraph, the terms "agency" and "whistleblower" have the meanings given the terms in section 4302(b)(3) of title 5, United States Code, as amended by paragraph (1).

(B) REPORT.—Each agency shall annually submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and

Government Reform of the House of Representatives, and each committee of Congress with jurisdiction over the agency a report that details—

(i) the number of performance appraisals, for the year covered by the report, that determined that an employee of the agency failed to meet the standards for protecting whistleblowers that were established under section 4302(b) of title 5, United States Code, as amended by paragraph (1);

(ii) the reasons for the determinations described in clause (i); and

(iii) each performance-based or corrective action taken by the agency in response to a determination under clause (i).

(4) TECHNICAL AND CONFORMING AMENDMENT.—Section 4301 of title 5, United States Code, is amended, in the matter preceding paragraph (1), by striking "For the purpose of" and inserting "Except as otherwise expressly provided, for the purpose of".

(e) DISCIPLINE OF SUPERVISORS BASED ON RETALIATION AGAINST WHISTLEBLOWERS.—

(1) IN GENERAL.—Subchapter II of chapter 75 of title 5, United States Code, is amended—

(A) by striking section 7515; and

(B) by adding at the end the following:

"§ 7515. Discipline of supervisors based on retaliation against whistleblowers

5 USC 7515.

"(a) DEFINITIONS.—In this section—

"(1) the term 'agency'—

"(A) has the meaning given the term in section 2302(a)(2)(C), without regard to whether any other provision of this chapter is applicable to the entity; and

"(B) does not include any entity that is an element of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003);

"(2) the term 'prohibited personnel action' means taking or failing to take an action in violation of paragraph (8), (9), or (14) of section 2302(b) against an employee of an agency; and

"(3) the term 'supervisor' means an employee who would be a supervisor, as defined in section 7103(a), if the entity employing the employee was an agency.

"(b) PROPOSED DISCIPLINARY ACTIONS.—

"(1) IN GENERAL.—Subject to section 1214(f), if the head of the agency in which a supervisor is employed, an administrative law judge, the Merit Systems Protection Board, the Special Counsel, a judge of the United States, or the Inspector General of the agency in which a supervisor is employed has determined that the supervisor committed a prohibited personnel action, the head of the agency in which the supervisor is employed, consistent with the procedures required under paragraph (2)—

"(A) for the first prohibited personnel action committed by the supervisor—

"(i) shall propose suspending the supervisor for a period that is not less than 3 days; and

"(ii) may propose an additional action determined appropriate by the head of the agency, including a reduction in grade or pay; and

"(B) for the second prohibited personnel action committed by the supervisor, shall propose removing the supervisor.

"(2) PROCEDURES.—

"(A) NOTICE.—A supervisor against whom an action is proposed to be taken under paragraph (1) is entitled to written notice that—

"(i) states the specific reasons for the proposed action; and

"(ii) informs the supervisor about the right of the supervisor to review the material that is relied on to support the reasons given in the notice for the proposed action.

"(B) ANSWER AND EVIDENCE.—

"(i) IN GENERAL.—A supervisor who receives notice under subparagraph (A) may, not later than 14 days after the date on which the supervisor receives the notice, submit an answer and furnish evidence in support of that answer.

"(ii) NO EVIDENCE FURNISHED; INSUFFICIENT EVIDENCE FURNISHED.—If, after the end of the 14-day period described in clause (i), a supervisor does not furnish any evidence as described in that clause, or if the head of the agency in which the supervisor is employed determines that the evidence furnished by the supervisor is insufficient, the head of the agency shall carry out the action proposed under subparagraph (A) or (B) of paragraph (1), as applicable.

"(C) SCOPE OF PROCEDURES.—An action carried out under this section—

"(i) except as provided in clause (ii), shall be subject to the same requirements and procedures, including those with respect to an appeal, as an action under section 7503, 7513, or 7543; and

"(ii) shall not be subject to—

"(I) paragraphs (1) and (2) of section 7503(b);

"(II) paragraphs (1) and (2) of subsection (b) and subsection (c) of section 7513; and

"(III) paragraphs (1) and (2) of subsection (b) and subsection (c) of section 7543.

"(3) NON-DELEGATION.—If the head of an agency is responsible for determining whether a supervisor has committed a prohibited personnel action for purposes of paragraph (1), the head of the agency may not delegate that responsibility.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 75 of title 5, United States Code, is amended—

5 USC prec. 7501.

(A) by striking any item relating to section 7515; and

(B) adding at the end the following:

"7515. Discipline of supervisors based on retaliation against whistleblowers.".

(f) TERMINATION OF CERTAIN INVESTIGATIONS BY THE OFFICE OF SPECIAL COUNSEL.—Section 1214(a) of title 5, United States Code, is amended by adding at the end the following:

"(6)(A) Notwithstanding any other provision of this section, not later than 30 days after the date on which the Special Counsel receives an allegation of a prohibited personnel practice under paragraph (1), the Special Counsel may terminate an investigation of the allegation without further inquiry if the Special Counsel determines that—

"(i) the same allegation, based on the same set of facts and circumstances, had previously been—

"(I)(aa) made by the individual; and

"(bb) investigated by the Special Counsel; or

"(II) filed by the individual with the Merit Systems Protection Board;

"(ii) the Special Counsel does not have jurisdiction to investigate the allegation; or

"(iii) the individual knew or should have known of the alleged prohibited personnel practice on or before the date that is 3 years before the date on which the Special Counsel received the allegation.

"(B) Not later than 30 days after the date on which the Special Counsel terminates an investigation under subparagraph (A), the Special Counsel shall provide a written notification to the individual who submitted the allegation of a prohibited personnel practice that states the basis of the Special Counsel for terminating the investigation.".

(g) ALLEGATIONS OF WRONGDOING WITHIN THE OFFICE OF SPECIAL COUNSEL.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

"(i) The Special Counsel shall enter into at least 1 agreement with the Inspector General of an agency under which—

"(1) the Inspector General shall—

"(A) receive, review, and investigate allegations of prohibited personnel practices or wrongdoing filed by employees of the Office of Special Counsel; and

"(B) develop a method for an employee of the Office of Special Counsel to communicate directly with the Inspector General; and

"(2) the Special Counsel—

"(A) may not require an employee of the Office of Special Counsel to seek authorization or approval before directly contacting the Inspector General in accordance with the agreement; and

"(B) may reimburse the Inspector General for services provided under the agreement.".

(h) REPORTING REQUIREMENTS.—

(1) ANNUAL REPORT.—Section 1218 of title 5, United States Code, is amended to read as follows:

"§ 1218. Annual report

"The Special Counsel shall submit to Congress, on an annual basis, a report regarding the activities of the Special Counsel, which shall include, for the year preceding the submission of the report—

"(1) the number, types, and disposition of allegations of prohibited personnel practices filed with the Special Counsel and the costs of resolving such allegations;

"(2) the number of investigations conducted by the Special Counsel;

"(3) the number of stays and disciplinary actions negotiated with agencies by the Special Counsel;

"(4) the number of subpoenas issued by the Special Counsel;

"(5) the number of instances in which the Special Counsel reopened an investigation after the Special Counsel had made an initial determination with respect to the investigation;

"(6) the actions that resulted from reopening investigations, as described in paragraph (5);

"(7) the number of instances in which the Special Counsel did not make a determination before the end of the 240-day period described in section 1214(b)(2)(A)(i) regarding whether there were reasonable grounds to believe that a prohibited personnel practice had occurred, existed, or was to be taken;

"(8) a description of the recommendations and reports made by the Special Counsel to other agencies under this subchapter and the actions taken by the agencies as a result of the recommendations or reports;

"(9) the number of—

"(A) actions initiated before the Merit Systems Protection Board, including the number of corrective action petitions and disciplinary action complaints initiated; and

"(B) stays and extensions of stays obtained from the Merit Systems Protection Board;

"(10) the number of prohibited personnel practice complaints that resulted in a favorable action for the complainant, other than a stay or an extension of a stay, organized by actions in—

"(A) complaints dealing with reprisals against whistleblowers; and

"(B) all other complaints;

"(11) the number of prohibited personnel practice complaints that were resolved by an agreement between an agency and an individual, organized by agency and agency components in—

"(A) complaints dealing with reprisals against whistleblowers; and

"(B) all other complaints;

"(12) the number of corrective actions that the Special Counsel required an agency to take after a finding by the Special Counsel of a prohibited personnel practice, as defined in section 2302(a)(1); and

"(13) the results for the Office of Special Counsel of any employee viewpoint survey conducted by the Office of Personnel Management or any other agency.".

(2) PUBLIC INFORMATION.—Section 1219(a)(1) of title 5, United States Code, is amended to read as follows:

"(1) a list of any noncriminal matters referred to the head of an agency under section 1213(c), together with—

"(A) a copy of the information transmitted to the head of the agency under section 1213(c)(1);

"(B) any report from the agency under section 1213(c)(1)(B) relating to the matter;

"(C) if appropriate, not otherwise prohibited by law, and consented to by the complainant, any comments from the complainant under section 1213(e)(1) relating to the matter; and

"(D) the comments or recommendations of the Special Counsel under paragraph (3) or (4) of section 1213(e);".

(3) NOTICE OF COMPLAINT SETTLEMENTS.—Section 1217 of title 5, United States Code, is amended—

(A) by striking "The Special Counsel" and inserting the following:

"(a) IN GENERAL.—The Special Counsel"; and

(B) by adding at the end the following:

"(b) ADDITIONAL REPORT REQUIRED.—

"(1) IN GENERAL.—If an allegation submitted to the Special Counsel is resolved by an agreement between an agency and an individual, the Special Counsel shall submit to Congress and each congressional committee with jurisdiction over the agency a report regarding the agreement.

"(2) CONTENTS.—Any report required under paragraph (1) shall identify, with respect to an agreement described in that paragraph—

"(A) the agency that entered into the agreement;

"(B) the position and employment location of the employee who submitted the allegation that formed the basis of the agreement, provided the information is not so specific as to be reasonably likely to identify the employee;

"(C) the position and employment location of any employee alleged by an employee described in subparagraph (B) to have committed a prohibited personnel practice, as defined in section 2302(a)(1);

"(D) a description of the allegation described in subparagraph (B); and

"(E) whether the agency that entered into the agreement has agreed to pursue any disciplinary action as a result of the allegation described in subparagraph (B).".

(i) ESTABLISHMENT OF SURVEY PILOT PROGRAM.—

(1) IN GENERAL.—The Office of Special Counsel shall design and establish a pilot program under which the Office shall conduct, during the first full fiscal year after the date of enactment of this Act, a survey of individuals who have filed a complaint or disclosure with the Office.

(2) PURPOSE.—The survey under paragraph (1) shall be designed for the purpose of collecting information and improving service at various stages of a review or investigation by the Office of Special Counsel.

(3) RESULTS.—The results of the survey under paragraph (1) shall be published in the annual report of the Office of Special Counsel.

(4) SUSPENSION OF OTHER SURVEYS.—During the period beginning on October 1, 2017, and ending on September 30, 2018, section 13 of the Act entitled "An Act to reauthorize the Office of Special Counsel, and for other purposes", approved October 29, 1994 (5 U.S.C. 1212 note), shall have no force or effect.

(j) STAYS OF THE MERIT SYSTEMS PROTECTION BOARD.—Section 1214(b)(1)(B)(ii) of title 5, United States Code, is amended by striking "who was appointed, by and with the advice and consent of the Senate,".

(k) PENALTIES UNDER THE HATCH ACT.—

(1) IN GENERAL.—Section 7326 of title 5, United States Code, is amended to read as follows:

"§ 7326. Penalties

"An employee or individual who violates section 7323 or 7324 shall be subject to—

"(1) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

"(2) an assessment of a civil penalty not to exceed $1,000; or

"(3) any combination of the penalties described in paragraph (1) or (2).".

5 USC 7326 note.

(2) APPLICATION.—The amendment made by paragraph (1) shall apply to any violation of section 7323 or 7324 of title 5, United States Code, occurring after the date of enactment of this Act.

(l) AMENDMENTS TO DR. CHRIS KIRKPATRICK WHISTLEBLOWER PROTECTION ACT.—Section 105 of the Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017 is amended—

Ante, p. 1238.

(1) in subsection (a) by inserting "credible" before "information indicating"; and

(2) by adding at the end the following:

"(c) PERMISSION OF NEXT OF KIN.—The head of the agency shall only make a referral under subsection (a) regarding an employee after receiving written permission from the next of kin, as such term is defined in section 6381 of title 5, United States Code, of the employee.".

5 USC 1212 note.

(m) REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Special Counsel shall prescribe such regulations as may be necessary to perform—

(A) the functions of the Special Counsel under subchapter II of chapter 12 of title 5, United States Code, including regulations that are necessary to carry out sections 1213, 1214, and 1215 of that title; and

(B) any functions of the Special Counsel that are required because of the amendments made by this section.

(2) PUBLICATION.—Any regulations prescribed under paragraph (1) shall be published in the Federal Register.

(n) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 8(a)(2) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note) is amended by striking "2003, 2004, 2005, 2006, and 2007" and inserting "2018 through 2023".

5 USC 5509 note.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as though enacted on September 30, 2017.

10 USC note prec. 2631.

SEC. 1098. AIR TRANSPORTATION OF CIVILIAN DEPARTMENT OF DEFENSE PERSONNEL TO AND FROM AFGHANISTAN.

(a) POLICY REVIEW.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a policy review regarding the use of commercial air transportation or alternative forms of air transportation to transport civilian personnel of the Department of Defense to and from Afghanistan.

(b) REPORT TO CONGRESS.—Not later than 90 days after the completion of the policy review required by subsection (a), the

Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of such review.

(c) UPDATED GUIDELINES.—Not later than 90 days after the completion of the policy review required by subsection (a), the Secretary shall issue updated guidelines, based on the report submitted under subsection (b), regarding the use of commercial air transportation or alternative forms of air transportation to transport civilian personnel of the Department to and from Afghanistan.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. DIRECT HIRE AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR PERSONNEL TO ASSIST IN BUSINESS TRANSFORMATION AND MANAGEMENT INNOVATION.

10 USC note prec. 1580.

(a) AUTHORITY.—The Secretary of Defense may appoint in the Department of Defense individuals described in subsection (b) without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, for the purpose of assisting and facilitating the efforts of the Department in business transformation and management innovation.

(b) COVERED INDIVIDUALS.—The individuals described in this subsection are individuals who have all of the following:

(1) A management or business background.

(2) Experience working with large or complex organizations.

(3) Expertise in management and organizational change, data analytics, or business process design.

(c) LIMITATION ON NUMBER.—The number of individuals appointed pursuant to this section at any one time may not exceed 10 individuals.

(d) NATURE OF APPOINTMENT.—Any appointment under this section shall be on a term basis, and shall be subject to the term appointment regulations in part 316 of title 5, Code of Federal

Regulations (other than requirements in such regulations relating to competitive hiring). The term of any such appointment shall be specified by the Secretary at the time of the appointment.

(e) BRIEFINGS.—

(1) IN GENERAL.—Not later than September 30, 2019, and September 30, 2021, the Secretary shall brief the appropriate committees of Congress on the exercise of the authority in this section.

(2) ELEMENTS.—Each briefing under this subsection shall include the following:

(A) A description and assessment of the results of the use of such authority as of the date of such briefing.

(B) Such recommendations as the Secretary considers appropriate for extension or modification of such authority.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Government Oversight and Reform of the House of Representatives.

(f) SUNSET.—

(1) IN GENERAL.—The authority to appoint individuals in this section shall expire on September 30, 2021.

(2) CONSTRUCTION WITH EXISTING APPOINTMENTS.—The expiration in paragraph (1) of the authority in this section shall not be construed to terminate any appointment made under this section before the date of expiration that continues according to its term as of the date of expiration.

SEC. 1102. EXTENSION OF DIRECT HIRE AUTHORITY FOR DOMESTIC DEFENSE INDUSTRIAL BASE FACILITIES AND MAJOR RANGE AND TEST FACILITIES BASE.

10 USC note prec. 1580.

(a) IN GENERAL.—Subsection (a) of section 1125 of subtitle B of title XI of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended by striking "During fiscal years 2017 and 2018," and inserting "During each of fiscal years 2017 through 2021,".

(b) BRIEFING.—Not later than 90 days after the end of each of fiscal years 2019 and 2021, the Secretary of Defense shall provide a briefing to the Committee on Armed Services of the House of Representatives, the Committee on Armed Services of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate including—

(1) a description of the effect of such section 1125 (as amended by subsection (a)) on the management of the Department of Defense civilian workforce during the most recently ended fiscal year; and

(2) the number of employees—

(A) hired under such section during such fiscal year; and

(B) expected to be hired under such section during the fiscal year in which the briefing is provided.

SEC. 1103. EXTENSION OF AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAY FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 1107 of subtitle A of title XI of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended by striking "September 30, 2018" and inserting "September 30, 2021". 5 USC 9902 note.

(b) BRIEFING.—Not later than December 31, 2019, and December 31, 2021, the Secretary of Defense shall provide a briefing to the Committee on Armed Services of the House of Representatives, the Committee on Armed Services of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate including—

(1) a description of the effect of such section 1107 (as amended by subsection (a)) on the management of the Department of Defense civilian workforce during the most recently ended fiscal year;

(2) the number of employees offered voluntary separation incentive payments during such fiscal year by operation of such section; and

(3) the number of such employees that accepted such payments.

SEC. 1104. ADDITIONAL DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES.

Section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2487; 10 U.S.C. 2358 note) is amended by adding at the end the following:

"(20) The Naval Medical Research Center.

"(21) The Joint Warfighting Analysis Center.

"(22) The Naval Facilities Engineering and Expeditionary Warfare Center.".

SEC. 1105. ONE YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Subsection (a) of section 1101 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), as most recently amended by section 1137 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2460), is amended by striking "through 2017" and inserting "through 2018".

SEC. 1106. DIRECT HIRE AUTHORITY FOR FINANCIAL MANAGEMENT EXPERTS IN THE DEPARTMENT OF DEFENSE WORKFORCE.

(a) IN GENERAL.—Section 1110 of the National Defense Authorization Act for 2017 (Public Law 114–328; 130 Stat. 2450; 10 U.S.C. 1580 note prec.) is amended—

(1) in subsection (a), by striking "the Defense Agencies or the applicable military Department" and inserting "a Department of Defense component";

(2) in subsection (b)(1), by striking "the Defense Agencies" and inserting "each Department of Defense component listed in subsection (f) other than the Department of the Army, the Department of the Navy, and the Department of the Air Force";

(3) in subsection (d)—

(A) by striking "any Defense Agency or military department" and inserting "any Department of Defense component"; and

(B) by striking "such Defense Agency or military department" and inserting "such Department of Defense component"; and

(4) by striking subsection (f) and inserting the following new subsection (f):

"(f) DEPARTMENT OF DEFENSE COMPONENT DEFINED.—In this section, the term 'Department of Defense component' means the following:

"(1) A Defense Agency.

"(2) The Office of the Chairman of the Joint Chiefs of Staff.

"(3) The Joint Staff.

"(4) A combatant command.

"(5) The Office of the Inspector General of the Department of Defense.

"(6) A Field Activity of the Department of Defense.

"(7) The Department of the Army.

"(8) The Department of the Navy.

"(9) The Department of the Air Force.".

(b) BRIEFING.—Not later than 90 days after the end of each of fiscal years 2019 and 2021, the Secretary of Defense shall provide a briefing to the Committee on Armed Services of the House of Representatives, the Committee on Armed Services of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate including—

(1) a description of the effect of section 1110 of subtitle A of title XI of the National Defense Authorization Act, 2017 (Public Law 114–328), as amended by subsection (a), on the management of the Department of Defense civilian workforce during the most recently ended fiscal year; and

(2) the number of employees—

(A) hired under such section during such fiscal year; and

(B) expected to be hired under such section during the fiscal year in which the briefing is provided.

SEC. 1107. EXTENSION OF AUTHORITY FOR TEMPORARY PERSONNEL FLEXIBILITIES FOR DOMESTIC DEFENSE INDUSTRIAL BASE FACILITIES AND MAJOR RANGE AND TEST FACILITIES BASE CIVILIAN PERSONNEL.

10 USC note prec. 1580.

(a) IN GENERAL.—Subsection (a) of section 1132 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2457) is amended by striking "and 2018" and inserting "through 2021".

(b) BRIEFING.—Not later than 90 days after the end of each of fiscal years 2019 and 2021, the Secretary of Defense shall provide a briefing to the Committee on Armed Services of the House of Representatives, the Committee on Armed Services of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate including—

(1) a description of the effect of such section 1132 (as amended by subsection (a)) on the management of civilian personnel at domestic defense industrial base facilities and Major Range and Test Facilities Base during the most recently ended fiscal year; and

(2) the number of employees—

(A) hired under such section during such fiscal year; and

(B) expected to be hired under such section during the fiscal year in which the briefing is provided.

SEC. 1108. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4616) and as most recently amended by section 1133 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2459), is further amended by striking "2018" and inserting "2019".

SEC. 1109. EXTENSION OF OVERTIME RATE AUTHORITY FOR DEPARTMENT OF THE NAVY EMPLOYEES PERFORMING WORK ABOARD OR DOCKSIDE IN SUPPORT OF THE NUCLEAR-POWERED AIRCRAFT CARRIER FORWARD DEPLOYED IN JAPAN.

Section 5542(a)(6)(B) of title 5, United States Code, is amended by striking "September 30, 2018" and inserting "September 30, 2019".

SEC. 1110. PILOT PROGRAM ON ENHANCED PERSONNEL MANAGEMENT SYSTEM FOR CYBSERSECURITY AND LEGAL PROFESSIONALS IN THE DEPARTMENT OF DEFENSE.

10 USC note prec. 1580.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall carry out within the Department of Defense a pilot program to assess the feasability and advisability of an enhanced personnel management system in accordance with this section for cybersecurity and legal professionals in the Department described in subsection (b) who enter civilian service with the Department on or after January 1, 2020.

(b) CYBERSECURITY AND LEGAL PROFESSIONALS.—

(1) IN GENERAL.—The cybersecurity and legal professionals described in this subsection are the following:

(A) Civilian cybersecurity professionals in the Department of Defense consisting of civilian personnel engaged in or directly supporting planning, commanding and controlling, training, developing, acquiring, modifying, and operating systems and capabilities, and military units and intelligence organizations (other than those funded by the National Intelligence Program) that are directly engaged in or used for offensive and defensive cyber and information warfare or intelligence activities in support thereof.

(B) Civilian legal professionals in the Department occupying legal or similar positions, as determined by the Secretary of Defense for purposes of the pilot program, that require eligibility to practice law in a State or territory of the United States.

(2) INAPPLICABILITY TO SES POSITIONS.—The pilot program shall not apply to positions within the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code.

(c) DIRECT-APPOINTMENT AUTHORITY.—

(1) INAPPLICABILITY OF GENERAL CIVIL SERVICE APPOINTMENT AUTHORITIES TO APPOINTMENTS.—Under the pilot program, the Secretary of Defense, with respect to the Defense Agencies, and the Secretary of the military department concerned, with respect to the military departments, may appoint qualified candidates as cybersecurity and legal professionals without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code.

(2) APPOINTMENT ON DIRECT-HIRE BASIS.—Appointments under the pilot program shall be made on a direct-hire basis.

(d) TERM APPOINTMENTS.—

(1) RENEWABLE TERM APPOINTMENTS.—Each individual shall serve with the Department of Defense as a cybersecurity or legal professional under the pilot program pursuant to an initial appointment to service with the Department for a term of not less than 2 years nor more than 8 years. Any term of appointment under the pilot program may be renewed for one or more additional terms of not less than 2 years nor more than 8 years as provided in subsection (h).

(2) LENGTH OF TERMS.—The length of the term of appointment to a position under the pilot program shall be prescribed by the Secretary of Defense taking into account the national security, mission, and other applicable requirements of the position. Positions having identical or similar requirements or terms may be grouped into categories for purposes of the pilot program. The Secretary may delegate any authority in this paragraph to a commissioned officer of the Armed Forces in pay grade O–7 or above or an employee in the Department in the Senior Executive Service.

(e) NATURE OF SERVICE UNDER APPOINTMENTS.—

(1) TREATMENT OF PERSONNEL APPOINTED AS EMPLOYEES.—Except as otherwise provided by this section, individuals serving with the Department of Defense as cybersecurity or legal professionals under the pilot program pursuant to appointments under this section shall be considered employees (as specified in section 2105 of title 5, United States Code) for purposes of the provisions of title 5, United States Code, and other applicable provisions of law, including, in particular, for purposes as follows:

(A) Eligibility for participation in the Federal Employees' Retirement System under chapter 84 of title 5, United States Code, subject to the provisions of section 8402 of such title and the regulations prescribed pursuant to such section.

(B) Eligibility for enrollment in a health benefits plan under chapter 89 of title 5, United States Code (commonly

referred as the "Federal Employees Health Benefits Program").

(C) Eligibility for and subject to the employment protections of subpart F of part III of title 5, United States Code, relating to merit principles and protections.

(D) Eligibility for the protections of chapter 81, of title 5, United States Code, relating to workers compensation.

(2) SCOPE OF RIGHTS AND BENEFITS.—In administering the pilot program, the Secretary of Defense shall specify, and from time to time update, a comprehensive description of the rights and benefits of individuals serving with the Department under the pilot program pursuant to this subsection and of the provisions of law under which such rights and benefits arise.

(f) COMPENSATION.—

(1) BASIC PAY.—Individuals serving with the Department of Defense as cybersecurity or legal professionals under the pilot program shall be paid basic pay for such service in accordance with a schedule of pay prescribed by the Secretary of Defense for purposes of the pilot program.

(2) TREATMENT AS BASIC PAY.—Basic pay payable under the pilot program shall be treated for all purposes as basic pay paid under the provisions of title 5, United States Code.

(3) PERFORMANCE AWARDS.—Individuals serving with the Department as cybersecurity or legal professionals under the pilot program may be awarded such performance awards for outstanding performance as the Secretary shall prescribe for purposes of the pilot program. The performance awards may include a monetary bonus, time off with pay, or such other awards as the Secretary considers appropriate for purposes of the pilot program. The award of performance awards under the pilot program shall be based in accordance with such policies and requirements as the Secretary shall prescribe for purposes of the pilot program.

(4) ADDITIONAL COMPENSATION.—Individuals serving with the Department as cybersecurity or legal professionals under the pilot program may be awarded such additional compensation above basic pay as the Secretary (or the designees of the Secretary) consider appropriate in order to promote the recruitment and retention of highly skilled and productive cybersecurity and legal professionals to and with the Department.

(g) PROBATIONARY PERIOD.—The following terms of appointment shall be treated as a probationary period under the pilot program:

(1) The first term of appointment of an individual to service with the Department of Defense as a cybersecurity or legal professional, regardless of length.

(2) The first term of appointment of an individual to a supervisory position in the Department as a cybersecurity or legal professional, regardless of length and regardless of whether or not such term of appointment to a supervisory position is the first term of appointment of the individual concerned to service with the Department as a cybersecurity or legal professional.

(h) RENEWAL OF APPOINTMENTS.—

(1) IN GENERAL.—The Secretary of Defense shall prescribe the conditions for the renewal of appointments under the pilot

program. The conditions may apply to one or more categories of positions, positions on a case-by-case basis, or both.

(2) PARTICULAR CONDITIONS.—In prescribing conditions for the renewal of appointments under the pilot program, the Secretary shall take into account the following (in the order specified):

(A) The necessity for the continuation of the position concerned based on mission requirements and other applicable justifications for the position.

(B) The service performance of the individual serving in the position concerned, with individuals with satisfactory or better performance afforded preference in renewal.

(C) Input from employees on conditions for renewal.

(D) Applicable private and public sector labor market conditions.

(3) SERVICE PERFORMANCE.—The assessment of the service performance of an individual under the pilot program for purposes of paragraph (2)(B) shall consist of an assessment of the ability of the individual to effectively accomplish mission goals for the position concerned as determined by the supervisor or manager of the individual based on the individual's performance evaluations and the knowledge of and review by such supervisor or manager (developed in consultation with the individual) of the individual's performance in the position. An individual's tenure of service in a position or the Department of Defense may not be the primary element of the assessment.

(i) PROFESSIONAL DEVELOPMENT.—The pilot program shall provide for the professional development of individuals serving with the Department of Defense as cybersecurity and legal professionals under the pilot program in a manner that—

(1) creates opportunities for education, training, and career-broadening experiences, and for experimental opportunities in other organizations within and outside the Federal Government; and

(2) reflects the differentiated needs of personnel at different stages of their careers.

(j) SABBATICALS.—

(1) IN GENERAL.—The pilot program shall provide for an individual who is in a successive term after the first 8 years with the Department of Defense as a cybersecurity or legal professional under the pilot program to take, at the election of the individual, a paid or unpaid sabbatical from service with the Department for professional development or education purposes. The length of a sabbatical shall be any length not less than 6 months nor more than 1 year (unless a different period is approved by the Secretary of the military department or head of the organization or element of the Department concerned for purposes of this subsection). The purpose of any sabbatical shall be subject to advance approval by the organization or element in the Department in which the individual is currently performing service. The taking of a sabbatical shall be contingent on the written agreement of the individual concerned to serve with the Department for an appropriate length of time at the conclusion of the term of appointment in which the sabbatical commences, with the period of such service to be in addition to the period of such term of appointment.

(2) NUMBER OF SABBATICALS.—An individual may take more than one sabbatical under this subsection.

(3) REPAYMENT.—Except as provided in paragraph (4), an individual who fails to satisfy a written agreement executed under paragraph (1) with respect to a sabbatical shall repay the Department an amount equal to any pay, allowances, and other benefits received by the individual from the Department during the period of the sabbatical.

(4) WAIVER OF REPAYMENT.—An agreement under paragraph (1) may include such conditions for the waiver of repayment otherwise required under paragraph (3) for failure to satisfy such agreement as the Secretary specifies in such agreement.

(k) REGULATIONS.—The Secretary of Defense shall administer the pilot program under regulations prescribed by the Secretary for purposes of the pilot program.

(l) TERMINATION.—

(1) IN GENERAL.—The authority of the Secretary of Defense to appoint individuals for service with the Department of Defense as cybersecurity or legal professionals under the pilot program shall expire on December 31, 2029.

(2) EFFECT ON EXISTING APPOINTMENTS.—The termination of authority in paragraph (1) shall not be construed to terminate or otherwise affect any appointment made under this section before December 31, 2029, that remains valid as of that date.

(m) IMPLEMENTATION.—

(1) INTERIM FINAL RULE.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall prescribe an interim final rule to implement the pilot program.

(2) FINAL RULE.—Not later than 180 days after prescribing the interim final rule under paragraph (1) and considering public comments with respect to such interim final rule, the Secretary shall prescribe a final rule to implement the pilot program.

(3) OBJECTIVES.—The regulations prescribed under paragraphs (1) and (2) shall accomplish the objectives set forth in subsections (a) through (j) and otherwise ensure flexibility and expedited appointment of cybersecurity and legal professionals in the Department of Defense under the pilot program.

(n) REPORTS.—

(1) REPORTS REQUIRED.—Not later than January 30 of each of 2022, 2025, and 2028, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the carrying out of the pilot program. Each report shall include the following:

(A) A description and assessment of the carrying out of the pilot program during the period since the commencement of the pilot program or the previous submittal of a report under this subsection, as applicable.

(B) A description and assessment of the successes in and impediments to carrying out the pilot program system during such period.

(C) Such recommendations as the Secretary considers appropriate for legislative action to improve the pilot program and to otherwise improve civilian personnel management of cybersecurity and legal professionals by the Department of Defense.

(D) In the case of the report submitted in 2028, an assessment and recommendations by the Secretary on whether to make the pilot program permanent.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

SEC. 1111. ESTABLISHMENT OF SENIOR SCIENTIFIC TECHNICAL MANAGERS AT MAJOR RANGE AND TEST FACILITY BASE FACILITIES AND DEFENSE TEST RESOURCE MANAGEMENT CENTER.

Section 2358a of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting ", each facility of the Major Range and Test Facility Base, and the Defense Test Resource Management Center" after "each STRL"; and

(ii) in subparagraph (A), by inserting ", of such facility of the Major Range and Test Facility Base, or the Defense Test Resource Management Center"; and

(B) in paragraph (2)—

(i) by striking "The positions" and inserting "(A) The laboratory positions"; and

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

"(B) The test and evaluation positions described in paragraph (1) may be filled, and shall be managed, by the director of the Major Range and Test Facility Base, in the case of a position at a facility of the Major Range and Test Facility Base, and the director of the Defense Test Resource Management Center, in the case of a position at such center, under criteria established pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2358 note), relating to personnel demonstration projects at laboratories of the Department of Defense, except that the director involved shall determine the number of such positions at each facility of the Major Range and Test Facility Base and the Defense Test Resource Management Center, not to exceed two percent of the number of scientists and engineers, but at least one position, employed at the Major Range and Test Facility Base or the Defense Test Resource Management Center, as the case may be, as of the close of the last fiscal year before the fiscal year in which any

appointments subject to those numerical limitations are made."; and

(2) in subsection (f)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (4), respectively;

(B) by inserting before paragraph (2), as redesignated by subparagraph (A), the following new paragraph (1):

"(1) The term 'Defense Test Resource Management Center' means the Department of Defense Test Resource Management Center established under section 196 of this title."; and

(C) by inserting after paragraph (2), as so redesignated, the following new paragraph:

"(3) The term 'Major Range and Test Facility Base' means the test and evaluation facilities and resources that are designated by the Secretary of Defense as facilities and resources comprising the Major Range and Test Facility Base.".

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Subtitle B—Matters Relating to Afghanistan and Pakistan

Subtitle C—Matters Relating to Syria, Iraq, and Iran

Subtitle A—Assistance and Training

SEC. 1201. ONE-YEAR EXTENSION OF LOGISTICAL SUPPORT FOR COALITION FORCES SUPPORTING CERTAIN UNITED STATES MILITARY OPERATIONS.

Section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 394), as most recently amended by section 1201 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2473), is further amended—

(1) in subsection (a), by striking "fiscal year 2017" and inserting "fiscal year 2018";

(2) in subsection (d), by striking "during the period beginning on October 1, 2016, and ending on December 31, 2017" and inserting "during the period beginning on October 1, 2017, and ending on December 31, 2018"; and

(3) in subsection (e)(1), by striking "December 31, 2017" and inserting "December 31, 2018".

SEC. 1202. SUPPORT OF SPECIAL OPERATIONS FOR IRREGULAR WARFARE.

(a) AUTHORITY.—The Secretary of Defense may, with the concurrence of the relevant Chief of Mission, expend up to $10,000,000 during each of fiscal years 2018 through 2020 to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing and authorized irregular warfare operations by United States Special Operations Forces.

(b) FUNDS.—

(1) IN GENERAL.—Funds for support under this section in a fiscal year shall be derived from amounts authorized to be appropriated for that fiscal year for the Department of Defense for operation and maintenance.

(2) LIMITATION.—Funds may not be made available under paragraph (1) until 15 days after the submittal of the strategy required by section 1097 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1020).

(c) PROCEDURES.—

(1) IN GENERAL.—The authority in this section shall be exercised in accordance with such procedures as the Secretary shall establish for purposes of this section.

(2) ELEMENTS.—The procedures required under paragraph (1) shall establish, at a minimum, the following:

(A) Policy guidance for the execution of, and constraints within, activities under the authority in this section.

(B) The processes through which activities under the authority in this section are to be developed, validated, and coordinated, as appropriate, with relevant entities of the United States Government.

(C) The processes through which legal reviews and determinations are made to comply with the authority in this section and ensure that the exercise of such authority is consistent with the national security of the United States.

(3) NOTICE TO CONGRESS ON PROCEDURES AND MATERIAL MODIFICATIONS.—The Secretary shall notify the congressional defense committees of the procedures established pursuant to this section before any exercise of the authority in this section, and shall notify such committee of any material modification of the procedures.

(d) NOTIFICATION.—

(1) IN GENERAL.—Not later than 15 days before exercising the authority in this section to make funds available to initiate support of an ongoing and authorized operation or changing the scope or funding level of any support under this section for such an operation by $500,000 or an amount equal to 10 percent of such funding level (whichever is less), the Secretary shall notify the congressional defense committees of the use of such authority with respect to such operation. Any such notification shall be in writing.

(2) ELEMENTS.—A notification required by this subsection shall include the following:

(A) The type of support to be provided to United States Special Operations Forces, and a description of the ongoing and authorized operation to be supported.

(B) A description of the foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating the ongoing and authorized operation that is to be the recipient of funds.

(C) The type of support to be provided to the recipient of the funds, and a description of the end-use monitoring to be used in connection with the use of the funds.

(D) The amount obligated under the authority to provide support.

(E) The determination of the Secretary that the provision of support does not constitute any of the following:

(i) A specific authorization within the meaning of section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)) for the introduction of United States Armed Forces into hostilities or situations wherein hostilities are clearly indicated by circumstances.

(ii) A covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 3093(e)).

(iii) An authorization for the provision of support to regular forces, irregular forces, groups or individuals for the conduct of operations that United States Special Operations Forces are not otherwise legally authorized to conduct themselves.

(iv) The conduct or support of activities, whether directly or indirectly, that are inconsistent with the laws of armed conflict.

(e) LIMITATION ON DELEGATION.—The authority of the Secretary to make funds available under this section for support of a military operation may not be delegated.

(f) CONSTRUCTION OF AUTHORITY.—Nothing in this section shall be construed to constitute a specific statutory authorization for any of the following:

(1) The conduct of a covert action, as such term is defined in section 503(e) of the National Security Act of 1947.

(2) The introduction of United States Armed Forces, within the meaning of section 5(b) of the War Powers Resolution, into hostilities or into situations wherein hostilities are clearly indicated by the circumstances.

(3) The provision of support to regular forces, irregular forces, groups, or individuals for the conduct of operations that United States Special Operations Forces are not otherwise legally authorized to conduct themselves.

(4) The conduct or support of activities, directly or indirectly, that are inconsistent with the laws of armed conflict.

(g) PROGRAMMATIC AND POLICY OVERSIGHT.—The Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict shall have primary programmatic and policy oversight within the Office of the Secretary of Defense of support to irregular warfare activities authorized by this section.

(h) BIANNUAL REPORTS.—

(1) REPORT ON PRECEDING FISCAL YEAR.—Not later than 120 days after the close of each fiscal year in which subsection (a) is in effect, the Secretary shall submit to the congressional defense committees a report on the support provided under this section during the preceding fiscal year.

(2) REPORT ON CURRENT CALENDAR YEAR.—Not later than 180 days after the submittal of each report required by paragraph (1), the Secretary shall submit to the congressional defense committees a report on the support provided under this section during the first half of the fiscal year in which the report under this paragraph is submitted.

(3) ELEMENTS.—Each report required by this subsection shall include the following:

(A) A summary of the ongoing irregular warfare operations, and associated authorized campaign plans, being conducted by United States Special Operations Forces that were supported or facilitated by foreign forces, irregular

forces, groups, or individuals for which support was provided under this section during the period covered by such report.

(B) A description of the support or facilitation provided by such foreign forces, irregular forces, groups, or individuals to United States Special Operations Forces during such period.

(C) The type of recipients that were provided support under this section during such period, identified by authorized category (foreign forces, irregular forces, groups, or individuals).

(D) A detailed description of the support provided to the recipients under this section during such period.

(E) The total amount obligated for support under this section during such period, including budget details.

(F) The intended duration of support provided under this section during such period.

(G) An assessment of value of the support provided under this section during such period, including a summary of significant activities undertaken by foreign forces, irregular forces, groups, or individuals to support irregular warfare operations by United States Special Operations Forces.

(H) The total amount obligated for support under this section in prior fiscal years.

(i) IRREGULAR WARFARE DEFINED.—In this section, the term "irregular warfare" means activities in support of predetermined United States policy and military objectives conducted by, with, and through regular forces, irregular forces, groups, and individuals participating in competition between state and non-state actors short of traditional armed conflict.

SEC. 1203. OBLIGATION OF FUNDS IN SPECIAL DEFENSE ACQUISITION FUND FOR PRECISION GUIDED MUNITIONS.

(a) IN GENERAL.—Section 114(c)(3) of title 10, United States Code, is amended by striking "Of the amount" and all that follows through "only to procure" and inserting "Of the amount of annual obligations from the Special Defense Acquisition Fund in each of fiscal years 2018 through 2022, not less than 20 percent shall be for funds to procure".

10 USC 114 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of October 1, 2017.

SEC. 1204. MODIFICATION OF DEFENSE INSTITUTION CAPACITY BUILDING AND AUTHORITY TO BUILD CAPACITY OF FOREIGN SECURITY FORCES.

(a) DEFENSE INSTITUTION CAPACITY BUILDING.—Section 332 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting "and members of the armed forces" after "civilian employees of the Department of Defense";

(2) in subsection (b)—

(A) in paragraph (1), by inserting "to assign civilian employees of the Department of Defense and members of the armed forces as advisors or trainers" after "carry out a program"; and

(B) in paragraph (2)(B)—

(i) by striking "employees" in each place it appears and inserting "advisors or trainers"; and

(ii) by striking "each assigned employee's activities" and inserting "the activities of each assigned advisor or trainer"; and

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting "or a member of the armed forces" after "a civilian employee of the Department of Defense";

(B) in paragraph (1), by striking "employee as an advisor" and inserting "advisor or trainer"; and

(C) in paragraph (3), by striking "employee" and inserting "advisor or trainer".

(b) AUTHORITY TO BUILD CAPACITY OF FOREIGN SECURITY FORCES.—Subsection (c) of section 333 of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "and the rule of law" and inserting "the rule of law, and civilian control of the military"; and

(B) in subparagraph (B), by striking "Respect for civilian control of the military" and inserting "Institutional capacity building";

(2) in paragraph (3)—

(A) in the heading, by striking "HUMAN RIGHTS TRAINING" and inserting "OBSERVANCE OF AND RESPECT FOR THE LAW OF ARMED CONFLICT, HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, THE RULE OF LAW, AND CIVILIAN CONTROL OF THE MILITARY";

(B) by inserting "or the Department of State" after "Department of Defense"; and

(C) by striking "human rights training that includes a comprehensive curriculum on human rights and the law of armed conflict" and inserting "training that includes a comprehensive curriculum on the law of armed conflict, human rights and fundamental freedoms, and the rule of law, and that enhances the capacity to exercise responsible civilian control of the military"; and

(3) in paragraph (4)—

(A) in the first sentence, by striking "that the Department is already undertaking, or will undertake as part of the program" and all that follows and inserting "that the Department of Defense or another department or agency is already undertaking, or will undertake as part of the security sector assistance provided to the foreign country concerned, a program of institutional capacity building with appropriate institutions of such foreign country to enhance the capacity of such foreign country to organize, administer, employ, manage, maintain, sustain, or oversee the national security forces of such foreign country."; and

(B) by striking the second sentence.

SEC. 1205. EXTENSION AND MODIFICATION OF AUTHORITY ON TRAINING FOR EASTERN EUROPEAN NATIONAL SECURITY FORCES IN THE COURSE OF MULTILATERAL EXERCISES.

(a) TWO-YEAR EXTENSION.—Subsection (h) of section 1251 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1070; 10 U.S.C. 2282 note), as amended

by section 1233 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2489), is further amended—

(1) by striking "September 30, 2018" and inserting "December 31, 2020"; and

(2) by striking "fiscal years 2016 through 2018" and inserting "for the period beginning on October 1, 2015, and ending on December 31, 2020".

(b) REGULATIONS FOR ADMINISTRATION OF INCREMENTAL EXPENSES.—Subsection (d) of such section, as so amended, is further amended by adding at the end the following:

"(4) REGULATIONS.—

"(A) IN GENERAL.—The Secretary of Defense shall prescribe regulations for payment of incremental expenses under subsection (a). Not later than 120 days after the date of the enactment of this paragraph, the Secretary shall submit the regulations to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

"(B) PROCEDURES TO BE INCLUDED.—The regulations required under subparagraph (A) shall include procedures—

"(i) to require reimbursement of incremental expenses from non-developing countries determined pursuant to subsection (c) to be eligible for the provision of training under subsection (a); and

"(ii) to provide for a waiver of the requirement of reimbursement of incremental expenses under clause (i), on a case-by-case basis, if the Secretary of Defense determines special circumstances exist to provide for the waiver.

"(C) QUARTERLY REPORT.—The Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, on a quarterly basis, a report that includes a description of each waiver of the requirement of reimbursement of incremental expenses under subparagraph (B)(i) that was in effect at any time during the preceding calendar quarter.

"(D) NON-DEVELOPING COUNTRY DEFINED.—In this paragraph, the term 'non-developing country' means a country that is not a developing country, as such term is defined in section 301(4) of title 10, United States Code.".

(c) CONSTRUCTION OF AUTHORITY.—Subsection (f) of such section, as so amended, is further amended—

(1) by striking "subsection (a) is in addition" and inserting the following: "subsection (a)—

"(1) is in addition";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(2) shall not be construed to include authority for the training of irregular forces, groups, or individuals.".

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Such section, as so amended, is further amended—

(1) by striking "military" each place it appears and inserting "security";

(2) in subsection (e), by striking "that" and inserting "than";

(3) in subsection (f), by striking "section 2282" and inserting "chapter 16"; and

(4) in subsection (g), by striking "means" and all that follows and inserting "has the meaning given such term in section 301(5) of title 10, United States Code.".

SEC. 1206. GLOBAL SECURITY CONTINGENCY FUND.

Section 1207 of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 2151 note) is amended—

(1) in subsection (i), by striking "September 30, 2017" and inserting "September 30, 2019"; and

(2) in subsection (p)—

(A) by striking "September 30, 2017" and inserting "September 30, 2019"; and

(B) by striking "through 2017" and inserting "through 2019".

SEC. 1207. DEFENSE INSTITUTE OF INTERNATIONAL LEGAL STUDIES.

10 USC note prec. 341.

(a) IN GENERAL.—The Secretary of Defense may operate an institute to be known as the "Defense Institute of International Legal Studies" (in this section referred to as the "Institute") in accordance with this section to further the United States security and foreign policy objectives of—

(1) promoting an understanding of and appreciation for the rule of law; and

(2) encouraging the international development of internal capacities of foreign governments for civilian control of the military, military justice, the legal aspects of peacekeeping, good governance and anti-corruption in defense reform, and human rights.

(b) ACTIVITIES.—In carrying out the purposes specified in subsection (a), the Institute may conduct activities as follows:

(1) Exchange of ideas on best practices and lessons learned in order to improve compliance with international legal norms.

(2) Education and training involving professional legal engagement with foreign military personnel and related civilians, both within and outside the United States.

(3) Building the legal capacity of foreign military and other security forces, including equitable, transparent, and accountable defense institutions, civilian control of the military, human rights, and democratic governance.

(4) Institutional legal capacity building of foreign defense and security institutions.

(c) DEPARTMENT OF DEFENSE REVIEW.—

(1) IN GENERAL.—The Secretary shall conduct a comprehensive review of the mission, workforce, funding, and other support of the Institute.

(2) ELEMENTS.—The review shall include, but not be limited to, the following:

(A) An assessment of the scope of the mission of the Institute, taking into account the increasing security cooperation authorities and requirements of the Department of Defense, including core rule of law training in the United States and abroad, defense legal institution

building, and statutorily required human rights and legal capacity building of foreign security forces.

(B) An assessment of the workforce of the Institute, including whether it is appropriately sized to align with the full scope of the mission of the Institute.

(C) A review of the funding mechanisms for the activities of the Institute, including the current mechanisms for reimbursing the Institute by the Department of State and by the Department of Defense through the budget of the Defense Security Cooperation Agency.

(D) An evaluation of the feasibility and advisability of the provision of funds appropriated for the Department of Defense directly to the Institute, and the actions, if any, required to authorize the Institute to receive such funds directly.

(E) A description of the challenges, if any, faced by the Institute to increase its capacity to provide residence courses to meet demands for training and assistance.

(F) An assessment of the capacity of the Department of Defense to assess, monitor, and evaluate the effectiveness of the human rights training and other activities of the Institute.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report summarizing the findings of the review and any recommendations for enhancing the capability of the Institute to fulfill its mission that the Secretary considers appropriate.

(d) COMPTROLLER GENERAL OF THE UNITED STATES REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that sets forth the following:

(A) A description of the mechanisms and authorities used by the Department of Defense and the Department of State to conduct training of foreign security forces on human rights and international humanitarian law.

(B) A description of the funding used to support the training described in subparagraph (A).

(C) A description and assessment of the methodology used by each of the Department of Defense and the Department of State to assess the effectiveness of such training.

(D) Such recommendations for improvements to such training as the Comptroller General considers appropriate.

(E) Such other matters relating to such training as the Comptroller General considers appropriate.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 1208. EXTENSION OF PARTICIPATION IN AND SUPPORT OF THE INTER-AMERICAN DEFENSE COLLEGE.

Subsection (c) of section 1243 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2516; 10 U.S.C. 1050 note) is amended—

(1) in the heading, by striking "FISCAL YEAR 2017" and inserting "FISCAL YEARS 2017, 2018, AND 2019"; and

(2) by striking "fiscal year 2017" and inserting "fiscal years 2017, 2018, and 2019".

SEC. 1209. PLAN ON IMPROVEMENT OF ABILITY OF NATIONAL SECURITY FORCES OF FOREIGN COUNTRIES PARTICIPATING IN UNITED STATES CAPACITY BUILDING PROGRAMS TO PROTECT CIVILIANS.

(a) REPORT ON PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a report setting forth a plan, to be implemented as part of appropriate capacity building programs under section 333(c) of title 10, United States Code, to improve the ability of national security forces of foreign countries to protect civilians.

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

(1) Efforts to develop and integrate principles and techniques on the protection of civilians in relevant partner force standard operating procedures.

(2) Efforts to build partner capacity to collect, track, and analyze civilian casualty data and apply lessons learned to future operations.

(3) Efforts to support enhanced investigatory and accountability standards in partner forces in order to ensure that such forces comply with the laws of armed conflict and observe appropriate standards for human rights and the protection of civilians.

(4) Efforts to increase partner transparency, which may include the establishment of capabilities within partner militaries to improve communication with the public.

(5) The estimated resources required to implement the efforts described in paragraphs (1) through (4).

(6) The appropriate roles of the Department of Defense and the Department of State in such efforts.

(7) Any other matters the Secretary of Defense and the Secretary of State consider appropriate.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

Subtitle B—Matters Relating to Afghanistan and Pakistan

SEC. 1211. EXTENSION OF AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN.

(a) EXTENSION OF EXPIRATION.—Subsection (h) of section 1222 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1992), as most recently amended by section 1213 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2478), is further amended by striking "December 31, 2017" and inserting "December 31, 2018".

(b) EXCESS DEFENSE ARTICLES.—Subsection (i)(2) of such section 1222, as so amended, is further amended by striking "December 31, 2017" each place it appears and inserting "December 31, 2018".

SEC. 1212. EXTENSION AND MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) EXTENSION.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as most recently amended by section 1218 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2482), is further amended by striking "the period beginning on October 1, 2016, and ending on December 31, 2017," and inserting "the period beginning on October 1, 2017, and ending on December 31, 2018,".

(b) LIMITATIONS ON AMOUNTS AVAILABLE.—Subsection (d)(1) of such section 1233, as so amended, is further amended—

(1) in the first sentence, by striking "during the period beginning on October 1, 2016, and ending on December 31, 2017, may not exceed $1,100,000,000" and inserting "during the period beginning on October 1, 2017, and ending on December 31, 2018, may not exceed $900,000,000"; and

(2) in the second sentence, by striking "the period beginning on October 1, 2016 and ending on December 31, 2017, may not exceed $900,000,000" and inserting "during the period beginning on October 1, 2017, and ending on December 31, 2018, may not exceed $700,000,000".

(c) EXTENSION OF REPORTING REQUIREMENT ON REIMBURSEMENT OF PAKISTAN FOR SECURITY ENHANCEMENT ACTIVITIES.—Subsection (e)(2) of such section 1233, as added by section 1218 of the National Defense Authorization Act for Fiscal Year 2017, is amended by inserting "and annually thereafter," after "December 31, 2017,".

(d) EXTENSION OF NOTICE REQUIREMENT RELATING TO REIMBURSEMENT OF PAKISTAN FOR SUPPORT PROVIDED BY PAKISTAN.—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 393), as most recently amended by section 1218(e) of the National Defense Authorization Act for Fiscal Year 2017, is further amended by striking "December 31, 2017" and inserting "December 31, 2018".

(e) EXTENSION OF LIMITATION ON REIMBURSEMENT OF PAKISTAN PENDING CERTIFICATION ON PAKISTAN.—Section 1227(d)(1) of the

National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2001), as most recently amended by section 1218(f) of the National Defense Authorization Act for Fiscal Year 2017, is further amended by striking "for any period prior to December 31, 2017" and inserting "for any period prior to December 31, 2018".

(f) ADDITIONAL LIMITATION ON REIMBURSEMENT OF PAKISTAN PENDING CERTIFICATION ON PAKISTAN.—Of the total amount of reimbursements and support authorized for Pakistan during fiscal year 2018 pursuant to the second sentence of section 1233(d)(1) of the National Defense Authorization Act for Fiscal Year 2008 (as amended by subsection (b)(2)), $350,000,000 shall not be eligible for the waiver under section 1227(d)(2) of the National Defense Authorization Act for Fiscal Year 2013 (126 Stat. 2001) unless the Secretary of Defense certifies to the congressional defense committees that—

(1) Pakistan continues to conduct military operations that are contributing to significantly disrupting the safe havens, fundraising and recruiting efforts, and freedom of movement of the Haqqani Network in Pakistan;

(2) Pakistan has taken steps to demonstrate its commitment to prevent the Haqqani Network from using any Pakistan territory as a safe haven and for fundraising and recruiting efforts;

(3) the Government of Pakistan is making an attempt to actively coordinate with the Government of Afghanistan to restrict the movement of militants, such as the Haqqani Network, along the Afghanistan-Pakistan border; and

(4) Pakistan has shown progress in arresting and prosecuting senior leaders and mid-level operatives of the Haqqani Network.

SEC. 1213. SPECIAL IMMIGRANT VISAS FOR AFGHAN ALLIES.

Section 602(b)(3)(F) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended in the matter preceding clause (i) by striking "11,000" and inserting "14,500".

SEC. 1214. EXTENSION OF AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.

Section 801(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2399), as most recently amended by section 1212 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2478), is further amended by striking "December 31, 2018" and inserting "December 31, 2019".

SEC. 1215. EXTENSION OF SEMIANNUAL REPORT ON ENHANCING SECURITY AND STABILITY IN AFGHANISTAN.

Section 1225(a)(2) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3550), as amended by section 1215(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2480), is further amended by striking "December 15, 2019" and inserting "December 15, 2020".

10 USC 362 note.

SEC. 1216. HUMAN RIGHTS VETTING OF AFGHAN NATIONAL DEFENSE AND SECURITY FORCES.

The Secretary of Defense may establish within the Department of Defense one or more permanent positions to oversee and support, in coordination with the Department of State, the implementation of section 362 of title 10, United States Code, with respect to the Afghan National Defense and Security Forces.

Subtitle C—Matters Relating to Syria, Iraq, and Iran

SEC. 1221. REPORT ON UNITED STATES STRATEGY IN SYRIA.

(a) IN GENERAL.—Not later than February 1, 2018, the President shall submit to the appropriate congressional committees a report that describes the strategy of the United States in Syria.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include each of the following:

(1) A description of—

(A) the key United States security interests and the political and military objectives, long-term goals, and end-states for Syria; and

(B) indicators for the effectiveness of efforts to achieve such objectives, goals, and end-states.

(2) A description of United States assumptions underlying current intelligence assessments, the roles and ambitions of other countries, and the interests of relevant Syrian groups with respect to such objectives.

(3) A description of how current military, diplomatic, and humanitarian assistance efforts in Syria align with such objectives.

(4) The estimated annual resources required through fiscal year 2022 for the relevant departments and agencies to achieve such objectives.

(5) An analysis of the threats posed to United States interests, including to United States military or civilian personnel in Syria or the surrounding region, by Russian and Iranian activities in Syria, as well as the threats posed to such interests or personnel by the Islamic State of Iraq and Syria, Al Qaeda, Hezbollah, and other violent extremist organizations in Syria.

(6) A description of United States objectives for a sustainable political settlement in Syria.

(7) A description of the coordination between the Department of Defense and the Department of State regarding the transition from military operations to stabilization efforts in areas liberated from the control of the Islamic State of Iraq and Syria, including a description of how local governance and civil society will be restored in areas secured through coalition military operations in Syria.

(8) A description of the current and planned response of the United States to the humanitarian crisis in Syria as a result of attacks by the Syrian Government on its people, including support for the needs of refugees and internally displaced populations and for improving access to humanitarian aid, especially in areas where such aid has been blocked.

(9) A description of amounts and sources of Islamic State of Iraq and Syria financing in Syria and efforts to disrupt this financing as part of the broader strategy of the United States in Syria.

(10) An assessment of the capabilities and willingness of the Syrian government and its allies to use chemical or other weapons of mass destruction against its citizens or against United States and associated military forces in Syria.

(11) A description of the roles and responsibilities of United States allies and partners and other countries in the region in establishing regional stability.

(12) A description of all mechanisms for coordination and deconfliction between the United States and the governments of Russia and other state actors in order to achieve the United States strategy in Syria.

(13) A description of the current legal authorities that support the strategy of the United States in Syria and any additional legal authorities that may be necessary to implement such strategy.

(14) A description of the military conditions that must be met for the Islamic State of Iraq and Syria to be considered defeated.

(15) Any other matters the President determines to be relevant.

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

(1) the congressional defense committees; and

(2) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 1222. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND SYRIA.

(a) AUTHORITY.—Subsection (a) of section 1236 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3559), as most recently amended by section 1222 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2485), is further amended by striking "December 31, 2018" and inserting "December 31, 2019".

(b) QUARTERLY PROGRESS REPORT.—Subsection (d) of such section 1236, as most recently amended by section 1222 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1049), is further amended—

(1) in the first sentence of the matter preceding paragraph (1), by adding at the end before the period the following: ", which shall be provided in unclassified form with a classified annex if necessary"; and

(2) by adding at the end the following:

"(12) An assessment of—

"(A) security in liberated areas in Iraq;

"(B) the extent to which security forces trained and equipped, directly or indirectly, by the United States are prepared to provide post-conflict stabilization and security in such liberated areas; and

"(C) the effectiveness of security forces in the post-conflict environment and an identification of which such forces will provide post-conflict stabilization and security in such liberated areas.".

(c) CLARIFICATION OF CONSTRUCTION AUTHORITY.—

(1) CLARIFICATION.—Subsection (a) of such section 1236 is further amended by striking "facility and infrastructure repair and renovation," and inserting "infrastructure repair and renovation, small-scale construction of temporary facilities necessary to meet urgent operational or force protection requirements with a cost less than $4,000,000,".

(2) ADDITIONAL LIMITATIONS AND REQUIREMENTS.—Such section 1236 is further amended by adding at the end the following new subsections:

"(m) LIMITATION ON AGGREGATE COST OF CONSTRUCTION, REPAIR, AND RENOVATION PROJECTS.—The aggregate amount of construction, repair, and renovation projects carried out under this section in any fiscal year may not exceed $30,000,000.

"(n) APPROVAL AND NOTICE BEFORE CERTAIN CONSTRUCTION, REPAIR, AND RENOVATION PROJECTS.—

"(1) APPROVAL.—A construction, repair, or renovation project costing more than $1,000,000 may not be carried out under this section unless approved in advance by the Commander of the United States Central Command.

"(2) NOTICE.—When a decision is made to carry out a construction, repair, or renovation project to which paragraph (1) applies, the Commander of the United States Central Command shall notify in writing the appropriate committees of Congress of that decision, including the justification for the project and the estimated cost of the project. The project may be carried out only after the end of the 21-day period beginning on the date the notification is received by the committees or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of title 10, United States Code.".

(3) ELEMENT IN QUARTERLY REPORTS ON CONSTRUCTION, REPAIR, AND RENOVATION.—Paragraph (8) of subsection (d) of such section 1236 is amended to read as follows:

"(8) A list of new projects for construction, repair, or renovation commenced during the period covered by such progress report, and a list of projects for construction, repair, or renovation continuing from the period covered by the preceding progress report.".

(d) FUNDING.—Subsection (g) of such section 1236, as most recently amended by section 1222 of the National Defense Authorization Act for Fiscal Year 2017, is further amended—

(1) by striking "in the National Defense Authorization Act for Fiscal Year 2017 for Overseas Contingency Operations in title XV for fiscal year 2017" and inserting "for the Department of Defense for Overseas Contingency Operations for fiscal year 2018"; and

(2) by striking "$630,000,000" and inserting "$1,269,000,000".

(e) NAME OF ISLAMIC STATE OR IRAQ AND SYRIA.—

(1) IN GENERAL.—Such section 1236 is further amended—

(A) in subsection (a)(1)—

(i) by striking "the Levant" and inserting "Syria"; and

(ii) by striking "ISIL" each place it appears and inserting "ISIS"; and

(B) in subsection (l)—

(i) in paragraph (1)(B)(i), by striking "the Levant (ISIL)" and inserting "Syria (ISIS)"; and

(ii) in paragraph (2)(A), by striking "ISIL" and inserting "ISIS".

(2) HEADING AMENDMENT.—The heading of such section 1236 is amended to read as follows:

"SEC. 1236. AUTHORITY TO PROVIDE ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND SYRIA.".

SEC. 1223. MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE TO THE VETTED SYRIAN OPPOSITION.

(a) NATURE OF ASSISTANCE.—Subsection (a) of section 1209 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3541), as amended by section 1221(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2485), is further amended in the matter preceding paragraph (1) by striking "construction of training and associated facilities" and inserting "construction and repair of training and associated facilities or other facilities necessary to meet urgent military operational requirements of a temporary nature with a cost less than $4,000,000".

(b) SCOPE OF ELEMENT ON CONSTRUCTION PROJECTS IN QUARTERLY PROGRESS REPORTS.—Subsection (d)(9) of such section 1209 is amended by inserting before the semicolon the following: ", including new construction or repair commenced during the period covered by such progress report and construction and repair continuing from the period covered by the preceding progress report".

(c) INFORMATION ACCOMPANYING REPROGRAMMING REQUESTS.—Subsection (f)(2) of such section 1209, as amended by section 1221(b) of the National Defense Authorization Act for Fiscal Year 2017, is further amended by adding at the end the following new subparagraph:

"(C) A description of any material use of assistance provided under subsection (a) by an appropriately vetted recipient of such assistance for a purpose other than the purposes specified in subsection (a) that occurred since the most recent reprogramming or transfer request of the Secretary pursuant to this subsection, which description shall set forth, for each such material misuse, the following:

"(i) The details of such material misuse.

"(ii) The recipient or recipients responsible for such material misuse.

"(iii) The consequences of such material misuse.

"(iv) The actions taken by the Secretary to remediate the causes and effects of such material misuse.".

(d) LIMITATION ON AGGREGATE COST OF CONSTRUCTION AND REPAIR PROJECTS.—Such section 1209 is further amended by adding at the end the following new subsection:

"(l) LIMITATION ON AGGREGATE COST OF CONSTRUCTION AND REPAIR PROJECTS.—The aggregate amount of construction and

repair projects carried out under this section in any fiscal year may not exceed $10,000,000.".

(e) APPROVAL AND NOTICE BEFORE CERTAIN CONSTRUCTION AND REPAIR PROJECTS.—Such section 1209 is further amended by adding at the end the following new subsection:

"(m) APPROVAL AND NOTICE BEFORE CERTAIN CONSTRUCTION AND REPAIR PROJECTS.—

"(1) APPROVAL.—A construction or repair project costing more than $1,000,000 may not be carried out under this section unless approved in advance by the Commander of the United States Central Command.

"(2) NOTICE.—When a decision is made to carry out a construction or repair project to which paragraph (1) applies, the Commander of the United States Central Command shall notify in writing the appropriate committees of Congress of that decision, including the justification for the project and the estimated cost of the project. The project may be carried out only after the end of the 21-day period beginning on the date the notification is received by the committees or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of title 10, United States Code.".

SEC. 1224. EXTENSION AND MODIFICATION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) EXTENSION OF AUTHORITY.—Subsection (f)(1) of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 113 note) is amended by striking "fiscal year 2017" and inserting "fiscal year 2018".

(b) AMOUNT AVAILABLE.—

(1) IN GENERAL.—Such section is further amended—

(A) in subsection (c), by striking "fiscal year 2017 may not exceed $70,000,000" and inserting "fiscal year 2018 may not exceed $42,000,000"; and

(B) in subsection (d), by striking "fiscal year 2017" and inserting "fiscal year 2018".

(2) LIMITATION OF USE OF FY18 FUNDS PENDING PLAN.—Of the amount available for fiscal year 2018 for section 1215 of the National Defense Authorization Act for Fiscal Year 2012, as amended by this section, not more than 50 percent may be obligated or expended until 30 days after the date on which the plan required by the joint explanatory statement to accompany the conference report on S.2943 of the 114th Congress, the National Defense Authorization Act for Fiscal Year 2017, and entitled "To transition the activities conducted by OSC-I but funded by the Department of Defense to another entity or transition the funding of such activities to another source" is provided to the appropriate committees of Congress.

(c) CLARIFICATION OF OSC-I MANDATE AND EXPANSION OF ELIGIBLE RECIPIENTS.—Subsection (f) of such section 1215 is further amended—

(1) in paragraph (1), by striking "training activities in support of Iraqi Ministry of Defense and Counter Terrorism Service personnel" and all that follows and inserting "activities to support the following:

"(A) Defense institution building to mitigate capability gaps and promote effective and sustainable defense institutions.

"(B) Professionalization, strategic planning and reform, financial management, manpower management, and logistics management of military and other security forces with a national security mission."; and

(2) in paragraph (2)—

(A) in the heading, by striking "OF TRAINING"; and

(B) by striking "training" and inserting "activities of the Office of Security Cooperation in Iraq".

SEC. 1225. MODIFICATION AND ADDITIONAL ELEMENTS IN ANNUAL REPORT ON THE MILITARY POWER OF IRAN.

(a) IN GENERAL.—Section 1245(b) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 113 note) is amended—

(1) in paragraph (5)—

(A) by inserting "and from" after "transfers to";

(B) by striking "from non-Iranian sources" and inserting "from or to non-Iranian sources or destinations"; and

(C) by inserting before the period at the end the following: ", including transfers that pertain to nuclear development, ballistic missiles, and chemical, biological, and advanced conventional weapons, weapon systems, and delivery vehicles"; and

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

"(6) An assessment of the use of civilian transportation assets and infrastructure, including commercial aircraft, airports, commercial vessels, and seaports, used to transport illicit military cargo to or from Iran, including military personnel, military goods, weapons, military-related electric parts, and related components.

"(7) An assessment of military-to-military cooperation between Iran and foreign counties, including Cuba, North Korea, Pakistan, Sudan, Syria, Venezuela, and any other country designated by the Secretary of Defense with additional reference to cooperation and collaboration on the development of nuclear, biological, chemical, and advanced conventional weapons, weapon systems, and delivery vehicles.

"(8) An assessment of the extent to which the commercial aviation sector of Iran knowingly provides financial, material, or technological support to the Islamic Revolutionary Guard Corps, the Ministry of Defense and Armed Forces Logistics of Iran, the Bashar al-Assad regime, Hezbollah, Hamas, Kata'ib Hezbollah, or any other foreign terrorist organization.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to reports required to be submitted under section 1245 of the National Defense Authorization Act for Fiscal Year 2010 after that date. 10 USC 113 note.

SEC. 1226. EXTENSION OF QUARTERLY REPORTS ON CONFIRMED BALLISTIC MISSILE LAUNCHES FROM IRAN AND IMPOSITION OF SANCTIONS IN CONNECTION WITH THOSE LAUNCHES.

Section 1226(e) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2487) is amended by striking "December 31, 2019" and inserting "December 31, 2022".

SEC. 1227. LIMITATION ON USE OF FUNDS FOR PROVISION OF MAN-PORTABLE AIR DEFENSE SYSTEMS TO THE VETTED SYRIAN OPPOSITION.

(a) LIMITATION.—If a determination is made during fiscal year 2018 to use funds available to the Department of Defense for that fiscal year to provide man-portable air defense systems (MANPADs) to the vetted Syrian opposition pursuant to the authority in section 1209 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3541), such funds may not be used for that purpose until—

(1) the Secretary of Defense and the Secretary of State jointly submit to the appropriate congressional committees a report on the determination; and

(2) 30 days elapse after the date of the submittal of such report to the appropriate congressional committees.

(b) REPORT REQUIREMENTS.—The report under subsection (a) shall set forth the following:

(1) A description of each element of the vetted Syrian opposition that will provided man-portable air defense systems as described in subsection (a), including—

(A) the geographic location of such element;

(B) a detailed intelligence assessment of such element;

(C) a description of the alignment of such element within the broader conflict in Syria; and

(D) a description and assessment of the assurance, if any, received by the commander of such element in connection with the provision of man-portable air defense systems.

(2) The number and type of man-portable air defense systems to be so provided.

(3) The logistics plan for providing and resupplying each element to be so provided man-portable air defense systems with additional man-portable air defense systems.

(4) The duration of support to be provided in connection with the provision of man-portable air defense systems.

(5) The justification for the provision of man-portable air defense systems to each element of the vetted Syrian opposition, including an explanation of the purpose and expected employment of such systems.

(6) Any other matters that the Secretary of Defense and the Secretary of State jointly consider appropriate.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" has the meaning given that term in section 1209(e)(2) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3541).

SEC. 1228. REPORT ON AGREEMENT WITH THE GOVERNMENT OF THE RUSSIAN FEDERATION ON THE STATUS OF SYRIA.

(a) IN GENERAL.—Not later than 5 calendar days after reaching any agreement with the Government of the Russian Federation relating to a political settlement or long-term territorial control in Syria, the President shall transmit to Congress a report on the agreement.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include—

(1) the text of the agreement, including all related materials and annexes;

(2) a list of all parties to the agreement;

(3) an explanation of each of the terms established by the agreement;

(4) a description of each of the obligations established by the agreement; and

(5) a description of any territorial demarcations, apportionments, or areas of control contemplated by the agreement.

Subtitle D—Matters Relating to the Russian Federation

SEC. 1231. EXTENSION OF LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION.

Section 1232 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2488) is amended—

(1) in subsection (a)—

(A) by inserting "or 2018" after "fiscal year 2017"; and

(B) by inserting "in the fiscal year concerned" after "may be used"; and

(2) in subsection (c), by inserting "with respect to funds for a fiscal year" after "the limitation in subsection (a)".

SEC. 1232. PROHIBITION ON AVAILABILITY OF FUNDS RELATING TO SOVEREIGNTY OF THE RUSSIAN FEDERATION OVER CRIMEA.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the Department of Defense may be obligated or expended to implement any activity that recognizes the sovereignty of the Russian Federation over Crimea.

(b) WAIVER.—The Secretary of Defense, with the concurrence of the Secretary of State, may waive the restriction on the obligation or expenditure of funds required by subsection (a) if the Secretary—

(1) determines that to do so is in the national security interest of the United States; and

(2) submits a notification of the waiver, at the time the waiver is invoked, to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1233. SENSE OF CONGRESS ON EUROPEAN SECURITY.

(a) FINDINGS.—Congress finds the following:

(1) Russia's ongoing aggressive actions, including its invasions of Georgia in 2008 and Ukraine in 2014, threats to North Atlantic Treaty Organization (NATO) allies, rapid military modernization, advanced anti-access and area denial capabilities, increasing military activity in the Arctic region and Mediterranean Sea, evolving nuclear doctrine and capabilities, and violations of the Intermediate-Range Nuclear Forces Treaty Between the United States of America and the Union of Soviet Socialist Republics and the Treaty on Open Skies, constitute a major challenge to the security interests of the United States and its allies and partners in Europe.

(2) Russia's ongoing malign influence activities, including misinformation, disinformation, propaganda, cyberattacks, election interference, active measures, and hybrid warfare operations pose not only a threat to the security interests of the United States and its allies and partners in Europe, but to the integrity of Western democracies and the institutions and alliances they support.

(3) Russia's doctrine of "escalate to de-escalate", along with its tactical nuclear capabilities, threaten United States forces and European allies and exacerbate the risk of miscalculation and escalation in a crisis.

(4) The European Deterrence Initiative (EDI) continues to improve credible deterrence against Russian aggression by—

(A) training and equipping military forces of NATO allies and European partners;

(B) enhancing the indications and warning, interoperability, and logistics capabilities of United States allies and partners; and

(C) improving the agility and flexibility of partners and allies to address threats across the full spectrum of domains.

(5) A strong NATO alliance is the cornerstone of transatlantic security cooperation and the guarantor of peace and stability in Europe.

(6) The steps taken at the NATO 2014 Wales Summit and the NATO 2016 Warsaw Summit, including the adoption and implementation of the Readiness Action Plan (RAP), the formation of the Very High Joint Readiness Force (VJTF), the Enhanced Forward Presence (EFP) multinational battalions deployed to Estonia, Latvia, Lithuania, and Poland, and the Tailored Forward Presence in Romania and Bulgaria, have strengthened NATO readiness and collective defense.

(7) Montenegro's accession into NATO is a strong step toward strengthening the alliance, enhancing security and stability in Southeastern Europe, and reaffirming NATO's commitment to an "Open Door" policy.

(8) Cooperation with non-NATO allies and members of the Partnership for Peace program enhances security and stability in Europe.

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

(1) the United States should support a Europe whole, free, and at peace and the sovereign right of all European states to pursue integration into the Euro-Atlantic community through institutions such as NATO and the European Union;

(2) the United States should develop and implement a policy and strategy backed by all elements of United States

power to deter and, if necessary, defeat Russian aggression, which will require—

(A) enhancing United States military capability and capacity in Europe, including strong consideration of investments in increased permanently-stationed and continued rotational forces as well as the facilities and infrastructure necessary to support United States presence and training with its allies and partners; and

(B) strengthening United States capability and capacity to counter malign Russian influence, including Russian hybrid warfare operations short of traditional armed conflict, malicious Russian cyber activities, and Russia's use of misinformation, disinformation, and propaganda;

(3) investments that support the security and stability of Europe, including the EDI, and support to European countries in further developing their security capabilities, are in the long-term national security interests of the United States, and as such, funds for such efforts should be included in the President's base budget request for the Department of Defense in order to fully support United States combat capability in Europe, facilitate efficient planning and execution, and ensure budgetary transparency;

(4) the United States should maintain an ironclad commitment to its obligations under Article 5 of the North Atlantic Treaty, which declares that an "armed attack against one or more [NATO allies] shall be considered an attack against them all";

(5) while NATO allies have made progress toward high levels of defense spending, it is important that all NATO allies fulfill their commitments to levels and composition of defense expenditures as agreed upon at the NATO 2014 Wales Summit and NATO 2016 Warsaw Summit in order to uphold their obligations under Article 3 of the North Atlantic Treaty to "maintain and develop their individual and collective capacity to resist armed attack";

(6) NATO allies should continue to coordinate defense investments to both improve deterrence against Russian aggression and more appropriately balance defense spending across the alliance; and

(7) because the NATO alliance defends not only the common security of the United States and its NATO allies, but our common values as well, it is essential that all NATO allies uphold their obligations under the North Atlantic Treaty to "safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law".

SEC. 1234. MODIFICATION AND EXTENSION OF UKRAINE SECURITY ASSISTANCE INITIATIVE.

Section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1068), as amended by section 1237 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2494), is further amended—

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

"(12) Treatment of wounded Ukrainian soldiers in the United States in medical treatment facilities through the Secretarial Designee Program, including transportation, lodging, meals, and other appropriate non-medical support in connection with such treatment, and education and training for Ukrainian healthcare specialists such that they can provide continuing care and rehabilitation services for wounded Ukrainian soldiers.

"(13) Air defense and coastal defense radars.

"(14) Naval mine and counter-mine capabilities.

"(15) Littoral-zone and coastal defense vessels.";

(2) in subsection (c)—

(A) in paragraph (1), by striking "$175,000,000 of the funds available for fiscal year 2017 pursuant to subsection (f)(2)" and inserting "50 percent of the funds available for fiscal year 2018 pursuant to subsection (f)(3)";

(B) in paragraph (2)—

(i) in the first sentence, by striking ", and potential opportunities for privatization" and inserting ", sustainment, and inventory management"; and

(ii) in the second sentence, by inserting after "additional action is needed" the following: "and a description of the methodology used to evaluate whether Ukraine has made progress in defense institutional reforms relative to previously established goals and objectives"; and

(C) in paragraph (3)—

(i) by striking "fiscal year 2017" and inserting "fiscal year 2018"; and

(ii) by striking ", with not more than $100,000,000 available for the purposes as follows for any particular country";

(3) in subsection (f), by adding at the end the following: "(3) For fiscal year 2018, $350,000,000."; and

(4) in subsection (h), by striking "December 31, 2018" and inserting "December 31, 2020".

SEC. 1235. LIMITATION ON AVAILABILITY OF FUNDS RELATING TO IMPLEMENTATION OF THE OPEN SKIES TREATY.

(a) LIMITATION ON CONDUCT OF FLIGHTS.—

(1) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for any fiscal year after fiscal year 2017 for the Department of Defense for operation and maintenance, Defense-wide, or operation and maintenance, Air Force, may be obligated or expended to conduct any flight during such fiscal year for purposes of implementing the Open Skies Treaty until the date that is seven days after the date on which the President submits to the appropriate congressional committees a plan described in paragraph (2) with respect to such fiscal year.

(2) PLAN DESCRIBED.—The plan described in this paragraph is a plan developed by the Secretary of Defense, in coordination with the Secretary of State, the Chairman of the Joint Chiefs of Staff, and the Director of National Intelligence, that contains a description of the objectives for all planned flights described in paragraph (1) during such fiscal year.

(3) UPDATE.—To the extent necessary and appropriate, the Secretary of Defense, in coordination with the Secretary of

State, the Chairman of the Joint Chiefs of Staff, and the Director of National Intelligence, may update the plan described in paragraph (2) with respect to a fiscal year and submit the updated plan to the appropriate congressional committees.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Select Committee on Intelligence and Committee on Foreign Relations of the Senate and the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives.

(5) SUNSET.—The requirements of this subsection shall terminate on the date that is five years after the date of the enactment of this Act.

(b) PROHIBITION ON ACTIVITIES TO MODIFY UNITED STATES AIRCRAFT.—

(1) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for research, development, test, and evaluation, Air Force, for arms control implementation (PE 0305145F) or procurement, Air Force, for digital visual imaging system (BA–05, Line Item #1900) may be obligated or expended to carry out any activities to modify any United States aircraft for purposes of implementing the Open Skies Treaty until the Secretary of Defense submits to the appropriate congressional committees the certification described in paragraph (2) and the President submits to the appropriate congressional committees the certification described in paragraph (3).

(2) CERTIFICATION BY SECRETARY OF DEFENSE.—The certification described in this paragraph is a certification that contains a determination of the Secretary of Defense, without delegation, that modification of digital visual imaging systems in United States OC–135 aircraft under the Open Skies Treaty will provide superior digital imagery as compared to digital imagery that is available to the Department of Defense on a commercial basis.

(3) CERTIFICATION BY PRESIDENT.—

(A) IN GENERAL.—The certification described in this paragraph is a certification of the President that—

(i) the President has imposed treaty violations responses and legal countermeasures on the Russian Federation for its violations of the Open Skies Treaty; and

(ii) the President has fully informed the appropriate congressional committees of such responses and countermeasures.

(B) DELEGATION.—The President may delegate the responsibility for making a certification under subparagraph (A) to the Secretary of the State.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(c) OPEN SKIES TREATY DEFINED.—In this section, the term "Open Skies Treaty" means the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002.

SEC. 1236. SENSE OF CONGRESS ON IMPORTANCE OF NUCLEAR CAPABILITIES OF NATO.

(a) FINDINGS.—Congress finds the following:

(1) The Warsaw Summit Communique, issued on July 9, 2016, by the North Atlantic Treaty Organization (in this section referred to as "NATO") clearly defines the need for, and the importance of, the nuclear mission of NATO.

(2) The Warsaw Summit Communique states—

(A) with respect to the nuclear deterrence capability of NATO, "As a means to prevent conflict and war, credible deterrence and defence is essential. Therefore, deterrence and defence, based on an appropriate mix of nuclear, conventional, and missile defence capabilities, remains a core element of our overall strategy. . . The fundamental purpose of NATO's nuclear capability is to preserve peace, prevent coercion, and deter aggression. Nuclear weapons are unique. Any employment of nuclear weapons against NATO would fundamentally alter the nature of a conflict. The circumstances in which NATO might have to use nuclear weapons are extremely remote";

(B) with respect to the nature of the nuclear deterrence posture of NATO, "NATO must continue to adapt its strategy in line with trends in the security environment–including with respect to capabilities and other measures required–to ensure that NATO's overall deterrence and defence posture is capable of addressing potential adversaries' doctrine and capabilities, and that it remains credible, flexible, resilient, and adaptable."; and

(C) with respect to the importance of contributions to the nuclear deterrence mission from across the NATO alliance, "The strategic forces of the Alliance, particularly those of the United States, are the supreme guarantee of the security of the Allies. The independent strategic nuclear forces of the United Kingdom and France have a deterrent role of their own and contribute to the overall security of the Alliance. These Allies' separate centres of decision-making contribute to deterrence by complicating the calculations of potential adversaries. NATO's nuclear deterrence posture also relies, in part, on United States' nuclear weapons forward-deployed in Europe and on capabilities and infrastructure provided by Allies concerned. These Allies will ensure that all components of NATO's nuclear deterrent remain safe, secure, and effective. That requires sustained leadership focus and institutional excellence for the nuclear deterrence mission and planning guidance aligned with 21st century requirements. The Alliance will ensure the broadest possible participation of Allies concerned in their agreed nuclear burden-sharing arrangements.".

(3) Secretary of Defense James Mattis, in response to the advance policy questions for his Senate confirmation hearing on January 12, 2017, stated that—

(A) "NATO's nuclear deterrence posture relies in part on U.S. nuclear weapons forward-deployed in Europe and on capabilities and infrastructure provided by NATO allies. These capabilities include dual-capable aircraft that contribute to current burden-sharing arrangements within NATO. In general, we must take care to maintain this particular capability, and to modernize it appropriately and in a timely fashion."; and

(B) the role of the nuclear weapons of the United States is "to deter nuclear war and to serve as last resort weapons of self-defense. In this sense, U.S. nuclear weapons are fundamental to our nation's security and have historically provided a deterrent against aggression and security assurance to U.S. allies. A robust, flexible, and survivable U.S. nuclear arsenal underpins the U.S. ability to deploy conventional forces worldwide.".

(4) On March 28, 2017, General Curtis Scaparrotti, Commander of the United States European Command and the Supreme Allied Commander, Europe, testified to the Committee on Armed Services of the House of Representatives that "NATO and U.S. nuclear forces continue to be a vital component of our deterrence. Our modernization efforts are crucial; we must preserve a ready, credible, and safe nuclear capability.".

(5) The Russian Federation is currently undergoing significant modernization and recapitalization of all three legs of its nuclear triad, continues to field and modernize a large variety of non-strategic nuclear weapons, and is developing and deploying new and unique nuclear capabilities.

(6) Russia remains in violation of the INF Treaty due to the development, testing, and, most recently, the operational deployment of ground-launched cruise missiles in violation of the INF Treaty.

(7) On March 28, 2017, General Paul Selva, Vice Chairman of the Joint Chiefs of Staff, described the security consequences of the deployment of such INF Treaty-violating missiles, testifying to the Committee on Armed Services of the House of Representatives that "our assessment of the impact is that it more threatens NATO and infrastructure within the European continent than any other...area of the world that we have national interests in or alliance interests in.".

(8) On March 28, 2017, General Curtis Scaparrotti, in testimony before the Committee on Armed Services of the House of Representatives, responded to a question asking if Russia intends to return to compliance with the INF Treaty by stating, "I don't have any indication that they will at this time.".

(9) Rhetoric from Russian officials has demonstrated that Moscow has sought to leverage its nuclear arsenal to threaten and intimidate neighboring countries, including members of NATO, as was the case when the Russian Ambassador to Denmark stated, "Danish warships will be targets for Russian nuclear missiles" in response to Denmark's potential cooperation in the NATO missile defense system.

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

(1) the nuclear and conventional deterrence capabilities of NATO are of critical importance to the security of the United States and of the NATO alliance, and must continue to adapt to the changed security environment in Europe;

(2) the ability of the United States to forward-deploy dual-capable aircraft and nuclear weapons, and of select members of NATO to participate in the nuclear deterrence mission of NATO by hosting forward-deployed nuclear weapons of the United States or operating dual-capable aircraft, is central to the credibility of the nuclear deterrence and defense posture of NATO;

(3) the strategic forces of the United States, the independent nuclear forces of the United Kingdom and the French Republic, and the dual-capable aircraft operated by the United States and other members of NATO constitute foundational elements of the nuclear deterrence and defense posture of NATO;

(4) NATO should modernize its nuclear-related infrastructure to ensure the highest-level of safety and security;

(5) effective deterrence requires NATO to conduct nuclear planning and exercises aligned with 21st century requirements and modernize nuclear-related capabilities and infrastructure, including dual-capable aircraft, command and control networks, and facilities; and

(6) to ensure the continued credibility of the deterrence and defense posture of NATO, the planned completion of F–35A aircraft development and testing, as well as the delivery of such aircraft to members of NATO, must not be delayed.

(c) INF TREATY DEFINED.—In this section, the term "INF Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, commonly referred to as the "Intermediate-Range Nuclear Forces (INF) Treaty", signed at Washington December 8, 1987, and entered into force June 1, 1988.

SEC. 1237. REPORT ON SECURITY COOPERATION WITH RESPECT TO WESTERN BALKAN COUNTRIES.

(a) IN GENERAL.—Not later than 180 days after the enactment of this Act, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the congressional defense committees and the Committees on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on security cooperation with respect to Western Balkan countries.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(1) An assessment of security cooperation between each Western Balkan country and the Russian Federation, including the following:

(A) A list of Russian weapons systems and other military hardware and technology valued at $1,000,000 or more that have been provided to or purchased by each Western Balkan country since 2012.

(B) A description of the participation of each Western Balkan country's security forces in training or exercises with the Russian Federation since 2012.

(C) A description of any security cooperation agreements each Western Balkan country has entered into with the Russian Federation.

(D) An assessment of intelligence cooperation between each Western Balkan country and the Russian Federation.

(E) An assessment of how security cooperation between each Western Balkan country and the Russian Federation affects the security interests of the United States, the North Atlantic Treaty Organization (NATO), the Western Balkan country, and each NATO member state that borders the Western Balkan country.

(2) An assessment of security cooperation between each Western Balkan country and the United States, including the following:

(A) A list of United States weapons systems and other military hardware and technology valued at $1,000,000 or more that have been provided to or purchased by each Western Balkan country since 2012.

(B) A description of the participation of each Western Balkan country's security forces in training or exercises with the United States since 2012.

(C) A description of any security cooperation agreements each Western Balkan country has entered into with the United States.

(D) An assessment of intelligence cooperation between each Western Balkan country and the United States.

(3) An assessment of security cooperation between each Western Balkan country and NATO.

(4) A description of each Western Balkan country's participation and activities in NATO's Partnership for Peace program, if applicable.

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

(d) DEFINITION.—The term "Western Balkan countries" means—

(1) Serbia;

(2) Bosnia and Herzegovina;

(3) Kosovo; and

(4) Macedonia.

SEC. 1238. PLAN TO RESPOND IN CASE OF RUSSIAN NONCOMPLIANCE WITH THE NEW START TREATY.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report—

(1) describing the options available in response to a failure by Russia to achieve the reductions required by the New START Treaty before February 5, 2018; and

(2) including the assessment of the Secretary of Defense whether such a failure would constitute a material breach of the New START Treaty, providing grounds for the United States to withdraw from the treaty.

(b) OPTIONS DESCRIBED.—The report required under subsection (a) shall specifically describe options to respond to such a failure relating to the following:

(1) Economic sanctions.

(2) Diplomacy.

(3) Additional deployment of ballistic or cruise missile defense capabilities, or other United States capabilities that would offset any potential Russian military advantage from such a failure.

(4) Redeployment of United States nuclear forces beyond the levels required by the New START Treaty, and the associated costs and impacts on United States operations.

(5) Legal countermeasures available under other treaties between the United States and Russia, including under the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002.

(c) NEW START TREATY.—In this section, the term "New START Treaty" means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed at Prague April 8, 2010, and entered into force February 5, 2011.

10 USC 113 note.

SEC. 1239. STRATEGY TO COUNTER THREATS BY THE RUSSIAN FEDERATION.

(a) STRATEGY REQUIRED.—The Secretary of Defense, in coordination with the Secretary of State and in consultation with each of the Secretaries of the military departments, the Joint Chiefs of Staff, and the commanders of each of the regional and functional combatant commands, shall develop and implement a comprehensive strategy to counter threats by the Russian Federation.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the strategy required by subsection (a).

(2) ELEMENTS.—The report required by this subsection shall include the following elements:

(A) An evaluation of strategic objectives and motivations of the Russian Federation.

(B) A detailed description of Russian threats to the national security of the United States, including threats that may pose challenges below the threshold of armed conflict.

(C) A discussion of how the strategy complements the National Defense Strategy and the National Military Strategy.

(D) A discussion of the ends, ways, and means inherent to the strategy.

(E) A discussion of the strategy's objectives with respect to deterrence, escalation control, and conflict resolution.

(F) A description of the military activities across geographic regions and military functions and domains that are inherent to the strategy.

(G) A description of the posture, forward presence, and readiness requirements inherent to the strategy.

(H) A description of the roles of the United States Armed Forces in implementing the strategy, including—

(i) the role of United States nuclear capabilities;

(ii) the role of United States space capabilities;

(iii) the role of United States cyber capabilities;

(iv) the role of United States conventional ground forces;

(v) the role of United States naval forces;

(vi) the role of United States air forces; and

(vii) the role of United States special operations forces.

(I) An assessment of the force requirements needed to implement and sustain the strategy.

(J) A description of the logistical requirements needed to implement and sustain the strategy.

(K) An assessment of the technological research and development requirements needed to implement and sustain the strategy.

(L) An assessment of the training and exercise requirements needed to implement and sustain the strategy.

(M) An assessment of the budgetary resource requirements needed to implement and sustain the strategy through December 31, 2030.

(N) An analysis of the adequacy of current authorities and command structures for countering unconventional warfare.

(O) Recommendations for improving the counter-unconventional warfare capabilities, authorities, and command structures of the Department of Defense.

(P) A discussion of how the strategy provides a framework for future planning and investments in regional defense initiatives, including the European Deterrence Initiative.

(Q) A plan to increase conventional precision strike weapon stockpiles in the United States European Command's areas of responsibility, which shall include necessary increases in the quantities of such stockpiles that the Secretary of Defense determines will enhance deterrence and warfighting capability of the North Atlantic Treaty Organization forces.

(R) A plan to counter the military capabilities of the Russian Federation, which, in addition to elements the Secretary of Defense determines to be appropriate, shall include recommendations for—

(i) improving the capability of United States Armed Forces to operate in a Global Positioning System (GPS)-denied or GPS-degraded environment;

(ii) improving the capability of United States Armed Forces to counter Russian unmanned aircraft systems, electronic warfare, and long-range precision strike capabilities; and

(iii) countering unconventional capabilities and hybrid threats from the Russian Federation.

(3) FORM.—The report required by this subsection shall be submitted in unclassified form but may contain a classified annex.

SEC. 1239A. STRATEGY TO COUNTER THE THREAT OF MALIGN INFLUENCE BY THE RUSSIAN FEDERATION.

(a) STRATEGY.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of State, in coordination with the appropriate United

States Government officials, shall jointly develop a comprehensive strategy to counter the threat of malign influence by the Russian Federation.

(2) SCOPE OF STRATEGY.—The strategy required by paragraph (1) shall include the following actions:

(A) To attribute, defend against, and counter hybrid warfare operations short of traditional armed conflict against the United States and its allies and partners.

(B) To deter, and respond when necessary, to malicious cyber activities by the Russian Federation.

(C) To identify and defend against the threat of malign influence by the Russian Federation, including actions to counter—

(i) the use of misinformation, disinformation, and propaganda in social and traditional media;

(ii) corrupt or illicit financing of political parties, think tanks, media organizations, and academic institutions; and

(iii) the use of coercive economic tools, including sanctions, market access, cryptocurrencies, and differential pricing, especially in the energy sector.

(D) To promote the core values and principles of the United States, enhance the transatlantic relationship, strengthen good governance and democracy among European allies and partners, and further integration into multilateral institutions underpinning the global order, including the North Atlantic Treaty Organization (NATO) and the European Union.

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

(1) SECURITY MEASURES.—Actions to counter the use of force, coercion, and other hybrid warfare operations of the military, intelligence, and other security forces, including irregulars, groups, or individuals, of the Russian Federation, including the following:

(A) Actions to build the military presence and capabilities of military and security forces of the United States and European allies and partners to deter and respond to aggression by the Russian Federation.

(B) Actions to improve indications and warnings, and capabilities to identify and attribute responsibility for the use of force, coercion, or other hybrid warfare operations by the Russian Federation.

(C) Actions to support NATO allies and non-NATO partners in maintaining their sovereignty and territorial integrity.

(2) INFORMATION OPERATIONS.—Actions to counter information operations of the Russian Federation, including the following:

(A) Actions to identify, attribute, and counter malign disinformation, active measures, propaganda, and deception and denial activities of the Russian Federation in the United States and Europe, through traditional and social media.

(B) To enhance joint, regional, and combined information operations and strategic communication strategies to counter Russian Federation information warfare, malign

influence, and propaganda activities and increase cooperation, exercises, and policy development with the NATO Strategic Communications Center of Excellence.

(C) The establishment of interagency mechanisms for the coordination and implementation of the strategy with respect to disinformation, active measures, propaganda, and deception and denial activities of the Russian Federation.

(D) Actions to strengthen the effectiveness of and fully resource the Global Engagement Center to carry out its purpose specified in section 1287(a)(2) of National Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 2656 note) to lead, synchronize, and coordinate efforts of the Federal Government to recognize, understand, expose, and counter propaganda and disinformation efforts by the Russian Federation, other foreign governments, and non-state actors.

(E) Programs to strengthen investigative journalism and media independence abroad in countries most vulnerable to malign influence by the Russian Federation.

(F) Actions to build resilience to disinformation, active measures, propaganda, and deception and denial activities of the Russian Federation in the United States and other countries vulnerable to malign influence by the Russian Federation.

(G) Efforts to work with traditional and social media providers to attribute and counter the threat of malign influence by the Russian Federation.

(3) CYBER MEASURES.—Actions to counter the threat of malign influence by the Russian Federation in cyberspace, including the following:

(A) To increase inclusion of regional cyber planning within larger United States joint planning exercises in the European region and increase joint exercises and policy development through the NATO Cooperative Cyber Defense Center of Excellence.

(B) To identify potential areas of cybersecurity collaboration and partnership capabilities with NATO and other European allies and partners.

(C) Programs to educate citizens, information and communications technology experts, and private sector organizations in the United States and abroad to enhance their resilience to malign influence by the Russian Federation in cyberspace.

(4) POLITICAL AND DIPLOMATIC MEASURES.—Actions to counter malign political influence by the Russian Federation in the United States and among European allies and partners, including the following:

(A) Programs and activities to enhance the resilience of United States democratic institutions and infrastructure at the national and subnational levels.

(B) Programs working through the Department of State and the United States Agency for International Development to promote good governance and enhance democratic institutions abroad, particularly in countries deemed most vulnerable to malign influence by the Russian Federation.

(C) Actions within the United Nations, the Organization for Security and Cooperation in Europe, and other multi-lateral organizations to counter malign influence by the Russian Federation.

(D) Actions to identify organizations or networks of individuals affiliated or collaborating with the Government of the Russian Federation or proxies of the Russian Federation in the United States or European allies and partners.

(5) FINANCIAL MEASURES.—Actions to counter corrupt and illicit financial networks of the Russian Federation in the United States and abroad, including the following:

(A) Actions to promote the transparency of corrupt and illicit financial transactions of the Russian Federation, and other anti-corruption measures.

(B) Actions to maintain and enhance the focus within the Department of the Treasury on tracing corrupt and illicit financial flows linked to the Russian Federation that interact with the United States financial system and exposing beneficial ownership and opaque Russia-related business transactions of significant importance.

(C) Actions to build the capacity of financial intelligence units of allies and partners.

(D) Actions to enhance financial intelligence cooperation between the United States and the European Union.

(6) ENERGY SECURITY MEASURES.—Actions to promote the energy security of European allies and partners, and to reduce their dependence on energy imports from the Russian Federation that the Russian Federation uses as a weapon to coerce, intimidate, and influence those countries, including the following:

(A) Actions to develop plans, working with the governments of European allies and partners to enhance energy market liberalization, effective regulation and oversight, energy reliability, and energy efficiency.

(B) Actions to work with the European Union to promote the growth of liquefied natural gas trade and expansion of the gas transport infrastructure in Europe.

(C) Actions to promote a dialogue within the NATO on a coherent, strategic approach to energy security for NATO members and partner nations.

(7) PROMOTION OF VALUES.—Actions to promote United States values and principles to provide a strong, credible alternative to malign influence by the Russian Federation, including the following:

(A) Actions to promote alliance structure, the importance of transatlantic security as it relates to United States national security, and the continued integration of countries within multilateral institutions within Europe.

(B) Public diplomacy and outreach to the people of the Russian Federation.

(c) CONSISTENCY WITH OTHER LAWS.—The strategy required by subsection (a) shall be consistent with the following:

(1) The Countering America's Adversaries Through Sanctions Act (Public Law 115–44).

(2) The Ukraine Freedom Support Act of 2014 (22 U.S.C. 8921 et seq.).

(3) The Support for the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014 (22 U.S.C. 8901 et seq.).

(4) The Sergei Magnitsky Rule of Law Accountability Act of 2012 (22 U.S.C. 5811 note).

(d) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a report detailing the strategy required by subsection (a).

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In the section the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, the Committee on the Judiciary, the Committee on Banking, Housing and Urban Affairs, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on the Judiciary, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle E—Intermediate-Range Nuclear Forces (INF) Treaty Preservation Act of 2017

Intermediate-Range Nuclear Forces (INF) Treaty Preservation Act of 2017.

SEC. 1241. SHORT TITLE.

22 USC 2551 note.

This subtitle may be cited as the "Intermediate-Range Nuclear Forces (INF) Treaty Preservation Act of 2017".

SEC. 1242. FINDINGS.

Congress makes the following findings:

(1) The 2014, 2015, and 2016 Department of State reports entitled, "Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments", all stated that the United States has determined that "the Russian Federation is in violation of its obligations under the INF Treaty not to possess, produce, or flight-test a ground-launched cruise missile (GLCM) with a range capability of 500 km to 5,500 km, or to possess or produce launchers of such missiles".

(2) The 2016 report also noted that "the cruise missile developed by Russia meets the INF Treaty definition of a ground-launched cruise missile with a range capability of 500 km to 5,500 km, and as such, all missiles of that type, and all launchers of the type used or tested to launch such a missile, are prohibited under the provisions of the INF Treaty".

(3) Potential consistency and compliance concerns regarding the INF Treaty noncompliant GLCM have existed since 2008, were not officially raised with the Russian Federation until 2013, and were not briefed to the North Atlantic Treaty Organization (NATO) until January 2014.

(4) The United States Government is aware of other consistency and compliance concerns regarding Russia actions vis-à-vis its INF Treaty obligations.

(5) Since 2013, senior United States officials, including the President, the Secretary of State, and the Chairman of the Joint Chiefs of Staff, have raised Russian noncompliance with the INF Treaty to their counterparts, but no progress has been made in bringing the Russian Federation back into compliance with the INF Treaty.

(6) In April 2014, General Breedlove, the Supreme Allied Commander Europe, correctly stated, "A weapon capability that violates the INF, that is introduced into the greater European land mass, is absolutely a tool that will have to be dealt with . . . It can't go unanswered.".

(7) The Department of Defense in its September 2013 report, Report on Conventional Prompt Global Strike Options if Exempt from the Restrictions of the Intermediate-Range Nuclear Forces Treaty Between the United States of America and the Union of Soviet Socialist Republics, stated that it has multiple validated military requirement gaps due to the prohibitions imposed on the United States as a result of its compliance with the INF Treaty.

(8) It is not in the national security interests of the United States to be unilaterally legally prohibited from developing dual-capable ground-launched cruise missiles with ranges between 500 and 5,500 kilometers, while Russia makes advances in developing and fielding this class of weapon systems, and such unilateral limitation cannot be allowed to continue indefinitely.

(9) Admiral Harry Harris, Jr., Commander of the United States Pacific Command, testified before the Senate Armed Services Committee on April 27, 2017, that "[W]e're in a multipolar world where we have a lot of countries who are developing these weapons, including China, that I worry about. And I worry about their DF-21 and DF-26 missile programs, their anti-carrier ballistic missile programs, if you will. INF doesn't address missiles launched from ships or airplanes, but it focuses on those land-based systems. I think there's goodness in the INF treaty, anything you can do to limit nuclear weapons writ-large is generally good. But the aspects of the INF Treaty that limit our ability to counter Chinese and other countries' land-based missiles, I think, is problematic.".

(10) A material breach of the INF Treaty by the Russian Federation affords the United States the right to invoke legal countermeasures which include suspension of the treaty in whole or in part.

(11) Article XV of the INF Treaty provides that "Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests.".

SEC. 1243. COMPLIANCE ENFORCEMENT REGARDING RUSSIAN VIOLATIONS OF THE INF TREATY.

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

(1) the actions undertaken by the Russian Federation in violation of the INF Treaty constitute a material breach of the treaty;

(2) in light of the Russian Federation's material breach of the INF Treaty, the United States is legally entitled to

suspend the operation of the INF Treaty in whole or in part for so long as the Russian Federation continues to be in material breach; and

(3) for so long as the Russian Federation remains in noncompliance with the INF Treaty, the United States should take actions to encourage the Russian Federation return to compliance, including by—

(A) providing additional funds for the capabilities identified in section 1243(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1062); and

(B) seeking additional missile defense assets in the European theater to protect United States and NATO forces from ground-launched missile systems of the Russian Federation that are in noncompliance with the INF Treaty.

(b) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated by this Act for fiscal year 2018 for research, development, test, and evaluation, as specified in the funding table in division D, $58,000,000 shall be made available for the development of—

(1) active defenses to counter ground-launched missile systems with ranges between 500 and 5,500 kilometers;

(2) counterforce capabilities to prevent attacks from these missiles; and

(3) countervailing strike capabilities to enhance the capabilities of the United States identified in section 1243(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1062).

(c) DEVELOPMENT OF INF RANGE GROUND-LAUNCHED MISSILE SYSTEM.—

(1) ESTABLISHMENT OF A PROGRAM OF RECORD.—The Secretary of Defense shall establish a program of record to develop a conventional road-mobile ground-launched cruise missile system with a range of between 500 to 5,500 kilometers, including research and development activities with respect to such cruise missile system.

(2) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the cost and schedule for, and feasibility of, modifying United States missile systems in existence or planned as of such date of enactment for ground launch with a range of between 500 and 5,500 kilometers as compared with the cost and schedule for, and feasibility of, developing a new ground-launched missile using new technology with the same range.

SEC. 1244. NOTIFICATION REQUIREMENT RELATED TO RUSSIAN FEDERATION DEVELOPMENT OF NONCOMPLIANT SYSTEMS AND UNITED STATES ACTIONS REGARDING MATERIAL BREACH OF INF TREATY BY THE RUSSIAN FEDERATION.

22 USC 2593a note.

(a) NOTIFICATION BY DIRECTOR OF NATIONAL INTELLIGENCE.—

(1) IN GENERAL.—The Director of National Intelligence shall notify the appropriate congressional committees of any development, deployment, or test of a system by the Russian Federation that the Director determines is inconsistent with the INF Treaty.

(2) DEADLINE.—A notification under this subsection shall be made not later than 15 days after the date on which the Director makes the determination under this subsection with respect to which the notification is required.

(b) WITHHOLDING OF FUNDS.—

(1) IN GENERAL.—An amount equal to $50,000,000 of the amount authorized to be appropriated or otherwise made available to the Department of Defense for operation and maintenance, Defense-wide, for fiscal year 2018 to carry out special mission area activities of the Defense Information Systems Agency shall be withheld from obligation or expenditure until the date on which the President has submitted both the certification described in paragraph (2) and the report described in subsection (e).

(2) CERTIFICATION DESCRIBED.—The certification described in this paragraph is a certification by the President to the appropriate congressional committees of the following:

(A) Each requirement of section 1290 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2538; 22 U.S.C. 2593e) has been fully implemented and is continuing to be fully implemented.

(B) The President has notified the appropriate congressional committees under such section 1290 of the imposition of measures described in subsection (c) of such section with respect to each person identified in a report under subsection (a) of such section, including a detailed description of the imposition of all such measures.

(c) REPORT ON PLAN TO IMPOSE ADDITIONAL SANCTIONS WITH RESPECT TO THE RUSSIAN FEDERATION.—

(1) IN GENERAL.—The President shall develop and submit to the congressional defense committees, the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report that includes—

(A) a plan to impose the measures described in paragraph (3) with respect to each person described in paragraph (2) by reason of non-compliance by the Russian Federation with the INF Treaty; and

(B) a list of each such person.

(2) PERSONS DESCRIBED.—The persons described in this paragraph are individuals who—

(A) the President determines are responsible for ordering or facilitating non-compliance by the Russian Federation with the INF Treaty; or

(B) are senior foreign political figures (as such term is defined in section 1010.605 of title 31, Code of Federal Regulations, as in effect on the date of the enactment of this Act) of the Government of the Russian Federation.

(3) MEASURES DESCRIBED.—The measures described in this paragraph are the following, with respect to a person described in paragraph (2):

(A) Blocking and prohibiting all transactions in property and interests in property of such person, if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) Inadmissibility to the United States, ineligibility to receive a visa or other documentation to enter the United States, and ineligibility to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), and revocation of any visa or other entry documentation.

(C) Prohibiting United States procurement from such person.

(D) Any other sanctions the President determines to be appropriate.

(4) FORM.—The report described in paragraph (1) shall be submitted in unclassified form.

(5) DRAFT REGULATIONS REQUIRED.—Not later than 60 days after the date of the submission of the plan described in paragraph (1), the President shall prescribe in draft form such regulations as may be necessary to impose the measures described in paragraph (3) with respect to each person described in paragraph (2).

SEC. 1245. REVIEW OF RS–26 BALLISTIC MISSILE.

(a) IN GENERAL.—The President, in consultation with the Secretary of State, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Director of National Intelligence, shall conduct a review of the RS–26 ballistic missile of the Russian Federation.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the President, in consultation with the Secretary of State, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Director of National Intelligence, shall submit to the appropriate congressional committees a report on the review conducted under subsection (a). The report shall include—

(1) a determination whether the RS–26 ballistic missile is covered under the New START Treaty or would be a violation of the INF Treaty because Russia has flight-tested such missile to ranges covered by the INF Treaty in more than one warhead configuration; and

(2) if the President determines that the RS–26 ballistic missile is covered under the New START Treaty, a determination whether the Russian Federation—

(A) has agreed through the Bilateral Consultative Commission that such a system is limited under the New START Treaty central limits; and

(B) has agreed to an exhibition of such a system.

(c) EFFECT OF DETERMINATION.—If the President, with the concurrence of the Secretary of State, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Director of National Intelligence, determines that the RS–26 ballistic missile is covered under the New START Treaty and that the Russian Federation has not taken the steps described under subsection (b)(2), the United States Government shall consider for purposes of all policies and decisions that the RS–26 ballistic missile of the Russian Federation is a violation of the INF Treaty.

SEC. 1246. DEFINITIONS.

22 USC 2593a note.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Select Committee on Intelligence, the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

(2) INF TREATY.—The term "INF Treaty" means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, signed at Washington December 8, 1987, and entered into force June 1, 1988.

(3) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(4) NEW START TREATY.—The term "New START Treaty" means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed at Prague April 8, 2010, and entered into force February 5, 2011.

(5) OPEN SKIES TREATY.—The term "Open Skies Treaty" means the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002.

Subtitle F—Matters Relating to the Indo-Asia-Pacific Region

SEC. 1251. SENSE OF CONGRESS AND INITIATIVE FOR THE INDO-ASIA-PACIFIC REGION.

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

(1) the security, stability, and prosperity of the Indo-Asia-Pacific region are vital to the national interests of the United States;

(2) the United States should maintain a military capability in the region that is able to project power, deter acts of aggression, and respond, if necessary, to regional threats;

(3) the defense of the United States and its allies against North Korean or any other aggression remains a top priority;

(4) continuing efforts by the Department of Defense to realign forces, commit additional assets, and increase investments to the Indo-Asia-Pacific region are necessary to maintain a robust United States commitment to the region;

(5) the Secretary of Defense should—

(A) assess the current United States force posture in the Indo-Asia-Pacific region to ensure that the United States maintains an appropriate forward presence in the region;

(B) invest in critical munitions, undersea warfare capabilities, amphibious capabilities, resilient space architectures, missile defense, offensive and defensive cyber capabilities, and other capabilities conducive to operating effectively in contested environments; and

(C) enhance regional force readiness through joint training and exercises, considering contingencies ranging from grey zone to high-end near-peer conflict;

(6) the United States commitment to freedom of navigation, ensuring free access to sea lanes and overflights to the United States naval and air forces, remains a core security interest; and

(7) the United States should continue to engage in the Indo-Asia-Pacific region by strengthening alliances and partnerships, supporting regional institutions and bodies such as the Association of Southeast Asian Nations (ASEAN), building cooperative security arrangements, addressing shared challenges, and reinforcing the role of international law, including respect for human rights.

(b) INDO-ASIA-PACIFIC STABILITY INITIATIVE.—The Secretary of Defense may carry out a program of activities to enhance stability in the Indo-Asia-Pacific region that shall be known as the "Indo-Asia-Pacific Stability Initiative" (in this section referred to as the "Initiative").

(c) ACTIVITIES.—The activities under the Initiative shall include the following:

(1) Activities to increase the presence and capabilities and enhance the posture of the United States Armed Forces in the Indo-Asia-Pacific region.

(2) Bilateral and multilateral military training and exercises with allies and partner nations in the Indo-Asia-Pacific region.

(3) Activities to improve military and defense infrastructure, logistics, and access in the Indo-Asia-Pacific region in order to enhance the responsiveness and capabilities of the United States Armed Forces in that region.

(4) Activities to enhance the storage and pre-positioning in the Indo-Asia-Pacific region of equipment of the United States Armed Forces.

(5) Activities to build the defense and security capacity—

(A) of the United States Armed Forces in the Indo-Asia-Pacific region; and

(B) of allies and partner nations in the Indo-Asia-Pacific region, under—

(i) section 2282 of title 10, United States Code, or section 333 of such title, relating to the authority to build the capacity of foreign security forces;

(ii) section 332 of title 10, United States Code, relating to defense institution capacity building for friendly foreign countries and international and regional organizations;

(iii) section 1263 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 2282 note), relating to the Southeast Asia Maritime Security Initiative;

(iv) section 1206 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 2282 note), relating to training of security forces and associated ministries of foreign countries to promote respect for the rule of law and human rights; or

(v) any other authority available to the Secretary of Defense.

(d) GENERAL TRANSFER AUTHORITY.—Funds may only be made available to carry out this section through the transfer authority provided under section 1001.

(e) INITIAL ASSESSMENT OF REQUIREMENTS.—

(1) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan that includes the following:

(A) A detailed description of each project or activity to be carried out under the Initiative, including any request of the Commander of the United States Pacific Command for support, urgent operational need, or emergent operational need.

(B) The amount planned to be obligated or expended on each such project or activity, and the timeline for such obligation or expenditure.

(2) FORM.—The plan required under paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(f) INDO-ASIA-PACIFIC REGION DEFINED.—In this subtitle, the term "Indo-Asia-Pacific region" means the region that falls under the responsibility and jurisdiction of United States Pacific Command.

SEC. 1252. REPORT ON STRATEGY TO PRIORITIZE UNITED STATES DEFENSE INTERESTS IN THE INDO-ASIA-PACIFIC REGION.

(a) EXTENSION OF DEADLINE FOR STRATEGY.—Subsection (a) of section 1261 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1072) is amended in the matter preceding paragraph (1) by striking "March 1, 2017" and inserting "March 1, 2018".

(b) REPORT REQUIRED.—Not later than 90 days after the date on which the President issues the Presidential Policy Directive required under subsection (b) of such section 1261, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report that contains a strategy to prioritize United States defense interests in the Indo-Asia-Pacific region. The strategy shall be informed by the overall strategy described in subsection (a) and shall address each of the following:

(1) The national security interests of the United States in the Indo-Asia-Pacific region.

(2) The security environment, including threats to global and regional national security interests of the United States emanating from the Indo-Asia-Pacific region such as efforts by China to advance national interests in the region.

(3) The primary objectives and priorities in the Indo-Asia-Pacific region, including—

(A) the military missions necessary to address threats on the Korean Peninsula;

(B) the role of the Department of Defense in the Indo-Asia-Pacific region regarding security challenges posed by China;

(C) the primary objectives and priorities for combating terrorism in the Indo-Asia-Pacific region;

(4) Department of Defense plans, force posture, capabilities, and resources to support United States national security interests and to address any gaps.

(5) The roles of allies, partners, and other countries in achieving United States defense objectives and priorities.

(6) Actions the Department of Defense could take, in cooperation with other Federal departments or agencies, to advance United Sates national security interests in the Indo-Asia-Pacific region.

(7) Any other matters the Secretary of Defense determines to be appropriate.

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

(d) REPEAL.—Section 1251 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3570) is hereby repealed.

SEC. 1253. ASSESSMENT OF UNITED STATES FORCE POSTURE AND BASING NEEDS IN THE INDO-ASIA-PACIFIC REGION.

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall conduct an assessment of United States force posture and basing needs in the Indo-Asia-Pacific region.

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

(A) A review of military requirements based on operation and contingency plans, scenarios, capabilities of potential adversaries, and any assessed gaps or shortfalls of the Armed Forces.

(B) A review of current United States military force posture and deployment plans of the United States Pacific Command.

(C) An analysis of potential future realignments of United States forces in the region, including options for strengthening United States presence, access, readiness, training, exercises, logistics, and pre-positioning.

(D) A discussion of any factors that may influence the United States posture.

(E) Any recommended changes to the United States posture in the region.

(F) Any other matters the Secretary of Defense determines to be appropriate.

(b) REPORT.—

(1) IN GENERAL.—Not later than April 1, 2018, the Secretary of Defense shall submit to the congressional defense committees a report that includes the assessment required under subsection (a).

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1254. PLAN TO ENHANCE THE EXTENDED DETERRENCE AND ASSURANCE CAPABILITIES OF THE UNITED STATES IN THE ASIA-PACIFIC REGION.

(a) FINDING.—Congress recognizes that Democratic People's Republic of Korea successful test of an intercontinental ballistic

missile (ICBM) and nuclear explosive tests constitute a grave and imminent threat to United States security and to the security of United States allies and partners in the Asia-Pacific region.

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

(1) the nuclear and missile program of North Korea is one of the most dangerous national security threats facing the United States today and the defense of the Republic of Korea and Japan must remain a top priority for the administration;

(2) given the threat posed by North Korea to our allies, the United States maintains an unwavering and steadfast commitment to the policy of extended deterrence, especially with respect to South Korea and Japan;

(3) the Department of Defense's Nuclear Posture Review that is to be completed in 2017 should fully consider—

(A) the perspectives of key allies and partners of the United States in the Asia-Pacific region; and

(B) actions to reassure South Korea and Japan of the enduring commitment of the United States to provide its full range of defensive capabilities;

(4) bilateral extended deterrence dialogues and discussions with South Korea and Japan are of great value to the United States and its allies and partners in the Asia-Pacific region and must remain a central component of these relationships;

(5) the United States must sustain and modernize current United States nuclear capabilities to ensure the extended deterrence commitments of the United States remain credible and executable; and

(6) the timely development, production, and deployment of modern nuclear-capable aircraft are fundamental to ensure that the United States remains able to meet extended deterrence requirements in the Asia-Pacific region far into the future.

(c) PLAN.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Commander of the United States Pacific Command and the Commander of the United States Strategic Command, shall submit to the congressional defense committees a plan to enhance the extended deterrence and assurance capabilities of the United States in the Asia-Pacific region.

(d) MATTERS TO BE INCLUDED.—Such plan shall include consideration of actions that will enhance United States security by strengthening deterrence of North Korean aggression and providing increased assurance to United States allies in the Asia-Pacific region, including the following:

(1) Increased visible presence of key United States military assets, such as missile defenses, long-range strike assets, and intermediate-range strike assets to the region.

(2) Increased military cooperation, exercises, and integration of defenses with allies in the region.

(3) Increased foreign military sales to allies in the region.

(4) Planning for, exercising, or deploying dual-capable aircraft to the region.

(5) Any necessary modifications to the United States nuclear force posture, including re-deployment of submarine-launched nuclear cruise missiles to the region.

(6) Such other actions the Secretary considers appropriate to strengthen extended deterrence and assurance in the region.

(e) FORM.—Such plan shall be submitted in unclassified form, but may contain a classified annex.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to alter the shared goal of the United States, South Korea, and Japan for a denuclearized Korean Peninsula.

SEC. 1255. SENSE OF CONGRESS REAFFIRMING SECURITY COMMITMENTS TO THE GOVERNMENTS OF JAPAN AND SOUTH KOREA AND TRILATERAL COOPERATION BETWEEN THE UNITED STATES, JAPAN, AND SOUTH KOREA.

It is the sense of Congress that—

(1) the United States values its alliances with the Governments of Japan and the Republic of Korea, based on shared values of democracy, the rule of law, free and open markets, and respect for human rights;

(2) the United States reaffirms its commitment to these alliances with Japan and South Korea, which are cornerstones for the preservation of peace and stability in the Indo-Asia-Pacific region and throughout the world;

(3) the United States recognizes the substantial financial commitments of Japan and South Korea to the maintenance of United States forces in these countries, making them among the most significant burden-sharing partners of the United States;

(4) the United States, South Korea, and Japan are indispensable partners in tackling global challenges, including combating the proliferation of weapons of mass destruction, preventing piracy, assisting the victims of conflict and disaster worldwide, safeguarding maritime security, and ensuring freedom of navigation, commerce, and overflight in the Indo-Asia-Pacific region;

(5) the United States reaffirms its commitment to Article V of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, which applies to the Japanese-administered Senkaku Islands;

(6) although the United States Government does not take a position on sovereignty of the Senkaku Islands, the United States acknowledges that the islands are under the administration of Japan and opposes any unilateral actions that would seek to undermine their administration by Japan, and any such unilateral actions of a third party will not affect United States' acknowledgement of the administration of Japan over the Senkaku Islands;

(7) the United States supports continued strengthening of defense cooperation with Japan in accordance with the 2015 U.S.-Japan Defense Guidelines and additional measures to strengthen this defense cooperation, including by expanding foreign military sales, establishing new cooperative technology development programs, increasing military exercises, or other actions as appropriate;

(8) the United States and South Korea share deep concerns that the nuclear and ballistic missile programs of North Korea and its repeated provocations pose great threats to peace and stability on the Korean Peninsula, and the United States recognizes that South Korea has made important commitments to the bilateral security alliance, including by hosting a Terminal High Altitude Area Defense (THAAD) system;

(9) the United States and South Korea should continue further defense cooperation, by enhancing mutual security based on the Mutual Defense Treaty between the United States and the Republic of Korea and investing in capabilities critical to the combined defense;

(10) the United States should closely consult and coordinate with South Korea on measures to strengthen the alliance and defend against provocations committed by the North Korean regime;

(11) the United States welcomes greater security cooperation with, and among, Japan and South Korea to promote mutual interests and address shared concerns, including the bilateral military intelligence-sharing pact between Japan and South Korea, signed on November 23, 2016, and the trilateral intelligence sharing agreement between the United States, Japan, and South Korea, signed on December 29, 2015; and

(12) recognizing that North Korea poses a threat to each of the United States, Japan, and South Korea, and that the security of the three countries is intertwined, the United States welcomes and encourages deeper trilateral defense coordination and cooperation, including through expanded exercises, training, and information sharing that strengthens integration.

22 USC 9203.

SEC. 1256. STRATEGY ON NORTH KOREA.

(a) REPORT ON STRATEGY REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report setting forth the strategy of the United States with respect to North Korea.

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

(1) A description and assessment of the primary threats to United States national security interests from North Korea.

(2) A description of known foreign nation, foreign entity, or individual violations of current United Nations sanctions against North Korea, together with parameters for determining whether and on what timeline it serves United States interests to target such violators with unilateral secondary sanctions.

(3) A description of the diplomatic, economic, and trade relationships between China and North Korea and between Russia and North Korea, including trends in such relationships and their impact on the Government of North Korea.

(4) An identification of the diplomatic, economic, and security objectives for the Korean Peninsula and the desired end state in North Korea with respect to the security threats emanating from North Korea.

(5) A detailed roadmap to reach the objectives and end state identified pursuant to paragraph (4), including timelines for each element of the roadmap.

(6) A description of the unilateral and multilateral options available to the United States regarding North Korea, together with an assessment of the degree to which such options would impose costs on North Korea.

(7) A description of the resources and authorities necessary to carry out the roadmap described in paragraph (5).

(8) A description of operational plans and associated military requirements for the protection of United States interests with respect to North Korea.

(9) An identification of any capability or resource gaps that would affect the implementation of the strategy described in subsection (a), and a mitigation plan to address such gaps.

(10) An assessment of current and desired partner contributions to countering threats from North Korea, and a plan to enhance cooperation among countries with shared security interests with respect to North Korea.

(11) Any other matters the President considers appropriate.

(c) ANNUAL UPDATES.—The President shall submit to Congress in writing on an annual basis a report describing and assessing progress in the implementation of the strategy described in subsection (a).

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

SEC. 1257. NORTH KOREAN NUCLEAR INTERCONTINENTAL BALLISTIC MISSILES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing on the hazards or risks posed directly or indirectly by the nuclear ambitions of North Korea, focusing upon—

(1) the development and deployment of intercontinental ballistic missiles or nuclear weapons;

(2) the consequences to the United States, the interests of the United States, and allies of the United States of North Korea's nuclear and missile programs;

(3) a plan to deter and defend against such threats from North Korea;

(4) protecting vital interest and capabilities of the United States in space from such threats from North Korea; and

(5) the potential damage or destruction caused by electromagnetic pulse weapons.

SEC. 1258. ADVANCEMENTS IN DEFENSE COOPERATION BETWEEN THE UNITED STATES AND INDIA.

22 USC 2751 note.

(a) IN GENERAL.—Section 1292(a) of the National Defense Authorization Act for the Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2559; 22 U.S.C. 2751 note) is amended—

(1) in paragraph (1)—

(A) in subparagraph (E), by inserting before the semicolon at the end the following: ", and to advance the Communications Interoperability and Security Memorandum of Agreement and The Basic Exchange and Cooperation Agreement for Geospatial Cooperation";

(B) in subparagraph (H), by striking "and" at the end;

(C) in subparagraph (I), by striking the period at the end and inserting ", including common security, and to enhance role of United States partners and allies in the defense relationship between the United States and India;"; and

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

"(J) support joint exercises, operations, and patrols and mutual defense planning with India;

"(K) work with representatives of the Government of the Islamic Republic of Afghanistan and the Government

of India to promote stability and development in Afghanistan; and

"(L) support such other matters with respect to defense and security cooperation with India that the Secretary of Defense or the Secretary of State consider appropriate.";

(2) in paragraph (2), by adding at the end the following new sentence: "The report shall also include a forward-looking strategy on enhancing defense and security cooperation with India."; and

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

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

(b) INTERAGENCY DEFINITION OF INDIA AS MAJOR DEFENSE PARTNER.—The Secretary of Defense, the Secretary of State, and the Secretary of Commerce shall jointly produce a common definition that recognizes India's status as a "Major Defense Partner" for joint use by the Department of Defense, the Department of State, and the Department of Commerce.

(c) RESPONSIBILITY FOR ENHANCED COOPERATION.—

(1) DESIGNATION OF RESPONSIBLE INDIVIDUAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State jointly shall make the designation required by paragraph (1)(B) of section 1292(a) of the National Defense Authorization Act for Fiscal Year 2017.

(2) ADDITIONAL DUTIES.—Paragraph (1)(B) of section 1292(a) of the National Defense Authorization Act for Fiscal Year 2017 is amended—

22 USC 2751 note.

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by adding "and" at the end; and

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

"(iii) to promote United States defense trade with India for the benefit of job creation and commercial competitiveness in the United States;".

(3) BRIEFINGS.—Not later than 90 days after the date of the enactment of this Act, and every year thereafter, appropriate officials of the Office of the Secretary of Defense and appropriate officials of the Department of State shall brief the appropriate committees of Congress on the actions of the Department of Defense and the Department of State, respectively, to promote defense cooperation between the United States and India and the duties specified in paragraph (1)(B) of section 1292(a) of the National Defense Authorization Act for Fiscal Year 2017 (as amended by paragraph (2) of this subsection). The requirement for briefings under this paragraph shall cease on the date of the designation of an individual pursuant to paragraph (1).

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1259. STRENGTHENING THE DEFENSE PARTNERSHIP BETWEEN THE UNITED STATES AND TAIWAN.

22 USC 3301 note.

(a) STATEMENT OF POLICY.—It is the policy of the United States to reinforce its commitments to Taiwan under the Taiwan Relations Act and consistent with the "Six Assurances" as both governments work to improve Taiwan's self-defense capability.

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

(1) strengthen and enhance its longstanding partnership and cooperation with Taiwan;

(2) conduct regular transfers of defense articles and defense services necessary to enable Taiwan to maintain a sufficient self-defense capability, based solely on the needs of Taiwan;

(3) invite the military forces of Taiwan to participate in military exercises, such as the "Red Flag" exercises;

(4) carry out a program of exchanges of senior military officers and senior officials with Taiwan to improve military-to-military relations, as expressed in section 1284 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2544);

(5) support expanded exchanges focused on practical training for Taiwan personnel by and with United States military units, including exchanges among services;

(6) conduct bilateral naval exercises, to include pre-sail conferences, in the western Pacific Ocean with the Taiwan navy; and

(7) consider the advisability and feasibility of reestablishing port of call exchanges between the United States navy and the Taiwan navy.

SEC. 1259A. NORMALIZING THE TRANSFER OF DEFENSE ARTICLES AND DEFENSE SERVICES TO TAIWAN.

22 USC 3302 note.

(a) SENSE OF CONGRESS.—It is the sense of Congress that any requests from the Government of Taiwan for defense articles and defense services should receive a case-by-case review by the Secretary of Defense, in consultation with the Secretary of State, that is consistent with the standard processes and procedures in an effort to normalize the arms sales process with Taiwan.

(b) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date on which the Secretary of Defense receives a Letter of Request from Taiwan with respect to the transfer of a defense article or defense service to Taiwan, the Secretary, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a report that includes—

(A) the status of such request;

(B) if the transfer of such article or service would require a certification or report to Congress pursuant to any applicable provision of section 36 of the Arms Export Control Act (22 U.S.C. 2776), the status of any Letter of Offer and Acceptance the Secretary of Defense intends to issue with respect to such request; and

(C) an assessment of whether the transfer of such article or service would be consistent with United States obligations under the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.).

(2) ELEMENTS.—Each report required under paragraph (1) shall specify the following:

(A) The date the Secretary of Defense received the Letter of Request.

(B) The value of the sale proposed by such Letter of Request.

(C) A description of the defense article or defense service proposed to be transferred.

(D) The view of the Secretary of Defense with respect to such proposed sale and whether such sale would be consistent with United States defense initiatives with Taiwan.

(3) FORM.—Each report required under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense, in coordination with the Secretary of State, shall provide a briefing to the appropriate congressional committees with respect to the security challenges faced by Taiwan and the military cooperation between the United States and Taiwan, including a description of any requests from Taiwan for the transfer of defense articles or defense services and the status, whether signed or unsigned, of any Letters of Offer and Acceptance with respect to such requests.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

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

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

(2) DEFENSE ARTICLE; DEFENSE SERVICE.—The terms "defense article" and "defense service" have the meanings given such terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(3) LETTER OF REQUEST; LETTER OF OFFER AND ACCEPTANCE.—The terms "Letter of Request" and "Letter of Offer and Acceptance" have the meanings given such terms for purposes of Chapter 5 of the Security Assistance Management Manual of the Defense Security Cooperation Agency, as in effect on the date of the enactment of this Act.

SEC. 1259B. ASSESSMENT ON UNITED STATES DEFENSE IMPLICATIONS OF CHINA'S EXPANDING GLOBAL ACCESS.

(a) ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, shall assess the foreign military and non-military activities of the People's Republic of China that could affect the regional and global national security and defense interests of the United States.

(2) ELEMENTS.—The assessment required by paragraph (1) shall evaluate the following:

(A) The expansion by China of military and non-military means in the Indo-Asia-Pacific region and globally, including influence campaigns, loans, access to military equipment, military training, tourism, media, investment

projects, infrastructure, and access to foreign ports and military bases, and whether such means could affect United States national security or defense interests, including operational access.

(B) The implications, if any, of such means for the military force posture, access, training, and logistics of both the United States and China.

(C) The United States strategy and policy for mitigating any harmful effects resulting from such means.

(D) The resources required to implement such strategy and policy, and the plan to address and mitigate any gaps in capabilities or resources necessary for such implementation of the policy and strategy.

(E) Measures to bolster the roles of allies, partners, and other countries to implement such strategy and policy.

(F) Any other matters the Secretary of Defense or the Secretary of State determines to be appropriate.

(3) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on the assessment required under subsection (b).

(B) FORM.—The report required by this paragraph shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1259C. AGREEMENT SUPPLEMENTAL TO COMPACT OF FREE ASSOCIATION WITH PALAU.

(a) APPROVAL OF AGREEMENT SUPPLEMENTAL TO COMPACT.— 48 USC 1931 note.

(1) IN GENERAL.—Subject to the availability of appropriations that meet the total financial obligations for such purpose, the Compact Review Agreement and appendices signed by the United States and the Republic of Palau on September 3, 2010, in connection with section 432 of the Compact of Free Association with Palau (Public Law 99–658; 48 U.S.C. 1931 note) are approved.

(2) FUNDING SCHEDULE.—The Compact Review Agreement includes a funding schedule that is to be modified by the parties to the Compact Review Agreement, and such funding schedule (as so modified) is approved. The Compact Review Agreement, appendices, and funding schedule (as so modified) are referred to hereinafter as the "Agreement".

(b) STATUS OF PRIOR YEAR PAYMENTS.—Amounts provided to the Government of Palau by the Government of the United States in fiscal years 2011 through 2017 shall also be considered as funding to implement the Agreement. 48 USC 1931 note.

(c) EXTENSION OF EFFECTIVE DATE.—Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) is amended by striking "2009" and inserting "2024".

SEC. 1259D. STUDY ON UNITED STATES INTERESTS IN THE FREELY ASSOCIATED STATES.

(a) STUDY REQUIRED.—The Secretary of Defense shall enter into an agreement with an appropriate independent entity to conduct a study and assessment of United States security and foreign policy interests in the Freely Associated States of the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia.

(b) ELEMENTS.—The study required pursuant to subsection (a) shall address the following:

(1) The role of the Compacts of Free Association in promoting United States defense and foreign policy interests, including the United States defense posture and plans.

(2) The status of the obligations of the United States and the Freely Associated States under the Compacts of Free Association.

(3) The economic assistance practices of the People's Republic of China in the Freely Associated States, and the implications of such practices for United States defense and foreign policy interests in the Freely Associated States and the Pacific region.

(4) The economic assistance practices of other countries in the Freely Associated States, as determined by the Comptroller General, and the implications of such practices for United States defense and foreign policy interests in the Freely Associated States and the Pacific region.

(5) Any other matters the Secretary considers appropriate for purposes of the study.

(c) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary shall provide the entity conducting the study pursuant to subsection (a) with timely access to appropriate information, data, resources, and analysis so that the entity may conduct a thorough and independent assessment of the matters covered by the study, including the matters specified in subsection (b).

(d) REPORT.—

(1) IN GENERAL.—Not later than December 1, 2018, the Secretary shall submit to the congressional defense committees a report setting forth the results of the study conducted pursuant to subsection (a).

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

Subtitle G—Reports

SEC. 1261. MODIFICATION OF ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

Subsection (b) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 113 note), as most recently amended by section 1271 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2538), is further amended by adding at the end the following:

"(23) Any Chinese laws, regulations, or policies that could jeopardize the economic security of the United States.".

SEC. 1262. MODIFICATIONS TO ANNUAL UPDATE OF DEPARTMENT OF DEFENSE FREEDOM OF NAVIGATION OPERATIONS REPORT.

(a) IN GENERAL.—

(1) SCOPE OF REPORT.—Subsection (a) of section 1275 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2540) is amended by inserting "or have not been so challenged" after "international law".

(2) UNCHALLENGED CLAIMS.—Subsection (b) of such section 1275 is amended by adding at the end the following:

"(4) For each country identified under paragraph (1), the types of any excessive maritime claims by such country that have not been challenged by the United States under the program referred to in subsection (a).

"(5) A list of each country, other than a country identified under paragraph (1), making excessive maritime claims that have not been challenged by the United States under the program referred to in subsection (a) and the types and natures of such claims.".

(b) EFFECTIVE DATE.—The amendments made subsection (a) take effect of the date of the enactment of this Act and apply with respect to each report required to be submitted under section 1275 of the National Defense Authorization Act for Fiscal Year 2017 on or after such date of enactment.

SEC. 1263. REPORT ON STRATEGY TO DEFEAT AL-QAEDA, THE TALIBAN, THE ISLAMIC STATE OF IRAQ AND SYRIA (ISIS), AND THEIR ASSOCIATED FORCES AND CO-BELLIGERENTS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the United States strategy to defeat Al-Qaeda, the Taliban, the Islamic State of Iraq and Syria (ISIS), and their associated forces and co-belligerents.

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

(1) An analysis of the adequacy of the existing legal framework to accomplish the strategy described in subsection (a), particularly with respect to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) and the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 50 U.S.C. 1541 note).

(2) An analysis of the estimated defense and non-defense budgetary resources through fiscal year 2022 necessary to accomplish the strategy described in subsection (a).

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

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1264. REPORT ON AND NOTICE OF CHANGES MADE TO THE LEGAL AND POLICY FRAMEWORKS FOR THE UNITED STATES' USE OF MILITARY FORCE AND RELATED NATIONAL SECURITY OPERATIONS.

50 USC 1549.

(a) INITIAL REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the legal and policy frameworks for the United States' use of military force and related national security operations.

(2) MATTERS TO BE INCLUDED.—The report required by paragraph (1) shall include the legal, factual, and policy justifications for any changes made to such legal and policy frameworks during the period beginning on January 20, 2017, and ending on the date the report is submitted.

(b) NOTICE REQUIRED.—Not later than 30 days after the date on which a change is made to the legal and policy frameworks described in subsection (a)(1), the President shall notify the appropriate congressional committees of such change, including the legal, factual, and policy justification for such change.

(c) FORM.—The report required by subsection (a) and each notice required by subsection (b) shall be submitted in unclassified form, but may contain a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1265. REPORT ON MILITARY ACTION OF SAUDI ARABIA AND ITS COALITION PARTNERS IN YEMEN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 2 years, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate congressional committees a report on military action of Saudi Arabia and its coalitions partners in Yemen.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include a description of the following:

(1) The extent to which the Government of Saudi Arabia and its coalition partners in Yemen are taking demonstrable actions to—

(A) reduce the risk of harm to civilians and civilian objects, in compliance with obligations under international humanitarian law, including by minimizing harm to civilians, discriminating between civilian objects and military objectives, and exercising proportional use of force;

(B) facilitate the flow of humanitarian aid and commercial goods into Yemen, including commercial fuel and commodities not subject to sanction or prohibition under United Nations Security Council Resolution 2216 (2015); and

(C) target al Qaeda in the Arabian Peninsula and affiliates of the Islamic State of Iraq and Syria as part of the coalition's military operations in Yemen.

(2) The role of United States military personnel with respect to operations of such coalition partners in Yemen.

(3) Progress made by the Government of Saudi Arabia and its coalition partners in avoiding and investigating, if necessary, civilian casualties, including improvements to—

(A) targeting methodology;

(B) the strike approval process; and

(C) training of personnel, including by implementing the recommendations of the Joint Incident Assessment Team.

(4) Progress made to support implementation of the provisions of United Nations Security Council Resolution 2216 (2015) that call for the observance of applicable international humanitarian and human rights laws and the unimpeded provision of humanitarian assistance to those in need in Yemen.

(5) Any other matters the Secretary of Defense and the Secretary of State determine to be relevant.

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

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 1266. SUBMITTAL OF DEPARTMENT OF DEFENSE SUPPLEMENTAL AND COST OF WAR EXECUTION REPORTS ON QUARTERLY BASIS.

Subsection (c) of section 1221 of the National Defense Authorization Act for Fiscal Year 2006 (10 U.S.C. 113 note) is amended to read as follows:

"(c) QUARTERLY SUBMITTAL TO CONGRESS AND GAO OF CERTAIN REPORTS ON COSTS.—Not later than 45 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees and the Comptroller General of the United States the Department of Defense Supplemental and Cost of War Execution report for such fiscal year quarter.".

SEC. 1267. CONSOLIDATION OF REPORTS ON UNITED STATES ARMED FORCES, CIVILIAN EMPLOYEES, AND CONTRACTORS DEPLOYED IN SUPPORT OF OPERATION INHERENT RESOLVE, OPERATION FREEDOM'S SENTINEL, AND ASSOCIATED AND SUCCESSOR OPERATIONS.

(a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on United States Armed Forces, Department of Defense civilian employees, and Department of Defense contractor employees deployed in support of the following:

(1) Operation Inherent Resolve.

(2) Operation Freedom's Sentinel.

(3) Any operation associated with, or successor to, an operation referred to in paragraph (1) or (2).

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

(1) The number of members of the United States Armed Forces, set forth by Armed Force and component (whether regular, National Guard, or Reserve), Department of Defense

civilian employees, and Department of Defense contractor employees deployed in support of the operations covered by subsection (a) for the most recent month for which data is available, and a description of the functions performed by such deployed personnel.

(2) An estimate for the 3-month period following the date on which the report is submitted of the total number of members of the United States Armed Forces, set forth by Armed Force and component (whether regular, National Guard, or Reserve), Department civilian employees, and Department contractor employees to be deployed in support of the operations covered by subsection (a), and a description of the functions to be performed by such deployed personnel during such period.

(3) A description of any limitations on the number of United States Armed Forces, Department civilian employees, and Department contractor employees deployed in support of the operations covered by subsection (a).

(4) A description of military functions that are and are not subject to the limitations described in paragraph (3).

(5) The number of members of the United States Armed Forces, set forth by Armed Force and component (whether regular, National Guard, or Reserve), Department civilian employees, and Department contractor employees deployed in support of the operations covered by subsection (a) that are not subject to the limitations described in paragraph (3) for the most recent month for which data is available.

(6) Any changes to the limitations described in paragraph (3), and the rationale for such changes.

(7) Any other matters the Secretary considers appropriate.

(c) MANNER OF PRESENTATION.—Each report under subsection (a) shall set forth each element specified in subsection (b)—

(1) with respect to each operation covered by subsection (a); and

(2) with respect to each country in which each such operation is being conducted.

(d) FORM.—If any report under subsection (a) is submitted in classified form, such report shall be accompanied by an unclassified summary that includes, at a minimum, the information required by subsection (b)(1).

(e) SUNSET.—The requirement to submit reports under this section shall terminate on the earlier of—

(1) the date on which all operations covered by subsection (a) have terminated; or

(2) the date that is five years after the date of the enactment of this Act.

(f) REPEAL OF SUPERSEDED PROVISION.—Section 1224 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1053) is repealed.

SEC. 1268. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON PRICING AND AVAILABILITY WITH RESPECT TO FOREIGN MILITARY SALES.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on pricing and availability with respect to foreign military sales. The report shall include the following:

(1) An assessment of the purpose and role of pricing and availability within the foreign military sales process.

(2) An assessment of the guidance provided by the Department of Defense for the preparation of pricing and availability data for foreign military sales.

(3) An assessment of the assumptions, estimations, and sources of data used by the Department in the preparation of pricing and availability data for foreign military sales.

(4) An assessment of the degree of accuracy and transparency provided by the Department in preparing pricing and availability data during the foreign military sales process.

(5) An assessment of the factors that may account for discrepancies between prices of major items or services offered by the Department in pricing and availability data provided to foreign governments for foreign military sales and prices offered by relevant United States commercial entities for similar items or services, including—

(A) a description of the magnitude of the extent of differences in such prices; and

(B) a description of common discrepancies that account for such differences, including Department administrative fees, cost for training and spares, and other factors, including recurring factors.

(6) An assessment of the extent to which the Department has identified instances where discrepancies in pricing for major items or services resulted in the loss of a foreign military sale for a United States commercial entity.

(7) Any other matters the Comptroller General considers appropriate.

(b) BRIEFINGS.—The Comptroller General shall provide periodic briefings to the appropriate committees of Congress on any preliminary findings and recommendations of the Comptroller General as a result of work in furtherance of the report required by subsection (a).

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee of Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1269. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE RUSSIAN FEDERATION.

Section 1245(b) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3566), as most recently amended by section 1235(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2490), is further amended—

(1) by redesignating paragraphs (14) through (20) as paragraphs (16) through (22), respectively; and

(2) by inserting after paragraph (13) the following new paragraphs:

"(14) An assessment of Russia's hybrid warfare strategy and capabilities, including—

"(A) Russia's information warfare strategy and capabilities, including the use of misinformation,

disinformation, and propaganda in social and traditional media;

"(B) Russia's financing of political parties, think tanks, media organizations, and academic institutions;

"(C) Russia's malicious cyber activities;

"(D) Russia's use of coercive economic tools, including sanctions, market access, and differential pricing, especially in energy exports; and

"(E) Russia's use of criminal networks and corruption to achieve political objectives.

"(15) An assessment of attempts by Russia, or any foreign person acting as an agent of or on behalf of Russia, during the preceding year to knowingly disseminate Russian-supported disinformation or propaganda, through social media applications or related Internet-based means, to members of the Armed Forces with probable intent to cause injury to the United States or advantage the Government of the Russian Federation.".

Subtitle H—Other Matters

SEC. 1271. SECURITY AND STABILITY STRATEGY FOR SOMALIA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that contains a comprehensive United States strategy to achieve long-term security and stability in Somalia and includes each of the following elements:

(1) A description of United States strategic objectives in Somalia and the benchmarks for assessing progress toward such objectives.

(2) An assessment of the threats posed to Somalia, the broader region, the United States, and partners of the United States, by al-Shabaab and organizations affiliated with the Islamic State of Iraq and Syria in Somalia, including the origins, strategic aims, tactical methods, funding sources, and leadership of each organization.

(3) A description of the key international and United States governance, diplomatic, development, military, and intelligence resources available to address instability in Somalia.

(4) A plan to improve coordination among, and effectiveness of, United States governance, diplomatic, development, military, and intelligence resources to counter the threat of al-Shabaab and organizations affiliated with the Islamic State of Iraq and Syria in Somalia.

(5) A description of the role the United States is playing or will play to address political instability and support long-term security and stability in Somalia.

(6) A description of the contributions made by the African Union Mission in Somalia (in this section referred to as "AMISOM") to security in Somalia and an assessment of the anticipated duration of support provided to AMISOM by troop contributing countries.

(7) A plan to train the Somali National Army and other Somali security forces, that also includes—

(A) a description of the assistance provided by other countries for such training; and

(B) a description of the efforts to integrate regional militias into the uniformed Somali security forces; and

(C) a description of the security assistance authorities under which any such training would be provided by the United States and the recommendations of the Secretary to address any gaps under such authorities to advise, assist, or accompany the Somali National Army or other Somali security forces within appropriate roles and responsibilities that are not fulfilled by other countries or by international organizations.

(8) A description of the steps the United States, AMISOM, and any forces trained by the United States are taking in Somalia to minimize civilian casualties and other harm to civilians.

(9) Any other matters the President considers appropriate.

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

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

(1) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

SEC. 1272. GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEM.

10 USC 2223a note.

(a) UPDATE OF GUIDANCE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(A) update relevant security cooperation guidance issued by the Secretary for use of the Global Theater Security Cooperation Management Information System (in this section referred to as "G-TSCMIS"), including guidance relating to the matters described in paragraph (3); and

(B) submit to the congressional defense committees a report that contains such guidance.

(2) SUCCESSOR SYSTEM.—Not later than 180 days after the date of the adoption of any security cooperation information system that is a successor to G-TSCMIS, the Secretary of Defense shall—

(A) update relevant security cooperation guidance issued by the Secretary for use of such system, including guidance relating to the matters described in paragraph (3); and

(B) submit to the congressional defense committees a report that contains such guidance.

(3) MATTERS DESCRIBED.—The matters described in this paragraph are the following:

(A) Designation of an authoritative data repository for security cooperation information, with enforceable data standards and data controls.

(B) Responsibilities for entry of data relating to programs and activities into the system.

(C) Oversight and accountability measures to ensure the full scope of activities are entered into the system consistently and in a timely manner.

(D) Such other matters as the Secretary considers appropriate.

(b) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the adoption of any security cooperation information system that is the successor to G-TSCMIS, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a review of measures for evaluating the system in order to comply with guidance required by subsection (a).

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

(A) An evaluation of the impacts of inconsistent information on the system's functionality as a tool for planning, resource allocation, and adjustment.

(B) An evaluation of the effectiveness of oversight and accountability measures.

(C) An evaluation of feedback from the operational community to inform future requirements.

(D) Such other matters as the Secretary considers appropriate.

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

SEC. 1273. FUTURE YEARS PLAN FOR THE EUROPEAN DETERRENCE INITIATIVE.

(a) PLAN REQUIRED.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Commander of the United States European Command, shall submit to the congressional defense committees a future years plan on activities and resources of the European Deterrence Initiative (in this section referred to as the "EDI").

(2) APPLICABILITY.—The plan shall apply with respect to fiscal year 2018 and at least the four succeeding fiscal years.

(b) MATTERS TO BE INCLUDED.—The plan required under subsection (a) shall include the following:

(1) A description of the objectives of the EDI.

(2) An assessment of resource requirements to achieve the objectives of the EDI.

(3) An assessment of capabilities requirements to achieve the objectives of the EDI.

(4) An assessment of logistics requirements, including force enablers, equipment, supplies, storage, and maintenance requirements, to achieve the objectives of the EDI.

(5) An identification and assessment of required infrastructure investments to achieve the objectives of the EDI, including potential infrastructure investments by host nations and new construction or modernization of existing sites that would be funded by the United States.

(6) An assessment of security cooperation investments required to achieve the objectives of the EDI.

(7) An analysis of the challenges to the ability of the United States to deploy significant forces from the continental United States to the European theater in the event of a major contingency, and a description of the plans of the Department of Defense, including military exercises, to address such challenges.

(8) A plan to fully resource United States force posture and capabilities, including—

(A) details regarding the strategy to balance the force structure of the United States forces to source additional permanently stationed United States forces in Europe as a part of any planned growth in end strength and force posture;

(B) the infrastructure capacity of existing locations and their ability to accommodate additional permanently stationed United States forces in Europe;

(C) the potential new locations for additional permanently stationed United States forces in Europe, including an assessment of infrastructure and military construction resources necessary to accommodate additional United States forces in Europe;

(D) a detailed timeline to achieve desired permanent posture requirements;

(E) a reevaluation of sites identified for divestiture but not yet divested under the European Infrastructure Consolidation initiative, accounting for updated military requirements; and

(F) any changes and associated costs incurred with retaining each site identified for divestiture but not yet divested under the European Infrastructure Consolidation initiative, including possible leasing agreements, sustainment, and maintenance.

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

(d) LIMITATIONS.—

(1) GENERAL LIMITATION.—The Secretary of Defense may not take any action to divest any site identified for divestiture but not yet divested under the European Infrastructure Consolidation initiative until the Secretary submits to the congressional defense committees the plan required under subsection (a).

(2) SITE-SPECIFIC LIMITATION.—In the case of a proposed divestiture of a site under the European Infrastructure Consolidation initiative, the Secretary of Defense may not take any action to divest the site unless prior to taking such action, the Secretary certifies to the congressional defense committees that no military requirement for future use of the site is foreseeable.

SEC. 1274. EXTENSION OF AUTHORITY TO ENTER INTO AGREEMENTS WITH PARTICIPATING COUNTRIES IN THE AMERICAN, BRITISH, CANADIAN, AND AUSTRALIAN ARMIES' PROGRAM.

Section 1274(g) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2026; 10 U.S.C. 2350a note) is amended by striking "five years" and inserting "ten years".

SEC. 1275. UNITED STATES MILITARY AND DIPLOMATIC STRATEGY FOR YEMEN.

(a) REPORT REQUIRED.—Not later than 120 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report that contains a military and diplomatic strategy for Yemen.

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

(1) An explanation of the military and diplomatic strategy for Yemen, including a description of the ends, ways, and means inherent to the strategy.

(2) An explanation of the legal authorities supporting the strategy.

(3) A detailed description of the political and security environment in Yemen.

(4) A detailed description of the threats posed by Al Qaeda in the Arabian Peninsula and the Islamic State of Iraq and Syria–Yemen Province, including the intent, capabilities, strategic aims, and resources attributable to each organization.

(5) A detailed description of the threats posed to freedom of navigation through the Bab al Mandab Strait and waters in proximity to Yemen as well as any United States efforts to mitigate those threats.

(6) A detailed description of the threats posed to the United States and its allies and partners by the proliferation of advanced conventional weapons in Yemen.

(7) A detailed description of the threats posed to United States interests by state actors in Yemen.

(8) A discussion of United States objectives regarding long-term stability and counterterrorism in Yemen.

(9) A plan to integrate the United States diplomatic, development, military, and intelligence resources necessary to implement the strategy.

(10) A detailed description of the roles of the United States Armed Forces in supporting the strategy.

(11) Any other matters as the President considers appropriate.

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

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1276. TRANSFER OF EXCESS HIGH MOBILITY MULTIPURPOSE WHEELED VEHICLES TO FOREIGN COUNTRIES.

(a) REQUIREMENTS IN CONNECTION WITH TRANSFER.—

(1) IN GENERAL.—Before an excess high mobility multipurpose wheeled vehicle (HMMWV) is transferred on a grant or sales basis to a foreign country for the purpose of operation by that country, the Secretary of Defense shall ensure that

the vehicle receives the same new, modernized powertrain and a modernized, armored or armor-capable crew compartment restored to like-new condition that the vehicle would receive were the vehicle to be modernized for operational used by the Armed Forces.

(2) SAME NEW, MODERNIZED POWERTRAIN.—For purposes of paragraph (1), the term "same new, modernized powertrain"—

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

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

(3) PERFORMANCE OF WORK.—Any work performed pursuant to paragraph (1) shall be performed in the United States, and shall be covered by section 2460(b)(1) of title 10, United States Code.

(b) WAIVER.—

(1) IN GENERAL.—Subject to paragraph (2), the President may waive the requirements of subsection (a)(1) with respect to any particular transfer of high mobility multipurpose wheeled vehicles if the President determines in writing that the waiver is in the national interests of the United States.

(2) NOTICE.—If the President makes a written determination under paragraph (1), the vehicles covered by the determination may not be transferred until 30 days after the Secretary of Defense provides notice of the transfer to the appropriate committees of Congress. Each notice on a transfer shall include the following:

(A) The recipient of the vehicles to be transferred, the intended use of the vehicles, and a description of the national interests of the United States in connection with the transfer.

(B) An explanation of why it is not in the national interests of the United States to make the transfer in accordance with the requirements of subsection (a)(1).

(C) The impact of the transfer on the national technology and industrial base and, in articular, on any reduction of the opportunities of entities in the national technology and industrial base to sell new or used high mobility multipurpose wheeled vehicles to the countries to which the proposed transfer of vehicles is to take place.

(c) EFFECTIVE DATE AND SUNSET.—

(1) EFFECTIVE DATE.—Subsections (a) and (b) shall apply to any transfer of excess high mobility multipurpose wheeled vehicles that occurs on or after the date that is 90 days after the date of the enactment of this Act.

(2) SUNSET.—The requirements in subsection (a) shall expire on the date that is three years after the date of the enactment of this Act.

(d) COMPTROLLER GENERAL OF THE UNITED STATES REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall submit to the appropriate committees of Congress a report on all proposed and completed transfers of excess defense articles that are high mobility multipurpose wheeled vehicles under the authority of section 516 of the Foreign

Assistance Act of 1961 (22 U.S.C. 2321j) during fiscal years 2012 through 2016.

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

(A) An assessment of the timing, rigorousness, and procedures used in the determination of the President that each transfer described in paragraph (1) did not have an adverse impact on the national technology and industrial base and, in particular, that such transfer would not reduce the opportunities of entities in the national technology and industrial base to sell new or used equipment to the countries to which such articles were or were to be transferred in accordance with section 516(b)(1)(E) of the Foreign Assistance Act of 1961.

(B) Any related matters the Comptroller General considers appropriate.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

50 USC 1914.

SEC. 1277. DEPARTMENT OF DEFENSE PROGRAM TO PROTECT UNITED STATES STUDENTS AGAINST FOREIGN AGENTS.

(a) PROGRAM.—The Secretary of Defense shall develop and implement a program to prepare United States students studying abroad through Department of Defense National Security Education Programs to recognize and protect themselves against recruitment efforts by intelligence agents.

(b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the program required under subsection (a).

SEC. 1278. LIMITATION AND EXTENSION OF UNITED STATES-ISRAEL ANTI-TUNNEL COOPERATION AUTHORITY.

(a) LIMITATION AND EXTENSION OF AUTHORITY.—Section 1279 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1079; 22 U.S.C. 8606 note) is amended as follows:

(1) LIMITATION WITH RESPECT TO RDT&E ACTIVITIES.—In subsection (b), by adding at the end the following new paragraph:

"(5) USE OF CERTAIN AMOUNTS FOR RDT&E ACTIVITIES IN THE UNITED STATES.—Of the amount provided by the United States in support under paragraph (1), not less than 50 percent of such amount shall be used for research, development, test, and evaluation activities in the United States in connection with such support.".

(2) EXTENSION OF AUTHORITY.—In subsection (f), by striking "December 31, 2018" and inserting "December 31, 2020".

(b) REPEAL OF SUPERSEDED LIMITATION.—Section 1295 of the National Defense Authorization Act for Fiscal Year 2017 (Public

Law 114–328; 130 Stat. 2562) is amended by striking subsection (c).

SEC. 1279. ANTICORRUPTION STRATEGY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, the Secretary of Defense, and the Administrator of the United States Agency for International Development shall jointly develop a strategy to prevent corruption in any reconstruction efforts associated with United States contingency operations and submit such strategy to the appropriate congressional committees.

(b) BENCHMARKS.—The strategy described in subsection (a) shall include measurable benchmarks to be met as a condition for disbursement of funds for reconstruction efforts.

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

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1279A. STRATEGY TO IMPROVE DEFENSE INSTITUTIONS AND SECURITY SECTOR FORCES IN NIGERIA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that contains a comprehensive strategy to support improvements in defense institutions and security sector forces in Nigeria.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) An assessment of the threats posed by terrorist and other militant groups operating in Nigeria, including Boko Haram, the Islamic State in Iraq and Syria – West Africa (ISIS-WA), and Niger Delta militants, as well as a description of the origins, strategic aims, tactical methods, funding sources, and leadership structures of each such organization.

(2) An assessment of efforts by the Government of Nigeria to improve civilian protection, accountability for human rights violations, and transparency in the defense institutions and security sector forces.

(3) A description of the key international and United States diplomatic, development, intelligence, military, and economic resources available to address instability across Nigeria, and a plan to maximize the coordination and effectiveness of these resources to counter the threats posed by Boko Haram, ISIS-WA, and Niger Delta militants.

(4) An assessment of efforts undertaken by the security forces of the Government of Nigeria to improve the protection of civilians.

(5) An assessment of the effectiveness of the Civilian Joint Task Force that has been operating in parts of northeastern Nigeria, as well as any lessons learned from such operations and a plan to work with the Government of Nigeria to address allegations of participation of child soldiers in the Civilian Joint Task Force.

(6) A plan for the United States to work with the Nigerian security forces and judiciary to transparently investigate allegations of human rights violations committed by the security forces of the Government of Nigeria that have involved civilian casualties.

(7) A plan for the United States to work with the Nigerian defense institutions and security sector forces to improve detainee conditions.

(8) Any other matters the President considers appropriate.

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

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1279B. LIMITATION ON AVAILABILITY OF FUNDS TO IMPLEMENT THE ARMS TRADE TREATY.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the Department of Defense may be obligated or expended to implement the Arms Trade Treaty, or to make any change to existing programs, projects, or activities as approved by Congress in furtherance of, pursuant to, or otherwise to implement such Treaty, unless the Treaty has received the advice and consent of the Senate and has been the subject of implementing legislation, as required, by Congress.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude the Department of Defense from assisting foreign countries in bringing their laws and regulations up to United States standards.

10 USC 113 note.

SEC. 1279C. CULTURAL HERITAGE PROTECTION COORDINATOR.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate an employee of the Department of Defense to serve concurrently as the Coordinator for Cultural Heritage Protection, who shall be responsible for—

(1) coordinating the existing obligations of the Department of Defense for the protection of cultural heritage, including the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and other obligations for the protection of cultural heritage; and

(2) coordinating with the Cultural Heritage Coordinating Committee convened by the Secretary of State for the national security interests of the United States, as appropriate.

22 USC 2753 note.

SEC. 1279D. SECURITY ASSISTANCE FOR BALTIC NATIONS FOR JOINT PROGRAM FOR INTEROPERABILITY AND DETERRENCE AGAINST AGGRESSION.

(a) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, conduct or support a single

joint program of the Baltic nations to improve their interoperability and build their capacity to deter and resist aggression by the Russian Federation.

(b) JOINT PROGRAM.—For purposes of subsection (a), a joint program of the Baltic nations may be either of the following:

(1) A program jointly agreed by the Baltic nations to procure defense articles and services described in subsection (c) using assistance provided pursuant to subsection (a).

(2) An agreement for the joint procurement by the Baltic nations of defense articles and services described in subsection (c) using assistance provided pursuant to subsection (a).

(c) DEFENSE ARTICLES AND SERVICES.—For purposes of subsection (b), the defense articles and services described in this subsection include the following:

(1) Real time or near-real time actionable intelligence, including by lease of such capabilities from United States commercial entities.

(2) Unmanned aerial tactical surveillance systems.

(3) Lethal assistance, such as anti-armor weapon systems, mortars, crew-served weapons and ammunition, grenade launchers and ammunition, and small arms and ammunition.

(4) Air defense radars and anti-aircraft weapons.

(5) Other defense articles or services agreed to by the Baltic nations and considered appropriate by the Secretary of Defense, with the concurrence of the Secretary of State.

(d) PARTICIPATION OF OTHER COUNTRIES.—Any country other than a Baltic nation may participate in the joint program described in subsection (a), but only using funds of such country.

(e) NOTICE AND WAIT ON ACTIVITIES.—Not later than 60 days before initiating activities under the joint program under subsection (a), the Secretary of Defense shall submit to the appropriate committees of Congress a written and electronic notice of the following:

(1) The countries that will participate in the joint program.

(2) A detailed assessment of how the joint program will improve the interoperability of the Baltic nations and build their capacity to deter and resist aggression by the Russian Federation.

(3) A description of the elements of the United States European Command theater security cooperation plan, and of the interagency integrated country strategy in each Baltic nation, that will be advanced by the joint program.

(4) A detailed evaluation of the capacity of the Baltic nations to absorb the defense articles and services to be procured under the joint program.

(5) The cost and delivery schedule of the joint program.

(6) A description of the arrangements, if any, for the sustainment of the defense articles and services to be procured under the joint program, and the estimated cost and source of funds to support sustainment of the capabilities and performance outcomes achieved under the joint program beyond its completion date, if applicable.

(f) FUNDING.—

(1) IN GENERAL.—Amounts for assistance provided pursuant to subsection (a) shall be derived from amounts authorized to be appropriated for the Department of Defense for operation and maintenance, Defense-wide.

(2) LIMITATION.—The total amount of assistance provided pursuant to subsection (a) may not exceed $100,000,000.

(g) TERMINATION.—Assistance may not be provided pursuant to subsection (a) after December 31, 2020.

(h) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) The term "Baltic nations" means the following:

(A) Estonia.

(B) Latvia.

(C) Lithuania.

22 USC 287 note.

SEC. 1279E. RESTRICTION ON FUNDING FOR THE PREPARATORY COMMISSION FOR THE COMPREHENSIVE NUCLEAR-TEST-BAN TREATY ORGANIZATION.

(a) STATEMENT OF POLICY.—Congress declares that United Nations Security Council Resolution 2310 (September 23, 2016) does not obligate the United States nor does it impose an obligation on the United States to refrain from actions that would run counter to the object and purpose of the Comprehensive Nuclear-Test-Ban Treaty.

(b) RESTRICTION ON FUNDING.—

(1) IN GENERAL.—No United States funds may be made available to the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization.

(2) EXCEPTION.—The restriction under paragraph (1) shall not apply with respect to the availability of—

(A) United States funds for the Comprehensive Nuclear-Test-Ban Treaty Organization's International Monitoring System; or

(B) United States funds used solely for analysis and dissemination of data collected under the International Monitoring System.

SEC. 1279F. CLARIFICATION OF AUTHORITY TO SUPPORT BORDER SECURITY OPERATIONS OF CERTAIN FOREIGN COUNTRIES.

Paragraph (3) of section 1226(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1056), as added by section 1294(b)(2) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2562), is amended by striking "for such fiscal year" both places it appears.

22 USC 2151 note.

TITLE XIII—COOPERATIVE THREAT REDUCTION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION FUNDS.

(a) FISCAL YEAR 2018 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—In this title, the term "fiscal year 2018 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711).

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for the Department of Defense Cooperative Threat Reduction Program shall be available for obligation for fiscal years 2018, 2019, and 2020.

SEC. 1302. FUNDING ALLOCATIONS.

(a) IN GENERAL.—Of the $324,600,000 authorized to be appropriated to the Department of Defense for fiscal year 2018 in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, $12,100,000.

(2) For chemical weapons destruction, $5,000,000.

(3) For global nuclear security, $17,900,000.

(4) For cooperative biological engagement, $172,800,000.

(5) For proliferation prevention, $89,800,000.

(6) For activities designated as Other Assessments/Administrative Costs, $27,000,000.

(b) MODIFICATION TO CERTAIN REQUIREMENTS.—The Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3701 et seq.) is amended as follows:

(1) Section 1321(g)(1) (50 U.S.C. 3711(g)(1)) is amended by striking "45 days" and inserting "15 days".

(2) Section 1324 (50 U.S.C. 3714) is amended—

(A) in subsection (a)(1)(C), by striking "45 days" and inserting "15 days"; and

(B) in subsection (b)(3), by striking "45 days" and inserting "15 days".

(3) Section 1335(a) (50 U.S.C. 3735(a)) is amended by striking "or expended".

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Subtitle B—Other Matters

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2018 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2018 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2018 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

SEC. 1404. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2018 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

SEC. 1405. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2018 for the Defense Health Program, as specified in the funding table in section 4501, for use of the Armed Forces and other activities and agencies of the Department of Defense in providing for the health of eligible beneficiaries.

SEC. 1406. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2018 for the National Defense Sealift Fund, as specified in the funding table in section 4501.

Subtitle B—Other Matters

SEC. 1411. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds authorized to be appropriated by section 1405 and available for the Defense Health Program for operation and maintenance, $115,500,000 may be transferred by the Secretary of Defense to the Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(b) USE OF TRANSFERRED FUNDS.—For the purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

SEC. 1412. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2018 from the Armed Forces Retirement Home Trust Fund the sum of $64,300,000 for the operation of the Armed Forces Retirement Home.

SEC. 1413. ARMED FORCES RETIREMENT HOME MATTERS.

(a) TERMINATION OF OVERSIGHT RESPONSIBILITIES OF UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.—

(1) SENIOR MEDICAL ADVISOR.—Section 1513A of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 413a) is amended—

(A) in subsection (b), by striking "the Under Secretary of Defense for Personnel and Readiness," in the matter preceding paragraph (1); and

(B) in subsection (c)(4), by striking "the Under Secretary of Defense for Personnel and Readiness" and inserting "the Secretary of Defense".

(2) OMBUDSMEN.—Section 1517(e)(2) of such Act (24 U.S.C. 417(e)(2)) is amended by striking "the Under Secretary of Defense for Personnel and Readiness" and inserting "the Secretary of Defense".

(3) INSPECTIONS.—Section 1518 of such Act (24 U.S.C. 418) is amended—

(A) in subsection (c)(1), by striking "the Under Secretary of Defense for Personnel and Readiness,"; and

(B) in subsection (e)(1), by striking "the Under Secretary of Defense for Personnel and Readiness" and inserting "the Secretary of Defense".

(b) ADVISORY COUNCIL.—Section 1516 of such Act (24 U.S.C. 416) is amended—

(1) in subsection (c)(1), by striking "15 members," and all that follows and inserting "15 members."; and

(2) in subsection (f)(1), by striking "shall" and inserting "may".

(c) ADMINISTRATORS.—Section 1517(b) of such Act (24 U.S.C. 417(b)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

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

"(4) serve at the pleasure of the Secretary of Defense.".

50 USC 98d note.

SEC. 1414. AUTHORITY TO DISPOSE OF CERTAIN MATERIALS FROM AND TO ACQUIRE ADDITIONAL MATERIALS FOR THE NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL AUTHORITY.—Pursuant to section 5(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(b)), the National Defense Stockpile Manager may dispose of not more than 25 short tons of materials transferred from another department or agency of the United States to the National Defense Stockpile under section 4(b) of such Act (50 U.S.C. 98c(b)) that the National Defense Stockpile Manager determines is no longer required from the stockpile.

(b) ACQUISITION AUTHORITY.—

(1) AUTHORITY.—Using funds available in the National Defense Stockpile Transaction Fund, the National Defense Stockpile Manager may acquire the following materials determined to be strategic and critical materials required to meet the defense, industrial, and essential civilian needs of the United States:

(A) Electrolytic manganese metal.

(B) Antimony.

(2) AMOUNT OF AUTHORITY.—The National Defense Stockpile Manager may use up to $9,000,000 in the National Defense Stockpile Transaction Fund for acquisition of the materials specified in paragraph (1).

(3) FISCAL YEAR LIMITATION.—The authority under paragraph (1) is available for purchases during fiscal year 2018 through fiscal year 2027.

50 USC 1521 note.

SEC. 1415. ACQUISITION REPORTING ON MAJOR CHEMICAL DEMILITARIZATION PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) REPORTING ON MAJOR PROGRAMS.—Acquisition reporting on each major program within the chemical demilitarization programs of the Department of Defense, including construction in connection with such program, shall—

(1) comply with reporting guidelines for an Acquisition Category 1 (ACAT 1) system; and

(2) be reported separately from acquisition reporting on the other major program within the chemical demilitarization programs of the Department of Defense.

(b) MAJOR PROGRAM WITHIN THE CHEMICAL DEMILITARIZATION PROGRAMS OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term "major program within the chemical demilitarization programs of the Department of Defense" means each program as follows:

(1) Pueblo Chemical Agent Destruction Pilot Plant program, Colorado.

(2) Blue Grass Chemical Agent Destruction Pilot Plant program, Kentucky.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Appropriations

Subtitle B—Financial Matters

Subtitle C—Limitations, Reports, and Other Matters

Subtitle A—Authorization of Appropriations

SEC. 1501. PURPOSE AND TREATMENT OF CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2018 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. OVERSEAS CONTINGENCY OPERATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2018 for the Department of Defense for overseas contingency operations in such amounts as may be designated as provided in section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 1503. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2018 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.

SEC. 1504. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2018 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

SEC. 1505. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2018 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4302.

SEC. 1506. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2018 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4402.

SEC. 1507. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2018 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.

SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2018 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

SEC. 1509. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2018 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

SEC. 1510. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2018 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

Subtitle B—Financial Matters

SEC. 1511. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1512. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made

available to the Department of Defense in this title for fiscal year 2018 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $2,500,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Limitations, Reports, and Other Matters

SEC. 1521. AFGHANISTAN SECURITY FORCES FUND.

(a) CONTINUATION OF PRIOR AUTHORITIES AND NOTICE AND REPORTING REQUIREMENTS.—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2018 shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4424).

(b) EQUIPMENT DISPOSITION.—

(1) ACCEPTANCE OF CERTAIN EQUIPMENT.—Subject to paragraph (2), the Secretary of Defense may accept equipment that is procured using amounts in the Afghanistan Security Forces Fund authorized under this Act and is intended for transfer to the security forces of Afghanistan, but is not accepted by such security forces.

(2) CONDITIONS ON ACCEPTANCE OF EQUIPMENT.—Before accepting any equipment under the authority provided by paragraph (1), the Commander of United States forces in Afghanistan shall make a determination that the equipment was procured for the purpose of meeting requirements of the security forces of Afghanistan, as agreed to by both the Government of Afghanistan and the United States, but is no longer required by such security forces or was damaged before transfer to such security forces.

(3) ELEMENTS OF DETERMINATION.—In making a determination under paragraph (2) regarding equipment, the Commander of United States forces in Afghanistan shall consider alternatives to Secretary of Defense acceptance of the equipment. An explanation of each determination, including the basis for the determination and the alternatives considered, shall be included in the relevant quarterly report required under paragraph (5).

(4) TREATMENT AS DEPARTMENT OF DEFENSE STOCKS.—Equipment accepted under the authority provided by paragraph (1) may be treated as stocks of the Department of Defense

upon notification to the congressional defense committees of such treatment.

(5) QUARTERLY REPORTS ON EQUIPMENT DISPOSITION.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and every 90-day period thereafter during which the authority provided by paragraph (1) is exercised, the Secretary of Defense shall submit to the congressional defense committees a report describing the equipment accepted during the period covered by such report under the following:

(i) This subsection.

(ii) Section 1521(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2575).

(iii) Section 1531(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1088).

(iv) Section 1532(b) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3613).

(v) Section 1531(d) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 938; 10 U.S.C. 2302 note).

(B) ELEMENTS.—Each report under subparagraph (A) shall include a list of all equipment that was accepted during the period covered by the report and treated as stocks of the Department of Defense and copies of the determinations made under paragraph (2), as required by paragraph (3).

(c) SECURITY OF AFGHAN WOMEN.—

(1) IN GENERAL.—Of the funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2018, it is the goal that $41,000,000, but in no event less than $10,000,000, shall be used for—

(A) the recruitment, integration, retention, training, and treatment of women in the Afghan National Defense and Security Forces; and

(B) the recruitment, training, and contracting of female security personnel for future elections.

(2) TYPES OF PROGRAMS AND ACTIVITIES.—Such programs and activities may include—

(A) efforts to recruit women into the Afghan National Defense and Security Forces, including the special operations forces;

(B) programs and activities of the Afghan Ministry of Defense Directorate of Human Rights and Gender Integration and the Afghan Ministry of Interior Office of Human Rights, Gender and Child Rights;

(C) development and dissemination of gender and human rights educational and training materials and programs within the Afghan Ministry of Defense and the Afghan Ministry of Interior;

(D) efforts to address harassment and violence against women within the Afghan National Defense and Security Forces;

(E) improvements to infrastructure that address the requirements of women serving in the Afghan National Defense and Security Forces, including appropriate equipment for female security and police forces, and transportation for policewomen to their station;

(F) support for Afghanistan National Police Family Response Units; and

(G) security provisions for high-profile female police and army officers.

(d) ASSESSMENT OF AFGHANISTAN PROGRESS ON SECURITY OBJECTIVES.—

(1) ASSESSMENT REQUIRED.—Not later than June 1, 2018, the Secretary of Defense shall, in consultation with the Secretary of State, submit to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate an assessment describing the progress of the Government of the Islamic Republic of Afghanistan toward meeting shared security objectives. In conducting such assessment, the Secretary of Defense shall consider each of the following:

(A) The extent to which the Government of Afghanistan has taken steps toward increased accountability and reducing corruption within the Ministries of Defense and Interior.

(B) The extent to which the capability and capacity of the Afghan National Defense and Security Forces have improved as a result of Afghanistan Security Forces Fund investment, including through training.

(C) The extent to which the Afghan National Defense and Security Forces have been able to increase pressure on the Taliban, al-Qaeda, the Haqqani network, and other terrorist organizations, including by re-taking territory, defending territory, and disrupting attacks.

(D) Whether or not the Government of Afghanistan is ensuring that supplies, equipment, and weaponry supplied by the United States are appropriately distributed to security forces charged with fighting the Taliban and other terrorist organizations.

(E) Such other factors as the Secretaries consider appropriate.

(2) WITHHOLDING OF ASSISTANCE FOR INSUFFICIENT PROGRESS.—

(A) IN GENERAL.—If the Secretary of Defense determines, in coordination with the Secretary of State, pursuant to the assessment under paragraph (1) that the Government of Afghanistan has made insufficient progress, the Secretary of Defense may withhold assistance for the Afghan National Defense and Security Forces until such time as the Secretary determines sufficient progress has been made.

(B) NOTICE TO CONGRESS.—If the Secretary of Defense withholds assistance under subparagraph (A), the Secretary shall, in coordination with the Secretary of State, provide notice to Congress not later than 30 days after making the decision to withhold such assistance.

(e) INSPECTOR GENERAL OVERSIGHT OF FUND.— 5 USC app. 8G note.

(1) QUALITY STANDARDS FOR IG PRODUCTS.—Except as provided in paragraph (3), each product published or issued by an Inspector General relating to the oversight of programs and activities funded under the Afghanistan Security Forces Fund shall be prepared—

(A) in accordance with the Generally Accepted Government Auditing Standards/Government Auditing Standards (GAGAS/GAS), as issued and updated by the Government Accountability Office; or

(B) if not prepared in accordance with the standards referred to in subparagraph (A), in accordance with the Quality Standards for Inspection and Evaluation issued by the Council of the Inspectors General on Integrity and Efficiency (commonly referred to as the "CIGIE Blue Book").

(2) SPECIFICATION OF QUALITY STANDARDS FOLLOWED.—Each product published or issued by an Inspector General relating to the oversight of programs and activities funded under the Afghanistan Security Forces Fund shall cite within such product the quality standards followed in conducting and reporting the work concerned.

(3) WAIVER.—The Lead Inspector General for Operation Freedom's Sentinel may waive the applicability of paragraph (1) to a specific product relating to the oversight by an Inspector General of activities and programs funded under the Afghanistan Security Forces Fund if the Lead Inspector General determines that the waiver would facilitate timely efforts to promote efficiency and effectiveness and prevent, detect, and deter fraud, waste, and abuse. Any product published or issued pursuant to a waiver under this paragraph shall include a statement that work for such product was not conducted in accordance with the standards referred to in paragraph (1) and an explanation why such standards were not employed.

SEC. 1522. JOINT IMPROVISED-THREAT DEFEAT FUND.

(a) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as in effect before the amendments made by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), shall apply to the funds made available for fiscal year 2018 to the Department of Defense for the Joint Improvised-Threat Defeat Fund.

(b) INTERDICTION OF IMPROVISED EXPLOSIVE DEVICE PRECURSOR CHEMICALS.—

(1) AVAILABILITY OF FUNDS.—Of the funds made available to the Department of Defense for the Joint Improvised-Threat Defeat Fund for fiscal year 2018, $15,000,000 may be available to the Secretary of Defense, with the concurrence of the Secretary of State, to provide training, equipment, supplies, and services to ministries and other entities of foreign governments that the Secretary has identified as critical for countering the flow of improvised explosive device precursor chemicals.

(2) PROVISION THROUGH OTHER UNITED STATES AGENCIES.—If jointly agreed upon by the Secretary of Defense and the head of another department or agency of the United States

Government, the Secretary of Defense may transfer funds available under paragraph (1) to such department or agency for the provision by such department or agency of training, equipment, supplies, and services to ministries and other entities of foreign governments as described in that paragraph.

(3) NOTICE TO CONGRESS.—None of the funds made available pursuant to paragraph (1) may be obligated or expended to supply training, equipment, supplies, or services to a foreign country before the date that is 15 days after the date on which the Secretary of Defense, in coordination with the Secretary of State, submits to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a notice that contains—

(A) the foreign country for which training, equipment, supplies, or services are proposed to be supplied;

(B) a description of the training, equipment, supplies, and services to be provided using such funds;

(C) a detailed description of the amount of funds proposed to be obligated or expended to supply such training, equipment, supplies or services, including any funds proposed to be obligated or expended to support the participation of another department or agency of the United States and a description of the training, equipment, supplies, or services proposed to be supplied;

(D) an evaluation of the effectiveness of the efforts of the foreign country identified under subparagraph (A) to counter the flow of improvised explosive device precursor chemicals; and

(E) an overall plan for countering the flow of precursor chemicals in the foreign country identified under subparagraph (A).

(4) EXPIRATION.—The authority provided by this subsection expires on December 31, 2018.

SEC. 1523. COMPTROLLER GENERAL REPORT ON FEASIBILITY OF SEPARATION OF EXPENDITURES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report assessing the feasibility of separating expenditures of amounts appropriated for overseas contingency operations from expenditures of all other amounts appropriated for the Department of Defense.

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

(1) A review of the processes the Department of Defense currently employs to separate expenditures of amounts appropriated for overseas contingency operations from expenditures of all other amounts appropriated for the Department of Defense.

(2) A review of the processes the Department of the Treasury currently employs to separate expenditures of amounts appropriated for overseas contingency operations from expenditures of all other amounts appropriated for the Department of Defense.

(3) A comparison between each of the processes described in paragraphs (1) and (2) and generally accepted accounting principles.

(4) A description of the costs and requirements associated with implementing proposed alternatives to the processes described in paragraphs (1) and (2) for more effectively separating expenditures of amounts appropriated for overseas contingency operations from expenditures of all other amounts appropriated for the Department of Defense.

(5) Any related information the Comptroller General considers appropriate.

SEC. 1524. GUIDELINES FOR BUDGET ITEMS TO BE COVERED BY OVERSEAS CONTINGENCY OPERATIONS ACCOUNTS.

Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of Management and Budget, shall update the guidelines regarding the budget items that may be covered by overseas contingency operations accounts.

TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

Subtitle A—Space Activities

Subtitle B—Defense Intelligence and Intelligence-Related Activities

Subtitle A—Space Activities

SEC. 1601. SPACE ACQUISITION AND MANAGEMENT AND OVERSIGHT.

(a) AIR FORCE SPACE COMMAND.—

(1) IN GENERAL.—Chapter 135 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 2279c.

"§ 2279c. Air Force Space Command

"(a) COMMANDER.—(1) The head of the Air Force Space Command shall be the Commander of the Air Force Space Command, who shall be appointed in accordance with section 601 of this title. The officer serving as Commander, while so serving, has the grade of general without vacating the permanent grade of the officer.

"(2) The Commander shall be appointed to serve a term of six years. The Secretary may propose to promote the individual serving as the Commander during that term of appointment.

"(3) The incumbent Commander may serve as the first Commander after the date of the enactment of this Act.

"(b) AUTHORITIES.—In addition to the authorities and responsibilities assigned to the Commander before the date of the enactment of this section, the Commander has the sole authority with respect to each of the following:

"(1) Organizing, training, and equipping personnel and operations of the space forces of the Air Force.

"(2) Subject to the direction of the Secretary of the Air Force, serving as the service acquisition executive under section 1704 of this title for defense space acquisitions.

"(3) In consultation with the Chief Information Officer of the Department of Defense, procurement of commercial satellite communications services for the Department of Defense for such services entered into on or after the date that is one year after the date of the enactment of this section.".

(2) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 2279b the following new item: 10 USC prec. 2271.

"2279c. Air Force Space Command.".

(3) RULE OF CONSTRUCTION.—Nothing in subsection (b)(1) of section 2279c of title 10, United States Code, as added by paragraph (1), may be construed to prohibit or otherwise affect the authority of the Secretary of the Air Force to provide to the space forces of the Air Force the services of the Department of the Air Force relating to basic personnel functions, the United States Air Force Academy, recruitment, and basic training. 10 USC 2279c note.

(b) TERMINATION OF CERTAIN POSITIONS AND ENTITIES.— 10 USC 2271 note.

(1) IN GENERAL.—Effective 30 days after the date of the enactment of this Act—

(A) the position, and the office of, the Principal Department of Defense Space Advisor (previously known as the Department of Defense Executive Agent for Space) shall be terminated;

(B) the duties, responsibilities, and personnel of such office specified in subparagraph (A) shall be transferred to a single official selected by the Deputy Secretary of Defense, without delegation, except the Deputy Secretary may not select the Secretary of the Air Force nor the Under Secretary of Defense for Intelligence;

(C) any reference in Federal law, regulations, guidance, instructions, or other documents of the Federal Government to the Principal Department of Defense Space Advisor or the Department of Defense Executive Agent for Space shall be deemed to be a reference to the official selected by the Deputy Secretary under subparagraph (B);

(D) the position, and the office of, the Deputy Chief of Staff of the Air Force for Space Operations shall be terminated; and

(E) the Defense Space Council shall be terminated.

(2) PRINCIPAL ADVISOR ON SPACE CONTROL.—

(A) REPEAL.—Section 2279a of title 10, United States Code, is repealed.

10 USC prec. 2271.

(B) CLERICAL AMENDMENT.—The table of sections for chapter 135 of such title is amended by striking the item relating to section 2279a.

(b) REDESIGNATION OF OPERATIONALLY RESPONSIVE SPACE PROGRAM OFFICE AS SPACE RAPID CAPABILITIES OFFICE; REPORTING TO AIR FORCE SPACE COMMAND.—

(1) IN GENERAL.—Section 2273a of title 10, United States Code, is amended—

(A) in the section heading, by striking "**Operationally Responsive Space Program**" and inserting "**Space Rapid Capabilities**";

(B) in subsection (a)—

(i) by striking "Air Force Space and Missile Systems Center of the Department of Defense" and inserting "Air Force Space Command"; and

(ii) by striking "Operationally Responsive Space Program" and inserting "Space Rapid Capabilities";

(C) in subsection (b), by striking "Air Force Space and Missile Systems Center" and inserting "Air Force Space Command";

(D) in subsections (c) and (f), by striking "operationally responsive space" each place it appears and inserting "space rapid capabilities";

(E) in subsection (d)—

(i) in the matter preceding paragraph (1), by striking "operationally responsive space" and inserting "space rapid capabilities";

(ii) in paragraph (1), by striking "capabilities for operationally responsive space" and inserting "space rapid capabilities";

(iii) in paragraphs (2) and (3), by striking "operationally responsive space" each place it appears and inserting "space rapid capabilities"; and

(iv) in paragraph (4), by striking "operationally responsive space capabilities" and inserting "space rapid capabilities".

(F) in subsection (g)(1), by striking "Operationally Responsive Space" and inserting "Space Rapid Capabilities".

10 USC prec. 2271.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 135 of such title is amended by striking the item relating to section 2273a and inserting the following new item:

"2273a. Space Rapid Capabilities Office.".

(c) REVIEW OF STRUCTURE.—

(1) REVIEW.—The Deputy Secretary of Defense shall conduct a review and identify a recommended organizational and management structure for the national security space components of the Department of Defense, including the Air Force Space Command, that implements the organizational policy guidance expressed in this section and the amendments made by this section.

(2) INTERIM REPORT.—Not later than March 1, 2018, the Deputy Secretary of Defense shall submit to the congressional defense committees an interim report on the review and recommended organizational and management structure for the national security space components of the Department of

Defense, including the Air Force Space Command, under paragraph (1).

(3) FINAL REPORT.—Not later than August 1, 2018, the Deputy Secretary of Defense shall submit to the congressional defense committees a final report on the review and recommended organizational and management structure for the national security space components of the Department of Defense, including the Air Force Space Command, under paragraph (1), including—

(A) a proposed implementation plan for how the Deputy Secretary would implement the recommendations;

(B) recommendations for revisions to appointments and qualifications, duties and powers, and precedent in the Department;

(C) recommendations for such legislative and administrative action, including conforming and other amendments to law, as the Deputy Secretary considers appropriate to implement the plan; and

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

(4) PROHIBITION ON DELEGATION.—The Deputy Secretary of Defense may not delegate the authority to carry out this subsection.

(d) INDEPENDENT PLAN TO ESTABLISH MILITARY DEPARTMENT.—

(1) PLAN.—Not later than 45 days after the date of the enactment of this Act, the Deputy Secretary of Defense shall seek to enter into a contract with a federally funded research and development center that is not closely affiliated with the Department of the Air Force to develop a plan to establish a separate military department responsible for the national security space activities of the Department of Defense. Such plan shall include recommendations for legislative language.

(2) INTERIM REPORT.—Not later than August 1, 2018, the Deputy Secretary shall submit to the congressional defense committees an interim report on the plan developed under paragraph (1).

(3) FINAL REPORT.—Not later than December 31, 2018, the Deputy Secretary shall submit to the congressional defense committees a final report containing the plan developed under paragraph (1), without change.

SEC. 1602. CODIFICATION, EXTENSION, AND MODIFICATION OF LIMITATION ON CONSTRUCTION ON UNITED STATES TERRITORY OF SATELLITE POSITIONING GROUND MONITORING STATIONS OF FOREIGN GOVERNMENTS.

(a) CODIFICATION, EXTENSION, AND MODIFICATION.—Chapter 135 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2279c. Limitation on construction on United States territory of satellite positioning ground monitoring stations of certain foreign governments.

10 USC 2279c.

"(b) EXCEPTION.—The limitation in subsection (a) shall not apply to foreign governments that are allies of the United States.

"(c) SUNSET.—The limitation in subsection (a) shall terminate on December 31, 2023.".

(b) TRANSFER OF PROVISION.—Subsection (b) of section 1602 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2281 note) is—

(1) transferred to section 2279c of title 10, United States Code, as added by subsection (a);

(2) inserted as the first subsection of such section;

(3) redesignated as subsection (a); and

(4) amended—

(A) by amending the subsection heading to read as follows: "LIMITATION"; and

(B) by striking paragraph (6).

SEC. 1603. FOREIGN COMMERCIAL SATELLITE SERVICES: CYBERSECURITY THREATS AND LAUNCHES.

(a) CYBERSECURITY RISKS.—Subsection (a) of section 2279 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "; or" and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting: "; or"; and

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

"(3) entering into such contract would create an unacceptable cybersecurity risk for the Department of Defense.".

(b) LAUNCHES.—Such section is amended—

(1) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) LAUNCHES AND MANUFACTURERS.—

"(1) LIMITATION.—In addition to the prohibition in subsection (a), and except as provided in paragraph (2) and in subsection (c), the Secretary may not enter into a contract for satellite services with any entity if the Secretary reasonably believes that such satellite services will be provided using satellites that will be—

"(A) designed or manufactured in a covered foreign country, or by an entity controlled in whole or in part by, or acting on behalf of, the government of a covered foreign country; or

"(B) launched using a launch vehicle that is designed or manufactured in a covered foreign country, or that is provided by the government of a covered foreign country or by an entity controlled in whole or in part by, or acting on behalf of, the government of a covered foreign country, regardless of the location of the launch (unless such location is in the United States).

"(2) EXCEPTION.—The limitation in paragraph (1) shall not apply with respect to—

"(A) a launch that occurs prior to December 31, 2022; or

"(B) a contract or other agreement relating to launch services that, prior to the date that is 180 days after the date of the enactment of this subsection, was either fully paid for by the contractor or covered by a legally binding commitment of the contractor to pay for such services.

"(3) LAUNCH VEHICLE DEFINED.—In this subsection, the term 'launch vehicle' means a fully integrated space launch vehicle.".

(c) DEFINITIONS.—Subsection (f) of section 2279 of title 10, United States Code, as redesignated by subsection (b)(1)(A), is amended to read as follows:

"(f) DEFINITIONS.—In this section:

"(1) The term 'covered foreign country' means any of the following:

"(A) A country described in section 1261(c)(2) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2019).

"(B) The Russian Federation.

"(2) The term 'cybersecurity risk' means threats to and vulnerabilities of information or information systems and any related consequences caused by or resulting from unauthorized access, use, disclosure, degradation, disruption, modification, or destruction of such information or information systems, including such related consequences caused by an act of terrorism.".

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.—Such section 2279 is further amended—

(A) in the section heading, by striking "**services**" and inserting "**services and foreign launches**";

(B) by striking "subsection (b)" each place it appears and inserting "subsection (c)";

(C) in subsection (a)(2), by striking "launch or other";

(D) in subsection (c), as redesignated by subsection (b)(1), by striking "prohibition in subsection (a)" and inserting "prohibitions in subsection (a) and (b)"; and

(E) in subsection (d), as so redesignated, by striking "prohibition under subsection (a)" and inserting "prohibition under subsection (a) or (b)".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 135 of title 10, United States Code, is amended by striking the item relating to section 2279 and inserting the following:

10 USC prec. 2271.

"2279. Foreign commercial satellite services and foreign launches.".

(e) APPLICATION.—Except as otherwise specifically provided, the amendments made by this section shall apply with respect to contracts for satellite services awarded by the Secretary of Defense on or after the date of the enactment of this Act.

10 USC 2279 note.

SEC. 1604. EXTENSION OF PILOT PROGRAM ON COMMERCIAL WEATHER DATA.

Section 1613 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended—

(1) in subsection (b), by striking "one year" and inserting "two years";

(2) in subsection (c)—

(A) by striking "Committees on Armed Services of the House of Representatives and the Senate" each place it appears and inserting "appropriate congressional committees"; and

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

"(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term 'appropriate congressional committees' means—

"(A) the Committees on Armed Services of the Senate and the House of Representatives; and

"(B) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.".

SEC. 1605. EVOLVED EXPENDABLE LAUNCH VEHICLE MODERNIZATION AND SUSTAINMENT OF ASSURED ACCESS TO SPACE.

(a) DEVELOPMENT.—

(1) EVOLVED EXPENDABLE LAUNCH VEHICLE.—Using funds described in paragraph (3), the Secretary of Defense may only obligate or expend funds to carry out the evolved expendable launch vehicle program to—

(A) develop a domestic rocket propulsion system to replace non-allied space launch engines;

(B) develop the necessary interfaces to, or integration of, such domestic rocket propulsion system with an existing or planned launch vehicle; and

(C) develop capabilities necessary to enable existing or planned commercially available space launch vehicles or infrastructure that are primarily for national security space missions to meet the assured access to space requirements pursuant to section 2273 of title 10, United States Code.

(2) PROHIBITION.—Except as provided in this section, none of the funds described in paragraph (3) shall be obligated or expended for the evolved expendable launch vehicle program.

(3) FUNDS DESCRIBED.—The funds described in this paragraph are the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for research, development, test, and evaluation, Air Force, for the evolved expendable launch vehicle program.

(4) TERMINATION.—The authority to carry out subparagraphs (A) and (B) of paragraph (1) shall terminate on the date on which the Secretary of the Air Force certifies to the congressional defense committees that a successful full-scale test of a domestic rocket engine has occurred.

(b) OTHER AUTHORITIES.—Nothing in this section shall affect or prohibit the Secretary from procuring launch services of evolved expendable launch vehicle launch systems, including with respect to any associated operation and maintenance of capabilities and infrastructure relating to such systems.

(c) NOTIFICATION.—Not later than 30 days before any date on which the Secretary publishes a draft or final request for proposals, or obligates funds, for the development under subsection (a)(1), the Secretary shall notify the congressional defense committees of such proposed draft or final request for proposals or proposed obligation, as the case may be. If such proposed draft or final request for proposals or proposed obligation relates to intelligence requirements, the Secretary shall also notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(d) ASSESSMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary, in coordination with the

Director of Cost Assessment and Program Evaluation, shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report containing an assessment of the most cost-effective method to meet the assured access to space requirements pursuant to section 2273 of title 10, United States Code, with respect to each of the following periods:

(1) The five-year period beginning on the date of the report.

(2) The 10-year period beginning on the date of the report.

(3) The period consisting of the full lifecycle of the evolved expendable launch vehicle program.

(e) ROCKET PROPULSION SYSTEM DEFINED.—In this section, the term "rocket propulsion system" means, with respect to the development authorized by subsection (a)(1), a main booster, first-stage rocket engine (including such an engine using kerosene or methane-based or other propellant) or motor. The term does not include a launch vehicle, an upper stage, a strap-on motor, or related infrastructure.

SEC. 1606. DEMONSTRATION OF BACKUP AND COMPLEMENTARY POSITIONING, NAVIGATION, AND TIMING CAPABILITIES OF GLOBAL POSITIONING SYSTEM.

(a) PLAN.—During fiscal year 2018, the Secretary of Defense, the Secretary of Transportation, and the Secretary of Homeland Security (referred to in this section as the "Secretaries") shall jointly develop a plan for carrying out a backup GPS capability demonstration. The plan shall—

(1) be based on the results of the study conducted under section 1618 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2595); and

(2) include the activities that the Secretaries determine necessary to carry out such demonstration.

(b) BRIEFING.—Not later than 120 days after the date of the enactment of this Act, the Secretaries shall provide to the appropriate congressional committees a briefing on the plan developed under subsection (a). The briefing shall include—

(1) identification of the sectors that would be expected to participate in the backup GPS capability demonstration described in the plan;

(2) an estimate of the costs of implementing the demonstration in each sector identified in paragraph (1); and

(3) an explanation of the extent to which the demonstration may be carried out with the funds appropriated for such purpose.

(c) IMPLEMENTATION.—

(1) IN GENERAL.—Subject to the availability of appropriations and beginning not earlier than the day after the date on which the briefing is provided under subsection (b), the Secretaries shall jointly initiate the backup GPS capability demonstration to the extent described under subsection (b)(3).

(2) TERMINATION.—The authority to carry out the backup GPS capability demonstration under paragraph (1) shall terminate on the date that is 18 months after the date of the enactment of this Act.

(d) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretaries shall submit to the appropriate congressional committees a report on the backup GPS capability demonstration carried out under subsection (c) that includes—

(1) a description of the opportunities and challenges learned from such demonstration; and

(2) a description of the next actions the Secretaries determine appropriate to backup and complement the positioning, navigation, and timing capabilities of the Global Positioning System for national security and critical infrastructure, including, at a minimum, the timeline and funding required to issue a request for proposals for such capabilities.

(e) NSPD–39.—

(1) JOINT FUNDING.—The costs to carry out this section shall be consistent with the responsibilities established in National Security Presidential Directive 39 titled "U.S. Space-Based Positioning, Navigation, and Timing Policy".

(2) CONSTRUCTION.—Nothing in this section may be construed to modify the roles or responsibilities established in such National Security Presidential Directive 39.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for fiscal year 2018 not more than $10,000,000 for the Department of Defense, as specified in the funding tables in division D.

(g) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the congressional defense committees;

(B) the Committee on Science, Space, and Technology, the Committee on Transportation and Infrastructure, and the Committee on Homeland Security of the House of Representatives; and

(C) the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate.

(2) The term "backup GPS capability demonstration" means a proof-of-concept demonstration of capabilities to backup and complement the positioning, navigation, and timing capabilities of the Global Positioning System for national security and critical infrastructure.

SEC. 1607. ENHANCEMENT OF POSITIONING, NAVIGATION, AND TIMING CAPACITY.

(a) PLAN.—The Secretary of Defense, acting through the Council on Oversight of the Department of Defense Positioning, Navigation, and Timing Enterprise established by section 2279b of title 10, United States Code, shall develop a plan to increase the positioning, navigation, and timing capacity of the Department of Defense to provide resilience to the positioning, navigation, and timing capabilities of the Department. Such plan shall—

(1) ensure that military Global Positioning System user equipment terminals have the capability, including with appropriate mitigation efforts, to receive trusted signals from the Galileo satellites of the European Union and the QZSS satellites of Japan, beginning with increment 2 of the acquisition of such terminals;

(2) evaluate the risks and benefits with respect to ensuring the capability described in paragraph (1);

(3) include an assessment of the feasibility, benefits, and risks of military Global Positioning System user equipment terminals having the capability to receive non-allied positioning, navigation, and timing signals, beginning with increment 2 of the acquisition of such terminals;

(4) include an assessment of options to use hosted payloads to provide redundancy for the Global Positioning System signal;

(5) ensure that the Secretary, with the concurrence of the Secretary of State, engages with relevant allies of the United States to—

(A) enable military Global Positioning System user equipment terminals to receive the positioning, navigation, and timing signals of such allies; and

(B) negotiate other potential agreements relating to the enhancement of positioning, navigation, and timing;

(6) include any other options the Secretary of Defense determines appropriate and a determination by the Secretary regarding whether the plan should be implemented; and

(7) include an evaluation by the Director of National Intelligence of the benefits and risks of using non-allied positioning, navigation, and timing signals.

(b) SUBMISSION.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall—

(1) submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate the plan under subsection (a); and

(2) submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate the evaluation described in paragraph (6) of such subsection.

SEC. 1608. COMMERCIAL SATELLITE COMMUNICATIONS PATHFINDER PROGRAM.

(a) REPORT.—Not later than March 1, 2018, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that includes the views and plans of the Secretary with respect to using the transaction authority provided by section 2371 of title 10, United States Code, to acquire from commercial providers a portion of the satellite bandwidth, ground services, and advanced services for the pathfinder program.

(b) DEFINITION.—In this section, the term "pathfinder program" means the commercial satellite communications programs of the Air Force designed to demonstrate the feasibility of new, alternative acquisition and procurement models for commercial satellite communications.

SEC. 1609. LAUNCH SUPPORT AND INFRASTRUCTURE MODERNIZATION.

10 USC 2273 note.

(a) IN GENERAL.—In support of the policy specified in section 2273 of title 10, United States Code, the Secretary of Defense shall carry out a program to modernize infrastructure and improve support activities for the processing and launch of United States national security space vehicles launching from Federal ranges.

(b) ELEMENTS.—The program under subsection (a) shall include—

(1) investments in infrastructure to improve operations at the Eastern and Western Ranges that may benefit all users, to enhance the overall capabilities of ranges, to improve safety, and to reduce the long-term cost of operations and maintenance;

(2) measures to normalize processes, systems, and products across the Eastern and Western ranges to minimize the burden on launch providers; and

(3) improvements in transparency, flexibility, and, responsiveness for launch scheduling.

(c) CONSULTATION.—In carrying out the program under subsection (a), the Secretary may consult with current and anticipated users of the Eastern and Western Ranges.

(d) COOPERATION.—In carrying out the program under subsection (a), the Secretary may consider partnerships authorized under section 2276 of title 10, United States Code.

(e) REPORT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the plan for the implementation of the program under subsection (a).

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) a description of plans and the resources needed to improve launch support infrastructure, utilities, support equipment, and range operations;

(B) a description of plans to streamline and normalize processes, systems, and products at the Eastern and Western ranges, to ensure consistency for range users; and

(C) recommendations for improving transparency, flexibility, and responsiveness in launch scheduling.

10 USC 2274 note.

SEC. 1610. LIMITATION ON AVAILABILITY OF FUNDING FOR JOINT SPACE OPERATIONS CENTER MISSION SYSTEM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the Joint Space Operations Center mission system, not more than 75 percent may be obligated or expended until the date on which the Secretary of the Air Force certifies to the congressional defense committees that the Secretary has developed the plan under subsection (b).

(b) PLAN.—The Secretary shall develop and implement a plan to operationalize existing commercial space situational awareness capabilities to address warfighter requirements, consistent with the best-in-breed concept. Except as provided by subsection (c), the Secretary shall commence such implementation by not later than May 30, 2018.

(c) WAIVER.—The Secretary may waive the implementation of the plan developed under subsection (b) if the Secretary determines that existing commercial capabilities will not address national security requirements or existing space situational awareness capability gaps. The authority under this subsection may not be delegated below the Deputy Secretary of Defense.

SEC. 1611. LIMITATION ON USE OF FUNDS FOR DELTA IV LAUNCH VEHICLE.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 or any fiscal year thereafter for the Air Force may be obligated or expended to maintain infrastructure, system engineering, critical skills, base and range support, depreciation, or sustainment commodities for the Delta IV launch vehicle until the date on which the Secretary of the Air Force submits to the congressional defense committees a certification that the Air Force plans to launch a satellite procured by the Air Force on a Delta IV launch vehicle during the three-year period beginning on the date of the certification.

SEC. 1612. AIR FORCE SPACE CONTRACTOR RESPONSIBILITY WATCH LIST.

10 USC 2271 note.

(a) IN GENERAL.—The Commander of the Air Force Space and Missile Systems Center shall establish and maintain a watch list of contractors with a history of poor performance on space procurement contracts or research, development, test, and evaluation space program contracts.

(b) BASIS FOR INCLUSION ON LIST.—

(1) DETERMINATION.—The Commander may place a contractor on the watch list established under subsection (a) upon determining that the ability of the contractor to perform a contract specified in such subsection is uncertain because of any of the following issues:

(A) Poor performance or award fee scores below 50 percent.

(B) Financial concerns.

(C) Felony convictions or civil judgements.

(D) Security or foreign ownership and control issues.

(2) DISCRETION OF THE COMMANDER.—The Commander shall be responsible for determining which contractors to place on the watch list, whether an entire company or a specific division should be included, and when to remove a contractor from the list.

(c) EFFECT OF LISTING.—

(1) PRIME CONTRACTS.—The Commander may not solicit an offer from, award a contract to, execute an engineering change proposal with, or exercise an option on any space program of the Air Force with a contractor included on the list established under subsection (a) without the prior approval of the Commander.

(2) SUBCONTRACTS.—A prime contractor on a contract entered into with the Air Force Space and Missile Systems Center may not enter into a subcontract valued in excess of $3,000,000 or five percent of the prime contract value, whichever is lesser, with a contractor included on the watch list established under subsection (a) without the prior approval of the Commander.

(d) REQUEST FOR REMOVAL FROM LIST.—A contractor may submit to the Commander a written request for removal from the watch list, including evidence that the contractor has resolved the issue that was the basis for inclusion on the list.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as preventing the suspension or debarment of a contractor, but inclusion on the watch list shall not be construed

as a punitive measure or de facto suspension or debarment of a contractor.

SEC. 1613. CERTIFICATION AND BRIEFING ON OPERATIONAL AND CONTINGENCY PLANS FOR LOSS OR DEGRADATION OF SPACE CAPABILITIES.

(a) CERTIFICATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly certify to the appropriate congressional committees that appropriate contingency plans exist in the event of a loss or degradation of space capabilities of the United States.

(b) BRIEFING.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly provide to the appropriate congressional committees a briefing on the mitigation of any loss or degradation of space capabilities pursuant to contingency plans described in subsection (a).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The Committees on Armed Services of the House of Representatives and the Senate.

(2) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 1614. REPORT ON PROTECTED SATELLITE COMMUNICATIONS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on protected satellite communications that contains each of the following:

(1) A joint certification by the Commander of the United States Strategic Command and the Commander of the United States Northern Command that a protected satellite communications system other than the advanced extremely high frequency program will meet all applicable requirements for the nuclear command, control, and communications mission of the Department of Defense, the continuity of government mission of the Department, and all other functions relating to protected communications of the national command authority and the combatant commands, including with respect to operational forces in a peer-near-peer jamming environment.

(2) With respect to such a protected satellite communications system other than the advanced extremely high frequency program, a certification by the Chairman of the Joint Chiefs of Staff that there is a validated military requirement that meets requirements for resilience, mission assurance, and the nuclear command, control, and communications mission of the Department of Defense.

(3) An assessment by the Chairman of the Joint Chiefs of Staff on the effect of developing and fielding all the waveforms and terminals required to use such a protected satellite communications system other than the advanced extremely high frequency program.

(4) A detailed plan by the Secretary of the Air Force for the ground control system and all user terminals developed and acquired by the Air Force to be synchronized through

development and deployment to meet all applicable requirements specified in paragraph (1).

SEC. 1615. SENSE OF CONGRESS ON ESTABLISHMENT OF SPACE FLAG TRAINING EVENT.

It is the sense of Congress that—

(1) the Secretary of Defense should establish an annual capstone training event titled "Space Flag" for space professionals to—

(A) develop and test doctrine, concepts of operation, and tactics, techniques, and procedures, for—

(i) protecting and defending assets and interests of the United States through the spectrum of space control activities;

(ii) operating in the event of degradation or loss of space capabilities;

(iii) conducting space operations in a conflict that extends to space;

(iv) deterring conflict in space; and

(v) other areas the Secretary determines necessary; and

(B) inform and develop the appropriate design of the operational training infrastructure of the space domain, including with respect to appropriate and dedicated ranges, threat replication, test community support, advanced space training requirements, training simulators, and multi-domain force packaging; and

(2) such a training event should—

(A) be modeled on the Red Flag and Cyber Flag exercises; and

(B) include live, virtual, and constructive training and on-orbit threat replication, as appropriate.

SEC. 1616. SENSE OF CONGRESS ON COORDINATING EFFORTS TO PREPARE FOR SPACE WEATHER EVENTS.

It is the sense of Congress that the Secretary of Defense should ensure the timely provision of operational space weather observations, analyses, forecasts, and other products to support the mission of the Department of Defense and coalition partners, including the provision of alerts and warnings for space weather phenomena that may affect weapons systems, military operations, or the defense of the United States.

SEC. 1617. SENSE OF CONGRESS ON NATIONAL SPACE DEFENSE CENTER.

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

(1) the National Space Defense Center is critical to defending and securing the space domain in order to protect all United States assets in space;

(2) integration between the intelligence community and the Department of Defense within the National Space Defense Center is essential to detecting, assessing, and reacting to evolving space threats; and

(3) the Department of Defense, including the military departments, and the elements of the intelligence community should seek ways to bolster integration with respect to space threats through work at the National Space Defense Center.

(b) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term "intelligence community" has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

Subtitle B—Defense Intelligence and Intelligence-Related Activities

SEC. 1621. SECURITY CLEARANCES FOR FACILITIES OF CERTAIN COMPANIES.

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

10 USC 2410s.

"§ 2410s. Security clearances for facilities of certain companies.

"(a) AUTHORITY.—If the senior management official of a covered company does not have a security clearance, the Secretary of Defense may grant a security clearance to a facility of such company only if the following criteria are met:

"(1) The company has appointed a senior officer, director, or employee of the company who has a security clearance at the level of the security clearance of the facility to act as the senior management official of the company with respect to such facility.

"(2) Any senior management official, senior officer, or director of the company who does not have such a security clearance will not have access to any classified information, including with respect to such facility.

"(3) The company has certified to the Secretary that the senior officer, director, or employee appointed under paragraph (1) has the authority to act on behalf of the company with respect to such facility independent of any senior management official, senior officer, or director described in paragraph (2).

"(4) The facility meets all of the requirements to be granted a security clearance other than any requirement relating to the senior management official of the company having an appropriate security clearance.

"(b) COVERED COMPANY.—In this section, the term 'covered company' means a company that has entered into a contract or agreement with the Department of Defense, assists the Department, or requires a facility to process classified information.".

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

10 USC prec. 2381.

"2410s. Security clearances for facilities of certain companies".

SEC. 1622. EXTENSION OF AUTHORITY TO ENGAGE IN CERTAIN COMMERCIAL ACTIVITIES.

Section 431(a) of title 10, United States Code, is amended by striking "December 31, 2017" and inserting "December 31, 2023".

SEC. 1623. SUBMISSION OF AUDITS OF COMMERCIAL ACTIVITY FUNDS.

Section 432(b)(2) of title 10, United States Code, is amended—

(1) by striking "promptly"; and

(2) by inserting before the period at the end the following: "by not later than December 31 of each year".

SEC. 1624. CLARIFICATION OF ANNUAL BRIEFING ON THE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE REQUIREMENTS OF THE COMBATANT COMMANDS.

Section 1626 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3635) is amended—

(1) by inserting "(including with respect to space-based intelligence, surveillance, and reconnaissance)" after "intelligence, surveillance, and reconnaissance requirements" both places it appears; and

(2) in paragraph (2), by striking "critical intelligence, surveillance and reconnaissance requirements" and inserting "critical intelligence, surveillance, and reconnaissance requirements (including with respect to space-based intelligence, surveillance, and reconnaissance)".

SEC. 1625. CONSIDERATION OF SERVICE BY RECIPIENTS OF BOREN SCHOLARSHIPS AND FELLOWSHIPS IN EXCEPTED SERVICE POSITIONS AS SERVICE BY SUCH RECIPIENTS UNDER CAREER APPOINTMENTS FOR PURPOSES OF CAREER TENURE.

Section 802(k) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902(k)) is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) in paragraph (2), in the matter before subparagraph (A), by striking "(3)(C)" and inserting "(4)(C)"; and

(3) by inserting after paragraph (2) the following:

"(3) CAREER TENURE.—In the case of an individual whose appointment to a position in the excepted service is converted to a career or career-conditional appointment under paragraph (1)(B), the period of service described in such paragraph shall be treated, for purposes of the service requirements for career tenure under title 5, United States Code, as if it were service in a position under a career or career-conditional appointment.".

SEC. 1626. REVIEW OF SUPPORT PROVIDED BY DEFENSE INTELLIGENCE ELEMENTS TO ACQUISITION ACTIVITIES OF THE DEPARTMENT.

10 USC 221 note.

(a) REVIEW.—The Secretary of Defense shall review the support provided by Defense intelligence elements to the acquisition activities conducted by the Secretary, with a specific focus on such support—

(1) consisting of planning, prioritizing, and resourcing relating to developmental weapon systems; and

(2) for existing weapon systems throughout the program lifecycle of such systems.

(b) BUDGET STRUCTURE.—The Secretary shall develop a specific budget structure for a sustainable funding profile to ensure the support provided by Defense intelligence elements described in subsection (a). The Secretary shall implement such structure beginning with the defense budget materials for fiscal year 2020.

(c) BRIEFING.—Not later than May 1, 2018, the Secretary of Defense shall provide to the appropriate congressional committees a briefing on the results of the review under subsection (a) and a plan to carry out subsection (b).

(d) CONSTRUCTION.—Nothing in this section may be construed to relieve the Director of National Intelligence of the responsibility

to support the acquisition activities of the Department of Defense through the National Intelligence Program.

(e) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term "defense budget materials" has the meaning given that term in section 231(f) of title 10, United States Code.

(3) The term "Defense intelligence element" means any of the agencies, offices, and elements of the Department of Defense included within the definition of "intelligence community" under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

10 USC 155 note.

SEC. 1627. ESTABLISHMENT OF CHAIRMAN'S CONTROLLED ACTIVITY WITHIN JOINT STAFF FOR INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE.

(a) CHAIRMAN'S CONTROLLED ACTIVITY.—The Chairman of the Joint Chiefs of Staff shall—

(1) undertake the roles, missions, and responsibilities of, and preserve an equal or greater number of personnel billets than the amount of such billets previously prescribed for, the Joint Functional Component Command for Intelligence, Surveillance, and Reconnaissance of the United States Strategic Command; and

(2) not later than 30 days after the date of the enactment of this Act, establish an organization within the Joint Staff—

(A) that is designated as the Joint Staff Intelligence, Surveillance, and Reconnaissance Directorate and Supporting Chairman's Controlled Activity;

(B) for which the Chairman of the Joint Chiefs of Staff shall serve as the joint functional manager; and

(C) that shall synchronize cross-combatant command intelligence, surveillance, and reconnaissance plans and develop strategies integrating all intelligence, surveillance, and reconnaissance capabilities provided by joint services, the National Reconnaissance Office, combat support intelligence agencies of the Department of Defense, and allies, to satisfy the intelligence needs of the combatant commands for the Department of Defense.

(b) LEAD AGENT.—The Secretary of Defense shall designate the Secretary of the Air Force as the lead agent and sponsor for funding for the organization established under subsection (a)(2).

(c) DATA COLLECTION AND ANALYSIS TO SUPPORT ISR ALLOCATION AND SYNCHRONIZATION PROCESSES.—In coordination with the Director of Cost Analysis and Program Evaluation, the Chairman of the Joint Chiefs of Staff shall issue guidance to the commanders of the geographical combatant commands that requires the commanders to collect sufficient and relevant data regarding the effectiveness of intelligence, surveillance, and reconnaissance measures in a manner that will—

(1) enable the standardized, objective evaluation and analysis of that data with respect to the use and effectiveness

of the intelligence, surveillance, and reconnaissance capabilities provided to the commanders; and

(2) support recommendations made by the organization established under subsection (a)(2) to the Secretary of Defense regarding the allocation of intelligence, surveillance, and reconnaissance resources of the Department of Defense.

SEC. 1628. REQUIREMENTS RELATING TO MULTI-USE SENSITIVE COMPARTMENTED INFORMATION FACILITIES.

10 USC 2302 note.

(a) IN GENERAL.—In order to facilitate access for small business concerns and nontraditional defense contractors to affordable secure spaces, the Secretary of Defense, in consultation with the Director of National Intelligence, shall develop processes and procedures necessary to build, certify, and maintain certifications for multi-use sensitive compartmented information facilities not tied to a single contract and where multiple companies can securely work on multiple projects at different security levels.

(b) DEFINITIONS.—In this section:

(1) The term "small business concern" has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

(2) The term "nontraditional defense contractors" has the meaning given that term in section 2302 of title 10, United States Code.

SEC. 1629. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN COUNTERINTELLIGENCE ACTIVITIES.

(a) LIMITATION ON COUNTERINTELLIGENCE ACTIVITIES.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 under the Military Intelligence Program for operation and maintenance, Defense-wide, for the Defense Intelligence Agency for counterintelligence activities, not more than 75 percent may be obligated or expended until the date on which the Director of the Defense Intelligence Agency submits to the appropriate congressional committees the report under subsection (b).

(b) REPORT ON CERTAIN RESOURCES.—Not later than March 1, 2018, the Director of the Defense Intelligence Agency shall submit to the appropriate congressional committees a report that includes an accounting of the counterintelligence enterprise management resources transferred from the Counterintelligence Field Activity to the Defense Intelligence Agency that identifies such resources that are no longer dedicated to counterintelligence activities, as of the date of the report.

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

(1) the congressional defense committees; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

Subtitle C—Cyberspace-Related Matters

PART I—GENERAL CYBER MATTERS

SEC. 1631. NOTIFICATION REQUIREMENTS FOR SENSITIVE MILITARY CYBER OPERATIONS AND CYBER WEAPONS.

(a) NOTIFICATION.—Chapter 3 of title 10, United States Code, is amended by adding at the end the following new sections:

10 USC 130j.

"§ 130j. Notification requirements for sensitive military cyber operations

"(a) IN GENERAL.—Except as provided in subsection (d), the Secretary of Defense shall promptly submit to the congressional defense committees notice in writing of any sensitive military cyber operation conducted under this title no later than 48 hours following such operation.

"(b) PROCEDURES.—(1) The Secretary of Defense shall establish and submit to the congressional defense committees procedures for complying with the requirements of subsection (a) consistent with the national security of the United States and the protection of operational integrity. The Secretary shall promptly notify the congressional defense committees in writing of any changes to such procedures at least 14 days prior to the adoption of any such changes.

"(2) The congressional defense committees shall ensure that committee procedures designed to protect from unauthorized disclosure classified information relating to national security of the United States are sufficient to protect the information that is submitted to the committees pursuant to this section.

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

"(c) SENSITIVE MILITARY CYBER OPERATION DEFINED.—(1) In this section, the term 'sensitive military cyber operation' means an action described in paragraph (2) that—

"(A) is carried out by the armed forces of the United States; and

"(B) is intended to cause cyber effects outside a geographic location—

"(i) where the armed forces of the United States are involved in hostilities (as that term is used in section 1543 of title 50, United States Code); or

"(ii) with respect to which hostilities have been declared by the United States.

"(2) The actions described in this paragraph are the following:

"(A) An offensive cyber operation.

"(B) A defensive cyber operation outside the Department of Defense Information Networks to defeat an ongoing or imminent threat.

"(d) EXCEPTIONS.—The notification requirement under subsection (a) does not apply—

"(1) to a training exercise conducted with the consent of all nations where the intended effects of the exercise will occur; or

"(2) to a covert action (as that term is defined in section 3093 of title 50, United States Code).

"(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide any new authority or to alter or otherwise affect the War Powers Resolution (50 U.S.C. 1541 et seq.), the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note), or any requirement under the National Security Act of 1947 (50 U.S.C. 3001 et seq.).

"§ 130k. Notification requirements for cyber weapons

10 USC 130k.

"(a) IN GENERAL.—Except as provided in subsection (c), the Secretary of Defense shall promptly submit to the congressional defense committees notice in writing of the following:

"(1) With respect to a cyber capability that is intended for use as a weapon, on a quarterly basis, the aggregated results of all reviews of the capability for legality under international law pursuant to Department of Defense Directive 5000.01 carried out by any military department concerned.

"(2) The use as a weapon of any cyber capability that has been approved for such use under international law by a military department no later than 48 hours following such use.

"(b) PROCEDURES.—(1) The Secretary of Defense shall establish and submit to the congressional defense committees procedures for complying with the requirements of subsection (a) consistent with the national security of the United States and the protection of operational integrity. The Secretary shall promptly notify the congressional defense committees in writing of any changes to such procedures at least 14 days prior to the adoption of any such changes.

"(2) The congressional defense committees shall ensure that committee procedures designed to protect from unauthorized disclosure classified information relating to national security of the United States are sufficient to protect the information that is submitted to the committees pursuant to this section.

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

"(c) EXCEPTIONS.—The notification requirement under subsection (a) does not apply—

"(1) to a training exercise conducted with the consent of all nations where the intended effects of the exercise will occur; or

"(2) to a covert action (as that term is defined in section 3093 of title 50, United States Code).

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide any new authority or to alter or otherwise affect the War Powers Resolution (50 U.S.C. 1541 et seq.), the Authorization for Use of Military Force (Public Law 107–40; 50

U.S.C. 1541 note), or any requirement under the National Security Act of 1947 (50 U.S.C. 3001 et seq.).".

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

10 USC prec. 121.

"130j. Notification requirements for sensitive military cyber operations
"130k. Notification requirements for cyber weapons".

SEC. 1632. MODIFICATION TO QUARTERLY CYBER OPERATIONS BRIEFINGS.

(a) IN GENERAL.—Section 484 of title 10, United States Code, is amended—

(1) by striking "The Secretary of Defense shall provide to the Committees on Armed Services of the House of Representatives and the Senate" and inserting the following:

"(a) BRIEFINGS REQUIRED.—The Secretary of Defense shall provide to the congressional defense committees"; and

(2) by adding at the end the following:

"(b) ELEMENTS.—Each briefing under subsection (a) shall include, with respect to the military operations in cyberspace described in such subsection, the following:

"(1) An update, set forth separately for each geographic and functional command, that describes the operations carried out by the command and any hostile cyber activity directed at the command.

"(2) An overview of authorities and legal issues applicable to the operations, including any relevant legal limitations.

"(3) An outline of any interagency activities and initiatives relating to the operations.

"(4) Any other matters the Secretary determines to be appropriate.".

10 USC 484 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to briefings required be provided under section 484 of title 10, United States Code, on or after that date.

10 USC 130g note.

SEC. 1633. POLICY OF THE UNITED STATES ON CYBERSPACE, CYBERSECURITY, AND CYBER WARFARE.

(a) IN GENERAL.—The President shall—

(1) develop a national policy for the United States relating to cyberspace, cybersecurity, and cyber warfare; and

(2) submit to the appropriate congressional committees a report on the policy.

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

(1) Delineation of the instruments of national power available to deter or respond to cyber attacks or other malicious cyber activities by a foreign power or actor that targets United States interests.

(2) Available or planned response options to address the full range of potential cyber attacks on United States interests that could be conducted by potential adversaries of the United States.

(3) Available or planned denial options that prioritize the defensibility and resiliency against cyber attacks and malicious

cyber activities that are carried out against infrastructure critical to the political integrity, economic security, and national security of the United States.

(4) Available or planned cyber capabilities that may be used to impose costs on any foreign power targeting the United States or United States persons with a cyber attack or malicious cyber activity.

(5) Development of multi-prong response options, such as—

(A) boosting the cyber resilience of critical United States strike systems (including cyber, nuclear, and non-nuclear systems) in order to ensure the United States can credibly threaten to impose unacceptable costs in response to even the most sophisticated large-scale cyber attack;

(B) developing offensive cyber capabilities and specific plans and strategies to put at risk targets most valued by adversaries of the United States and their key decision makers; and

(C) enhancing attribution capabilities and developing intelligence and offensive cyber capabilities to detect, disrupt, and potentially expose malicious cyber activities.

(c) LIMITATION ON AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for procurement, research, development, test and evaluation, and operations and maintenance, for the covered activities of the Defense Information Systems Agency, not more than 60 percent may be obligated or expended until the date on which the President submits to the appropriate congressional committees the report under subsection (a)(2).

(2) COVERED ACTIVITIES DESCRIBED.—The covered activities referred to in paragraph (1) are the activities of the Defense Information Systems Agency in support of—

(A) the White House Communication Agency; and

(B) the White House Situation Support Staff.

(d) DEFINITIONS.—In this section:

(1) The term "foreign power" has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

(2) The term "appropriate congressional committees" means—

(A) the congressional defense committees;

(B) the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives; and

(C) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate.

SEC. 1634. PROHIBITION ON USE OF PRODUCTS AND SERVICES DEVELOPED OR PROVIDED BY KASPERSKY LAB.

(a) PROHIBITION.—No department, agency, organization, or other element of the Federal Government may use, whether directly or through work with or on behalf of another department, agency, organization, or element of the Federal Government, any hardware, software, or services developed or provided, in whole or in part, by—

(1) Kaspersky Lab (or any successor entity);

(2) any entity that controls, is controlled by, or is under common control with Kaspersky Lab; or

(3) any entity of which Kaspersky Lab has majority ownership.

(b) EFFECTIVE DATE.—The prohibition in subsection (a) shall take effect on October 1, 2018.

(c) REVIEW AND REPORT.—

(1) REVIEW.—The Secretary of Defense, in consultation with the Secretary of Energy, the Secretary of Homeland Security, the Attorney General, the Administrator of the General Services Administration, and the Director of National Intelligence, shall conduct a review of the procedures for removing suspect products or services from the information technology networks of the Federal Government.

(2) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, Secretary of Defense shall submit to the appropriate congressional committees a report on the review conducted under paragraph (1).

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

(i) A description of the Federal Government-wide authorities that may be used to prohibit, exclude, or prevent the use of suspect products or services on the information technology networks of the Federal Government, including—

(I) the discretionary authorities of agencies to prohibit, exclude, or prevent the use of such products or services;

(II) the authorities of a suspension and debarment official to prohibit, exclude, or prevent the use of such products or services;

(III) authorities relating to supply chain risk management;

(IV) authorities that provide for the continuous monitoring of information technology networks to identify suspect products or services; and

(V) the authorities provided under the Federal Information Security Management Act of 2002.

(ii) Assessment of any gaps in the authorities described in clause (i), including any gaps in the enforcement of decisions made under such authorities.

(iii) An explanation of the capabilities and methodologies used to periodically assess and monitor the information technology networks of the Federal Government for prohibited products or services.

(iv) An assessment of the ability of the Federal Government to periodically conduct training and exercises in the use of the authorities described in clause (i)—

(I) to identify recommendations for streamlining process; and

(II) to identify recommendations for education and training curricula, to be integrated into existing training or certification courses.

(v) A description of information sharing mechanisms that may be used to share information about suspect products or services, including mechanisms for the sharing of such information among the Federal Government, industry, the public, and international partners.

(vi) Identification of existing tools for business intelligence, application management, and commerce due-diligence that are either in use by elements of the Federal Government, or that are available commercially.

(vii) Recommendations for improving the authorities, processes, resourcing, and capabilities of the Federal Government for the purpose of improving the procedures for identifying and removing prohibited products or services from the information technology networks of the Federal Government.

(viii) Any other matters the Secretary determines to be appropriate.

(C) FORM.—The report under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(A) The Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Homeland Security, the Committee on the Judiciary, the Committee on Oversight and Government Reform, and the Permanent Select Committee on Intelligence of the House of Representatives.

(B) The Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.

SEC. 1635. MODIFICATION OF AUTHORITIES RELATING TO ESTABLISHMENT OF UNIFIED COMBATANT COMMAND FOR CYBER OPERATIONS.

Section 167b of title 10, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 1636. MODIFICATION OF DEFINITION OF ACQUISITION WORKFORCE TO INCLUDE PERSONNEL CONTRIBUTING TO CYBERSECURITY SYSTEMS.

Section 1705(h)(2)(A) of title 10, United States Code, is amended—

(1) by inserting "(i)" after "(A)";

(2) by striking "; and" and inserting "; or"; and

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

"(ii) contribute significantly to the acquisition or development of systems relating to cybersecurity; and".

10 USC 2224 note.

SEC. 1637. INTEGRATION OF STRATEGIC INFORMATION OPERATIONS AND CYBER-ENABLED INFORMATION OPERATIONS.

(a) PROCESSES AND PROCEDURES FOR INTEGRATION.—

(1) IN GENERAL.—The Secretary of Defense shall—

(A) establish processes and procedures to integrate strategic information operations and cyber-enabled information operations across the elements of the Department of Defense responsible for such operations, including the elements of the Department responsible for military deception, public affairs, electronic warfare, and cyber operations; and

(B) ensure that such processes and procedures provide for integrated Defense-wide strategy, planning, and budgeting with respect to the conduct of such operations by the Department, including activities conducted to counter and deter such operations by malign actors.

(2) DESIGNATED SENIOR OFFICIAL.—The Secretary of Defense shall designate a senior official of the Department of Defense (in this section referred to as the "designated senior official") who shall implement and oversee the processes and procedures established under paragraph (1). The designated senior official shall be selected by the Secretary from among individuals serving in the Department of Defense at or below the level of an Under Secretary of Defense.

(3) RESPONSIBILITIES.—The designated senior official shall have, with respect to the implementation and oversight of the processes and procedures established under paragraph (1), the following responsibilities:

(A) Oversight of strategic policy and guidance.

(B) Overall resource management for the integration of information operations and cyber-enabled information operations of the Department.

(C) Coordination with the head of the Global Engagement Center to support the purpose of the Center (as described section 1287(a)(2) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 22 U.S.C. 2656 note)) and liaison with the Center and other relevant Federal Government entities to support such purpose.

(D) Development of a strategic framework for the conduct of information operations by the Department of Defense, including cyber-enabled information operations, coordinated across all relevant elements of the Department of Defense, including both near-term and long-term guidance for the conduct of such coordinated operations.

(E) Development and dissemination of a common operating paradigm across the elements of the Department of Defense specified in paragraph (1) to counter the influence, deception, and propaganda activities of key malign actors, including in cyberspace.

(F) Development of guidance for, and promotion of, the capability of the Department of Defense to liaison with the private sector, including social media, on matters relating to the influence activities of malign actors.

(b) REQUIREMENTS AND PLANS FOR INFORMATION OPERATIONS.—

(1) COMBATANT COMMAND PLANNING AND REGIONAL STRATEGY.—(A) The Secretary shall require each commander

of a combatant command to develop, in coordination with the relevant regional Assistant Secretary of State or Assistant Secretaries of State and with the assistance of the Coordinator of the Global Engagement Center and the designated senior official, a regional information strategy and interagency coordination plan for carrying out the strategy, where applicable.

(B) The Secretary shall require each commander of a combatant command to develop such requirements and specific plans as may be necessary for the conduct of information operations in support of the strategy required under subparagraph (A), including plans for deterring information operations, including deterrence in the cyber domain, by malign actors against the United States, allies of the United States, and interests of the United States.

(2) IMPLEMENTATION PLAN FOR DOD STRATEGY FOR OPERATIONS IN THE INFORMATION ENVIRONMENT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the designated senior official shall—

(i) review the strategy of the Department of Defense titled "Department of Defense Strategy for Operations in the Information Environment" and dated June 2016; and

(ii) submit to the congressional defense committees a plan for implementation of such strategy.

(B) ELEMENTS.—The plan required under subparagraph (A) shall include, at a minimum, the following:

(i) An accounting of the efforts undertaken in support of the strategy described in subparagraph (A)(i) in the period since it was issued in June 2016.

(ii) A description of any updates or changes to such strategy that have been made since it was first issued, as well as any expected updates or changes resulting from the designation of the designated senior official.

(iii) A description of the role of the Department of Defense as part of a broader whole-of-Government strategy for strategic communications, including a description of any assumptions about the roles and contributions of other departments and agencies of the Federal Government with respect to such a strategy.

(iv) Defined actions, performance metrics, and projected timelines for achieving each of the 15 tasks specified in the strategy described in subparagraph (A)(i).

(v) An analysis of any personnel, resourcing, capability, authority, or other gaps that will need to be addressed to ensure effective implementation of the strategy described in subparagraph (A)(i) across all relevant elements of the Department of Defense.

(vi) An investment framework and projected timeline for addressing any gaps identified under clause (v).

(vii) Such other matters as the Secretary of Defense considers relevant.

(C) PERIODIC STATUS REPORTS.—Not less frequently than once every 90 days during the three-year period beginning on the date on which the implementation plan is submitted under subparagraph (A)(ii), the designated senior official shall submit to the congressional defense committees a report describing the status of the efforts of the Department of Defense in accomplishing the tasks specified under clauses (iv) and (vi) of subparagraph (B).

(c) TRAINING AND EDUCATION.—Consistent with the elements of the implementation plan under paragraph (2), the designated senior official shall recommend the establishment of programs to provide training and education to such members of the Armed Forces and civilian employees of the Department of Defense as the Secretary considers appropriate to ensure that such members and employees understand the role of information in warfare, the central goal of all military operations to affect the perceptions, views, and decision making of adversaries, and the effective management and conduct of operations in the information environment.

10 USC 113 note.

SEC. 1638. EXERCISE ON ASSESSING CYBERSECURITY SUPPORT TO ELECTION SYSTEMS OF STATES.

(a) INCLUSION OF CYBER VULNERABILITIES IN ELECTION SYSTEMS IN CYBER GUARD EXERCISES.—Subject to subsection (b), the Secretary of Defense, in consultation with the Secretary of Homeland Security, may carry out exercises relating to the cybersecurity of election systems of States as part of the exercise commonly known as the "Cyber Guard Exercise".

(b) AGREEMENT REQUIRED.—The Secretary of Defense may carry out an exercise relating to the cybersecurity of a State's election system under subsection (a) only if the State enters into a written agreement with the Secretary under which the State—

(1) agrees to participate in such exercise; and

(2) agrees to allow vulnerability testing of the components of the State's election system.

(c) REPORT.—Not later than 90 days after the completion of any Cyber Guard Exercise, the Secretary of Defense shall submit to the congressional defense committees a report on the ability of the National Guard to assist States, if called upon, in defending election systems from cyberattacks. Such report shall include a description of the capabilities, readiness levels, and best practices of the National Guard with respect to the prevention of cyber attacks on State election systems.

10 USC 2224 note.

SEC. 1639. MEASUREMENT OF COMPLIANCE WITH CYBERSECURITY REQUIREMENTS FOR INDUSTRIAL CONTROL SYSTEMS.

(a) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall make such changes to the cybersecurity scorecard as are necessary to ensure that the Secretary measures the progress of each element of the Department of Defense in securing the industrial control systems of the Department against cyber threats, including such industrial control systems as supervisory control and data acquisition systems, distributed control systems, programmable logic controllers, and platform information technology.

(b) CYBERSECURITY SCORECARD DEFINED.—In this section, the term "cybersecurity scorecard" means the Department of Defense Cybersecurity Scorecard used by the Department to measure compliance with cybersecurity requirements as described in the plan of

the Department titled "Department of Defense Cybersecurity Discipline Implementation Plan".

SEC. 1640. STRATEGIC CYBERSECURITY PROGRAM.

10 USC 2224 note.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of the National Security Agency, shall submit to the congressional defense committees a plan for the establishment of a program to be known as the "Strategic Cybersecurity Program" or "SCP" (in this section referred to as the "Program").

(b) ELEMENTS.—The Program shall be comprised of personnel assigned to the Program by the Secretary of Defense from among personnel, including regular and reserve members of the Armed Forces, civilian employees of the Department, and personnel of the research laboratories of the Department of Defense and the Department of Energy, who have particular expertise in the areas of responsibility described in subsection (c). Any personnel assigned to the Program from among personnel of the Department of Energy shall be so assigned with the concurrence of the Secretary of Energy.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—Personnel assigned to the Program shall assist the Department of Defense in improving the cybersecurity of the following systems of the Federal Government:

(A) Offensive cyber systems.

(B) Long-range strike systems.

(C) Nuclear deterrent systems.

(D) National security systems.

(E) Critical infrastructure of the Department of Defense (as that term is defined in section 1650(f)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2224 note)).

(2) REVIEWS OF SYSTEMS AND INFRASTRUCTURE.—In carrying out the activities described in paragraph (1), the personnel assigned to the Program shall conduct appropriate reviews of existing systems and infrastructure and acquisition plans for proposed systems and infrastructure. The review of an acquisition plan for any proposed system or infrastructure shall be carried out before Milestone B approval for such system or infrastructure.

(3) RESULTS OF REVIEWS.—The results of each review carried out under paragraph (2), including any remedial action recommended pursuant to such review, shall be made available to any agencies or organizations of the Department involved in the development, procurement, operation, or maintenance of the system or infrastructure concerned.

(d) INTEGRATION WITH OTHER EFFORTS.—The plan required under subsection (a) shall build upon, and shall not duplicate, other efforts of the Department of Defense relating to cybersecurity, including—

(1) the evaluation of cyber vulnerabilities of major weapon systems of the Department of Defense required under section 1647 of the National Defense Authorization Act for Fiscal Year 2016 (114–92; 129 Stat. 1118);

(2) the evaluation of cyber vulnerabilities of Department of Defense critical infrastructure required under section 1650 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2224 note); and

(3) the activities of the cyber protection teams of the Department of Defense.

(e) REPORT.—Not later than one year after the date on which the plan is submitted to the congressional defense committees under subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report on any activities carried out pursuant to such plan. The report shall include the following:

(1) A description of any activities of the Program carried out pursuant to the plan during the time period covered by the report.

(2) A description of particular challenges encountered in the course of the activities of the Program, if any, and of actions taken to address such challenges.

(3) A description of any plans for additional activities under the Program.

SEC. 1641. PLAN TO INCREASE CYBER AND INFORMATION OPERATIONS, DETERRENCE, AND DEFENSE.

(a) PLAN.—The Secretary of Defense shall develop a plan to—

(1) increase inclusion of regional cyber planning within larger joint planning exercises of the United States in the Indo-Asia-Pacific region;

(2) enhance joint, regional, and combined information operations and strategic communication strategies to counter Chinese and North Korean information warfare, malign influence, and propaganda activities; and

(3) identify potential areas of cybersecurity collaboration and partnership capabilities with Asian allies and partners of the United States.

(b) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing on the plan required under subsection (a).

SEC. 1642. EVALUATION OF AGILE OR ITERATIVE DEVELOPMENT OF CYBER TOOLS AND APPLICATIONS.

(a) EVALUATION REQUIRED.—The Commander of the United States Cyber Command (in this section referred to as the "Commander") shall conduct an evaluation of alternative methods for developing, acquiring, and maintaining software-based cyber tools and applications for the United States Cyber Command, the Army Cyber Command, the Fleet Cyber Command, the Air Force Cyber Command, and the Marine Corps Cyberspace Command.

(b) GOAL.—The goal of the evaluation required by subsection (a) shall be to identify a set of practices that will—

(1) increase the speed of development of cyber capabilities of the Armed Forces;

(2) provide more effective tools and capabilities for developing, acquiring, and maintaining software-based cyber tools and applications for the Armed Forces; and

(3) create a repeatable, disciplined process for developing, acquiring, and maintaining software-based cyber tools and applications for the Armed Forces through which progress and success or failure can be continuously measured.

(c) CONSIDERATION OF AGILE OR ITERATIVE DEVELOPMENT, AND OTHER BEST PRACTICES.—

(1) IN GENERAL.—The evaluation required by subsection (a) shall include, with respect to the development, acquisition,

and maintenance of software-based cyber tools and applications, consideration of agile or iterative development practices, agile acquisition practices, and other similar best practices of commercial industry.

(2) CONSIDERATIONS.—In carrying out the evaluation required by subsection (a), the Commander shall assess requirements for implementing the practices described in paragraph (1) and consider changes to established acquisition practices that may be necessary to implement the practices described in such paragraph, including changes to the following:

(A) The requirements process.

(B) Contracting.

(C) Testing.

(D) User involvement in the development process.

(E) Program management.

(F) Milestone reviews and approvals.

(G) The definitions of "research and development", "procurement", and "sustainment".

(H) The constraints of current appropriations account definitions.

(d) ASSESSMENT OF TRAINING AND EDUCATION REQUIREMENTS.—In carrying out the evaluation required by subsection (a), the Commander shall assess training and education requirements for personnel in all areas and at all levels of management relevant to the successful adoption of new acquisition models and methods for developing, acquiring, and maintaining cyber tools and applications as described in such subsection.

(e) SERVICES AND EXPERTISE.—In carrying out the evaluation required by subsection (a), the Commander shall—

(1) obtain services and expertise from—

(A) the Defense Digital Service; and

(B) federally funded research and development centers, such as the Software Engineering Institute and the MITRE Corporation; and

(2) consult with such commercial software companies as the Commander considers appropriate to learn about relevant commercial best practices.

(f) RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Commander shall submit to the Secretary of Defense recommendations for experimenting with or adopting new acquisition methods identified pursuant to the evaluation under subsection (a), including recommendations for any actions that should be carried out to ensure the successful implementation of such methods.

(2) CONGRESSIONAL BRIEFING.—Not later than 14 days after submitting recommendations to the Secretary under paragraph (1), the Commander shall provide to the congressional defense committees a briefing on the recommendations.

(g) PRESERVATION OF EXISTING AUTHORITY.—The evaluation required under subsection (a) is intended to inform future acquisition approaches. Nothing in this section shall be construed to limit or impede the Commander in exercising the authority provided under section 807 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2224 note).

(h) AGILE OR ITERATIVE DEVELOPMENT DEFINED.—In this section, the term "agile or iterative development", with respect to software—

(1) means acquisition pursuant to a method for delivering multiple, rapid, incremental capabilities to the user for operational use, evaluation, and feedback not exclusively linked to any single, proprietary method or process; and

(2) involves—

(A) the incremental development and fielding of capabilities, commonly called "spirals", "spins", or "sprints", which can be measured in a few weeks or months; and

(B) continuous participation and collaboration by users, testers, and requirements authorities.

SEC. 1643. ASSESSMENT OF DEFENSE CRITICAL ELECTRIC INFRASTRUCTURE.

Section 1650(b)(1) of the National Defense Authorization Act for fiscal year 2017 (114–328; 10 U.S.C. 2224 note) is amended—

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

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

(3) by adding at the end the following:

"(E) to assess the strategic benefits derived from, and the challenges associated with, isolating military infrastructure from the national electric grid and the use of microgrids.".

SEC. 1644. CYBER POSTURE REVIEW.

(a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—In order to clarify the near-term policy and strategy of the United States with respect to cyber deterrence, the Secretary of Defense shall conduct a comprehensive review of the cyber posture of the United States over the posture review period.

(b) CONSULTATION.—The Secretary of Defense shall conduct the review under subsection (a) in consultation with the Director of National Intelligence, the Attorney General, the Secretary of Homeland Security, and the Secretary of State, as appropriate.

(c) ELEMENTS OF REVIEW.—The review conducted under subsection (a) shall include, for the posture review period, the following elements:

(1) The role of cyber forces in the military strategy, planning, and programming of the United States.

(2) Review of the role of cyber operations in combatant commander operational planning, the ability of combatant commanders to respond to hostile acts by adversaries, and the ability of combatant commanders to engage and build capacity with allies.

(3) A review of the law, policies, and authorities relating to, and necessary for the United States to maintain, a safe, reliable, and credible cyber posture for responding to cyber attacks and for deterrence in cyberspace.

(4) A declaratory policy relating to the responses of the United States to cyber attacks of significant consequence.

(5) Proposed norms for the conduct of offensive cyber operations for deterrence and in crisis and conflict.

(6) Guidance for the development of a cyber deterrence strategy (which may include activities, capability efforts, and

operations other than cyber activities, cyber capability efforts, and cyber operations), including—

(A) a review and assessment of various approaches to cyber deterrence, determined in consultation with experts from Government, academia, and industry;

(B) a comparison of the strengths and weaknesses of the approaches identified under subparagraph (A) relative to the threat and to each other; and

(C) an explanation of how the cyber deterrence strategy will inform country-specific deterrence campaign plans focused on key leadership of Russia, China, Iran, North Korea, and any other country the Secretary considers appropriate.

(7) Identification of the steps that should be taken to bolster stability in cyberspace and, more broadly, stability between major powers, taking into account—

(A) the analysis and gaming of escalation dynamics in various scenarios; and

(B) consideration of the spiral escalatory effects of countries developing increasingly potent offensive cyber capabilities.

(8) A determination of whether sufficient personnel are trained and equipped to meet validated cyber requirements.

(9) Such other matters as the Secretary considers appropriate.

(d) REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees a report on the results of the cyber posture review conducted under subsection (a).

(2) FORM OF REPORT.—The report under paragraph (1) may be submitted in unclassified form or classified form, as necessary.

(3) LIMITATION ON AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for operations and maintenance for the Office of the Assistant Secretary of Defense for Public Affairs, not more than 85 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees the report under paragraph (1).

(e) POSTURE REVIEW PERIOD DEFINED.—In this section, the term "posture review period" means the period beginning on the date that is five years after the date of the enactment of this Act and ending on the date that is 10 years after such date of enactment.

SEC. 1645. BRIEFING ON CYBER CAPABILITY AND READINESS SHORTFALLS.

(a) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall provide to the Committees on Armed Services of Senate and the House of Representatives a briefing on the ability of the Army Combat Training Centers to provide sufficient cyber training for deploying forces.

(b) ELEMENTS.—The briefing under subsection (a) shall include—

(1) an assessment of the pre-rotational training requirements for all deploying Army forces relating to the conduct of, and response to, cyber electromagnetic activities;

(2) an assessment of the training capabilities of the Army Combat Training Centers with respect to cyber electromagnetic activities; and

(3) recommendations for any improvements to training curricula, exercises, or infrastructure capabilities that may be needed to fill gaps in cyber training capabilities as such gaps are identified in the assessments under paragraphs (1) and (2).

(c) ADDITIONAL CONSIDERATIONS.—In preparing the briefing under subsection (a), the Secretary of the Army shall take into account the resources available within a 10-mile radius of the Army Combat Training Centers that could be used to address potential cyber capability and readiness shortfalls, including resources from other military departments, defense agencies, and field activities.

(d) CYBER ELECTROMAGNETIC ACTIVITIES DEFINED.—In this section, the term "cyber electromagnetic activities" has the meaning given the term in the Army Field Manual 3–38 titled "Cyber Electromagnetic Activities".

SEC. 1646. BRIEFING ON CYBER APPLICATIONS OF BLOCKCHAIN TECHNOLOGY.

(a) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the heads of such other departments and agencies of the Federal Government as the Secretary considers appropriate, shall provide to the appropriate committees of Congress a briefing on the cyber applications of blockchain technology.

(b) ELEMENTS.—The briefing under subsection (a) shall include—

(1) a description of potential offensive and defensive cyber applications of blockchain technology and other distributed database technologies;

(2) an assessment of efforts by foreign powers, extremist organizations, and criminal networks to utilize such technologies;

(3) an assessment of the use or planned use of such technologies by the Federal Government and critical infrastructure networks; and

(4) an assessment of the vulnerabilities of critical infrastructure networks to cyber attacks.

(c) FORM OF BRIEFING.—The briefing under subsection (a) shall be provided in unclassified form, but may include a classified supplement.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Select Committee on Intelligence, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Financial Services, and the Committee on Homeland Security of the House of Representatives.

SEC. 1647. BRIEFING ON TRAINING INFRASTRUCTURE FOR CYBER MISSION FORCES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a briefing on the Department of Defense training infrastructure for cyber mission forces. Such briefing shall include the following:

(1) A strategic plan for the growth and expansion of the training infrastructure for cyber mission forces across the Department of Defense commensurate with the projected growth of the cyber mission force.

(2) Identification of the shortcomings in such training infrastructure.

(3) A plan for the management and oversight of such training infrastructure, including management and oversight of the implementation of the strategic plan described in paragraph (1).

(4) Commercial applications that may potentially be used to address the needs identified in the strategic plan described in paragraph (1).

SEC. 1648. REPORT ON TERMINATION OF DUAL-HAT ARRANGEMENT FOR COMMANDER OF THE UNITED STATES CYBER COMMAND.

(a) REPORT.—Not later than May 1, 2018, the Secretary of Defense shall submit to the appropriate congressional committees a report on the progress of the Department of Defense in meeting the requirements of section 1642 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2601).

(b) ELEMENTS.—The report under subsection (a) shall include, with respect to any decision to terminate the dual-hat arrangement as described in section 1642 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2601), the following:

(1) Metrics and milestones for meeting the conditions described in subsection (b)(2)(C) of such section 1642.

(2) Identification of any challenges to meeting such conditions.

(3) Using data and support from the Director of Cost Assessment and Program Evaluation, in consultation with the Commander of the United States Cyber Command and the Director of the National Security Agency, identification of the costs that may be incurred in the effort to meet such conditions.

(4) Identification of entities or persons requiring additional resources as a result of any decision to terminate the dual-hat arrangement.

(5) Identification of any updates to statutory authorities needed as a result of any decision to terminate the dual-hat arrangement.

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

(1) the congressional defense committees;

(2) the Select Committee on Intelligence of the Senate; and

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

PART II—CYBERSECURITY EDUCATION

SEC. 1649. CYBER SCHOLARSHIP PROGRAM.

(a) NAME OF PROGRAM.—Section 2200 of title 10, Unites States Code, is amended by adding at the end the following:

"(c) NAME OF PROGRAM.—The programs authorized under this chapter shall be known as the 'Cyber Scholarship Program'.".

(b) MODIFICATION TO ALLOCATION OF FUNDING FOR CYBER SCHOLARSHIP PROGRAM.—Section 2200a(f) of title 10, Unites States Code, is amended—

(1) by inserting "(1)" before "Not less"; and

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

"(2) Not less than five percent of the amount available for financial assistance under this section for a fiscal year shall be available for providing financial assistance for the pursuit of an associate degree at an institution described in paragraph (1).".

(c) CYBER DEFINITION.—Section 2200e of title 10, Unites States Code, is amended to read as follows:

"§ 2200e. Definitions

"In this chapter:

"(1) The term 'cyber' includes the following:

"(A) Offensive cyber operations.

"(B) Defensive cyber operations.

"(C) Department of Defense information network operations and defense.

"(D) Any other information technology that the Secretary of Defense considers to be related to the cyber activities of the Department of Defense.

"(2) The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

"(3) The term 'Center of Academic Excellence in Cyber Education' means an institution of higher education that is designated by the Director of the National Security Agency as a Center of Academic Excellence in Cyber Education.".

(d) CONFORMING AMENDMENTS.—

10 USC prec. 2200.

(1) Chapter 112 of title 10, United States Code, is further amended—

(A) in the chapter heading, by striking "**INFORMATION SECURITY**" and inserting "**CYBER**";

(B) in section 2200 (as amended by subsection (a))—

(i) in subsection (a), by striking "Department of Defense information assurance requirements" and inserting "the cyber requirements of the Department of Defense"; and

(ii) in subsection (b)(1), by striking "information assurance" and inserting "cyber disciplines";

(C) in section 2200a (as amended by subsection (b))—

(i) in subsection (a)(1), by striking "an information assurance discipline" and inserting "a cyber discipline";

(ii) in subsection (f)(1), by striking "information assurance" and inserting "cyber disciplines"; and

(iii) in subsection (g)(1), by striking "an information technology position" and inserting "a cyber position";

(D) in section 2200b, by striking "information assurance disciplines" and inserting "cyber disciplines";

(E) in the heading of section 2200c, by striking "**Information Assurance**" and inserting "**Cyber**"; and

(F) in section 2200c, by striking "Information Assurance" each place it appears and inserting "Cyber".

(2) The table of sections at the beginning of chapter 112 of title 10, United States Code, is amended by striking the item relating to section 2200c and inserting the following: 10 USC prec. 2200.

"2200c. Centers of Academic Excellence in Cyber Education.".

(3) Section 7045 of title 10, United States Code, is amended—

(A) by striking "Information Security Scholarship program" each place it appears and inserting "Cyber Scholarship program"; and

(B) in subsection (a)(2)(B), by striking "information assurance" and inserting "a cyber discipline".

(4) Section 7904(4) of title 38, United States Code, is amended by striking "Information Assurance" and inserting "Cyber".

(e) REDESIGNATIONS.—

(1) SCHOLARSHIP PROGRAM.—The Information Security Scholarship program under chapter 112 of title 10, United States Code, is redesignated as the "Cyber Scholarship program". Any reference in a law (other than this section), map, regulation, document, paper, or other record of the United States to the Information Security Scholarship program shall be deemed to be a reference to the Cyber Scholarship Program. 10 USC 2200 note.

(2) CENTERS OF ACADEMIC EXCELLENCE.—Any institution of higher education designated by the Director of the National Security Agency as a Center of Academic Excellence in Information Assurance Education is redesignated as a Center of Academic Excellence in Cyber Education. Any reference in a law (other than this section), map, regulation, document, paper, or other record of the United States to a Center of Academic Excellence in Information Assurance Education shall be deemed to be a reference to a Center of Academic Excellence in Cyber Education. 10 USC 2200c note.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Defense to provide financial assistance under section 2200a of title 10, United States Code (as amended by this section), and grants under section 2200b of such title (as so amended), $10,000,000 for fiscal year 2018.

SEC. 1649A. COMMUNITY COLLEGE CYBER PILOT PROGRAM AND ASSESSMENT. 15 USC 7442 note.

(a) PILOT PROGRAM.—Not later than 1 year after the date of enactment of this subtitle, as part of the Federal Cyber Scholarship-for-Service program established under section 302 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442), the Director of the National Science Foundation, in coordination with the Director of the Office of Personnel Management, shall develop and implement a pilot program at not more than 10, but at least 5, community colleges to provide scholarships to eligible students who—

(1) are pursuing associate degrees or specialized program certifications in the field of cybersecurity; and

(2)(A) have bachelor's degrees; or

(B) are veterans of the Armed Forces.

(b) ASSESSMENT.—Not later than 1 year after the date of enactment of this subtitle, as part of the Federal Cyber Scholarship-for-Service program established under section 302 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442), the Director of the National Science Foundation, in coordination with the Director of the Office of Personnel Management, shall assess the potential benefits and feasibility of providing scholarships through community colleges to eligible students who are pursuing associate degrees, but do not have bachelor's degrees.

SEC. 1649B. FEDERAL CYBER SCHOLARSHIP-FOR-SERVICE PROGRAM UPDATES.

(a) IN GENERAL.—Section 302 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "and" at the end; and

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

"(3) prioritize the employment placement of at least 80 percent of scholarship recipients in an executive agency (as defined in section 105 of title 5, United States Code); and

"(4) provide awards to improve cybersecurity education at the kindergarten through grade 12 level—

"(A) to increase interest in cybersecurity careers;

"(B) to help students practice correct and safe online behavior and understand the foundational principles of cybersecurity;

"(C) to improve teaching methods for delivering cybersecurity content for kindergarten through grade 12 computer science curricula; and

"(D) to promote teacher recruitment in the field of cybersecurity.";

(2) by amending subsection (d) to read as follows:

"(d) POST-AWARD EMPLOYMENT OBLIGATIONS.—Each scholarship recipient, as a condition of receiving a scholarship under the program, shall enter into an agreement under which the recipient agrees to work for a period equal to the length of the scholarship, following receipt of the student's degree, in the cybersecurity mission of—

"(1) an executive agency (as defined in section 105 of title 5, United States Code);

"(2) Congress, including any agency, entity, office, or commission established in the legislative branch;

"(3) an interstate agency;

"(4) a State, local, or Tribal government; or

"(5) a State, local, or Tribal government-affiliated nonprofit that is considered to be critical infrastructure (as defined in section 1016(e) of the USA Patriot Act (42 U.S.C. 5195c(e)).";

(3) in subsection (f)—

(A) by amending paragraph (3) to read as follows:

"(3) have demonstrated a high level of competency in relevant knowledge, skills, and abilities, as defined by the national

cybersecurity awareness and education program under section 401;"; and

(B) by amending paragraph (4) to read as follows:

"(4) be a full-time student in an eligible degree program at a qualified institution of higher education, as determined by the Director of the National Science Foundation, except that in the case of a student who is enrolled in a community college, be a student pursuing a degree on a less than full-time basis, but not less than half-time basis; and"; and

(4) by amending subsection (m) to read as follows:

"(m) PUBLIC INFORMATION.—

"(1) EVALUATION.—The Director of the National Science Foundation, in coordination with the Director of the Office of Personnel Management, shall periodically evaluate and make public, in a manner that protects the personally identifiable information of scholarship recipients, information on the success of recruiting individuals for scholarships under this section and on hiring and retaining those individuals in the public sector cyber workforce, including information on—

"(A) placement rates;

"(B) where students are placed, including job titles and descriptions;

"(C) salary ranges for students not released from obligations under this section;

"(D) how long after graduation students are placed;

"(E) how long students stay in the positions they enter upon graduation;

"(F) how many students are released from obligations; and

"(G) what, if any, remedial training is required.

"(2) REPORTS.—The Director of the National Science Foundation, in coordination with the Office of Personnel Management, shall submit, not less frequently than once every 3 years, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report, including the results of the evaluation under paragraph (1) and any recent statistics regarding the size, composition, and educational requirements of the Federal cyber workforce.

"(3) RESOURCES.—The Director of the National Science Foundation, in coordination with the Director of the Office of Personnel Management, shall provide consolidated and user-friendly online resources for prospective scholarship recipients, including, to the extent practicable—

"(A) searchable, up-to-date, and accurate information about participating institutions of higher education and job opportunities related to the field of cybersecurity; and

"(B) a modernized description of cybersecurity careers.".

(b) SAVINGS PROVISION.—Nothing in this section, or an amendment made by this section, shall affect any agreement, scholarship, loan, or repayment, under section 302 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442), in effect on the day before the date of enactment of this subtitle.

15 USC 7442 note.

SEC. 1649C. CYBERSECURITY TEACHING.

Section 10(i) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1(i)) is amended—

(1) by amending paragraph (5) to read as follows:

"(5) the term 'mathematics and science teacher' means a science, technology, engineering, mathematics, or computer science, including cybersecurity, teacher at the elementary school or secondary school level;"; and

(2) by amending paragraph (7) to read as follows:

"(7) the term 'science, technology, engineering, or mathematics professional' means an individual who holds a baccalaureate, master's, or doctoral degree in science, technology, engineering, mathematics, or computer science, including cybersecurity, and is working in or had a career in such field or a related area; and".

Subtitle D—Nuclear Forces

SEC. 1651. ANNUAL ASSESSMENT OF CYBER RESILIENCY OF NUCLEAR COMMAND AND CONTROL SYSTEM.

(a) IN GENERAL.—Chapter 24 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 499.

"§ 499. Annual assessment of cyber resiliency of nuclear command and control system

"(a) IN GENERAL.—Not less frequently than annually, the Commander of the United States Strategic Command and the Commander of the United States Cyber Command (in this section referred to collectively as the 'Commanders') shall jointly conduct an assessment of the cyber resiliency of the nuclear command and control system.

"(b) ELEMENTS.—In conducting the assessment required by subsection (a), the Commanders shall—

"(1) conduct an assessment of the sufficiency and resiliency of the nuclear command and control system to operate through a cyber attack from the Russian Federation, the People's Republic of China, or any other country or entity the Commanders identify as a potential threat; and

"(2) develop recommendations for mitigating any concerns of the Commanders resulting from the assessment.

"(c) REPORT REQUIRED.—(1) The Commanders shall jointly submit to the Chairman of the Joint Chiefs of Staff, for submission to the Council on Oversight of the National Leadership Command, Control, and Communications System established under section 171a of this title, a report on the assessment required by subsection (a) that includes the following:

"(A) The recommendations developed under subsection (b)(2).

"(B) A statement of the degree of confidence of each of the Commanders in the mission assurance of the nuclear deterrent against a top tier cyber threat.

"(C) A detailed description of the approach used to conduct the assessment required by subsection (a) and the technical basis of conclusions reached in conducting that assessment.

"(D) Any other comments of the Commanders.

"(2) The Council shall submit to the Secretary of Defense the report required by paragraph (1) and any comments of the Council on the report.

"(3) The Secretary of Defense shall submit to the congressional defense committees the report required by paragraph (1), any comments of the Council on the report under paragraph (2), and any comments of the Secretary on the report.

"(d) QUARTERLY BRIEFINGS.—Not less than once every quarter, the Deputy Secretary of Defense and the Vice Chairman of the Joint Chiefs of Staff shall jointly provide to the Committees on Armed Services of the House of Representatives and the Senate a briefing on any known or suspected critical intelligence parameter breaches that were identified during the previous quarter, including an assessment of any known or suspected impacts of such breaches to the mission effectiveness of military capabilities as of the date of the briefing or thereafter.

"(e) TERMINATION.—The requirements of this section shall terminate on December 31, 2027.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 24 of such title is amended by inserting after the item relating to section 498 the following new item:

10 USC prec. 491.

"499. Annual assessment of cyber resiliency of nuclear command and control system.".

SEC. 1652. COLLECTION, STORAGE, AND SHARING OF DATA RELATING TO NUCLEAR SECURITY ENTERPRISE.

(a) IN GENERAL.—Chapter 24 of title 10, United States Code, as amended by section 1651, is further amended by adding at the end the following new section:

"§ 499a. Collection, storage, and sharing of data relating to nuclear security enterprise and nuclear forces

10 USC 499a.

"(a) IN GENERAL.—The Secretary of Defense, acting through the Director of Cost Assessment and Program Evaluation, and the Administrator for Nuclear Security, acting through the Director for Cost Estimating and Program Evaluation, shall collect and store cost, programmatic, and technical data relating to programs and projects of the nuclear security enterprise and nuclear forces.

"(b) SHARING OF DATA.—If the Director of Cost Assessment and Program Evaluation or the Director for Cost Estimating and Program Evaluation requests data relating to programs or projects from any element of the Department of Defense or from any element of the nuclear security enterprise of the National Nuclear Security Administration, that element shall provide that data in a timely manner.

"(c) STORAGE OF DATA.—(1) Data collected by the Director of Cost Assessment and Program Evaluation and the Director for Cost Estimating and Program Evaluation under this section shall be—

"(A) stored in the data storage system of the Defense Cost and Resource Center, or successor center, or in a data storage system of the National Nuclear Security Administration that is comparable to the data storage system of the Defense Cost and Resource Center; and

"(B) made accessible to other Federal agencies as such Directors consider appropriate.

"(2) The Secretary and the Administrator shall ensure that the Director of Cost Assessment and Program Evaluation and the Director for Cost Estimating and Program Evaluation have sufficient information system support, as determined by such Directors, to facilitate the timely hosting, handling, and sharing of data relating to programs and projects of the nuclear security enterprise under this section at the appropriate level of classification.

"(3) The Deputy Administrator for Naval Reactors of the National Nuclear Security Administration may coordinate with the Director of Cost Assessment and Program Evaluation and the Director for Cost Estimating and Program Evaluation to ensure that, at the discretion of the Deputy Administrator, data relating to programs and projects of the Office of Naval Reactors are correctly represented in the data storage system pursuant to paragraph (1)(A).

"(d) CONTRACT REQUIREMENTS.—The Secretary and the Administrator shall ensure that any relevant contract relating to a program or project of the nuclear security enterprise and nuclear forces that is entered into on or after the date of the enactment of this section appropriately includes—

"(1) requirements and standards for data collection; and

"(2) requirements for reporting on cost, programmatic, and technical data using procedures, standards, and formats approved by the Director of Cost Assessment and Program Evaluation and the Director for Cost Estimating and Program Evaluation.

"(e) NUCLEAR SECURITY ENTERPRISE DEFINED.—In this section, the term 'nuclear security enterprise' has the meaning given that term in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501).".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 24 of such title is amended by inserting after the item relating to section 499, as added by section 1651, the following new item:

10 USC prec. 491.

"499a. Collection, storage, and sharing of data relating to nuclear security enterprise and nuclear forces.".

SEC. 1653. NOTIFICATIONS REGARDING DUAL-CAPABLE F–35A AIRCRAFT.

Section 179(f) of title 10, United States Code, is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph (6):

"(6) If a House of Congress adopts a bill authorizing or appropriating funds for the Department of Defense that, as determined by the Council, provides funds in an amount that will result in a delay in the nuclear certification or delivery of F–35A dual-capable aircraft, the Council shall notify the congressional defense committees of the determination.".

SEC. 1654. OVERSIGHT OF DELAYED ACQUISITION PROGRAMS BY COUNCIL ON OVERSIGHT OF THE NATIONAL LEADERSHIP COMMAND, CONTROL, AND COMMUNICATIONS SYSTEM.

(a) STATUS UPDATES.—

(1) IN GENERAL.—Section 171a of title 10, United States Code, is amended—

(A) by redesignating subsection (k) as subsection (l); and

(B) by inserting after subsection (j) the following new subsection (k):

"(k) STATUS OF ACQUISITION PROGRAMS.—(1) On a quarterly basis, each program manager of a covered acquisition program shall transmit to the co-chairs of the Council, acting through the senior steering group of the Council, a report that identifies—

"(A) the covered acquisition program;

"(B) the requirements of the program;

"(C) the development timeline of the program; and

"(D) the status of the program, including whether the program is delayed and, if so, whether such delay will result in a program schedule delay.

"(2) Not later than seven days after the end of each semiannual period, the co-chairs of the Council shall submit to the congressional defense committees a report that identifies, with respect to the reports transmitted to the Council under paragraph (1) for the two quarters in such period—

"(A) each covered acquisition program that is delayed more than 180 days; and

"(B) any covered acquisition program that should have been included in such reports but was excluded, and the reasons for such exclusion.

"(3) In this subsection, the term 'covered acquisition program' means each acquisition program of the Department of Defense that materially contributes to—

"(A) the nuclear command, control, and communications systems of the United States; or

"(B) the continuity of government systems of the United States.".

(2) INSTRUCTIONS.—The Secretary of Defense shall issue a Department of Defense Instruction, or revise such an Instruction, to ensure that program managers carry out subsection (k)(1) of section 171a of title 10, United States Code, as added by paragraph (1). 10 USC 171a note.

(b) EXECUTION AND PROGRAMMATIC OVERSIGHT.— 10 USC 171a note.

(1) DATABASE.—Not later than one year after the date of the enactment of this Act, the Chief Information Officer of the Department of Defense, as Executive Secretary of the Council on Oversight of the National Leadership Command, Control, and Communications System established under section 171a of title 10, United States Code (or a successor to the Chief Information Officer assigned responsibility for policy, oversight, guidance, and coordination for nuclear command and control systems), shall, in coordination with the Under Secretary of Defense for Acquisition and Sustainment, develop a database relating to the execution of all nuclear command, control, and communications acquisition programs of the Department of Defense with an approved Materiel Development Decision. The database shall be updated not less frequently than annually and upon completion of a major program element of such a program.

(2) DATABASE ELEMENTS.—The database required by paragraph (1) shall include, at a minimum, the following elements for each program described in that paragraph, consistent with Department of Defense Instruction 5000.02:

(A) Projected dates for Milestones A, B, and C, including cost thresholds and objectives for major elements of life cycle cost.

(B) Projected dates for program design reviews and critical design reviews.

(C) Projected dates for developmental and operation tests.

(D) Projected dates for initial operational capability and final operational capability.

(E) An acquisition program baseline.

(F) Program acquisition unit cost and average procurement unit cost.

(G) Contract type.

(H) Key performance parameters.

(I) Key system attributes.

(J) A risk register.

(K) Technology readiness levels.

(L) Manufacturing readiness levels.

(M) Integration readiness levels.

(N) Any other critical elements that affect the stability of the program.

(3) BRIEFINGS.—The co-chairs of the Council on Oversight of the National Leadership Command, Control, and Communications System shall brief the congressional defense committees on the status of the database required by paragraph (1)—

(A) not later than 180 days after the date of the enactment of this Act; and

(B) upon completion of the database.

10 USC 491 note.

SEC. 1655. ESTABLISHMENT OF NUCLEAR COMMAND AND CONTROL INTELLIGENCE FUSION CENTER.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall jointly establish an intelligence fusion center to effectively integrate and unify the protection of nuclear command, control, and communications programs, systems, and processes and continuity of government programs, systems, and processes.

(b) CHARTER.—In establishing the fusion center under subsection (a), the Secretary and the Director shall develop a charter for the fusion center that includes the following:

(1) To carry out the duties of the fusion center, a description of—

(A) the roles and responsibilities of officials and elements of the Federal Government, including a detailed description of the organizational relationships of such officials and the elements of the Federal Government that are key stakeholders;

(B) the organization reporting chain of the fusion center;

(C) the staffing of the fusion center;

(D) the processes of the fusion center; and

(E) how the fusion center integrates with other elements of the Federal Government.

(2) The management and administration processes required to carry out the fusion center, including with respect to facilities and security authorities.

(3) Procedures to ensure that the appropriate number of staff of the fusion center have the security clearance necessary to access information on the programs, systems, and processes that relate, either wholly or substantially, to nuclear command, control, and communications or continuity of government, including with respect to both the programs, systems, and processes that are designated as special access programs (as described in section 4.3 of Executive Order 13526 (50 U.S.C. 3161 note) or any successor Executive order) and the programs, systems, and processes that contain sensitive compartmented information.

(c) COORDINATION.—In establishing the fusion center under subsection (a), the Secretary and the Director shall coordinate with the elements of the Federal Government that the Secretary and Director determine appropriate.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary and the Director shall jointly submit to the appropriate congressional committees a report containing—

(A) the charter for the fusion center developed under subsection (b); and

(B) a plan on the budget and staffing of the fusion center.

(2) ANNUAL REPORTS.—At the same time as the President submits to Congress the annual budget request under section 1105 of title 31, United States Code, for fiscal year 2019 and each fiscal year thereafter, the Secretary and the Director shall submit to the appropriate congressional committees a report on the fusion center, including, with respect to the period covered by the report—

(A) any updates to the plan on the budget and staffing of the fusion center;

(B) any updates to the charter developed under subsection (b); and

(C) a summary of the activities and accomplishments of the fusion center.

(3) SUNSET.—No report is required under this subsection after December 31, 2021.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 1656. SECURITY OF NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS SYSTEM FROM COMMERCIAL DEPENDENCIES. 10 USC 491 note.

(a) CERTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall certify to the congressional defense committees whether the Secretary uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system, to carry out—

(1) the nuclear deterrence mission of the Department of Defense, including with respect to nuclear command, control,

and communications, integrated tactical warning and attack assessment, and continuity of government; or

(2) the homeland defense mission of the Department, including with respect to ballistic missile defense.

(b) PROHIBITION AND MITIGATION.—

(1) PROHIBITION.—Except as provided by paragraph (2), beginning on the date that is one year after the date of the enactment of this Act, the Secretary of Defense may not procure or obtain, or extend or renew a contract to procure or obtain, any equipment, system, or service to carry out the missions described in paragraphs (1) and (2) of subsection (a) that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

(2) WAIVER.—The Secretary may waive the prohibition in paragraph (1) on a case-by-case basis for a single one-year period if the Secretary—

(A) determines such waiver to be in the national security interests of the United States; and

(B) certifies to the congressional committees that—

(i) there are sufficient mitigations in place to guarantee the ability of the Secretary to carry out the missions described in paragraphs (1) and (2) of subsection (a); and

(ii) the Secretary is removing the use of covered telecommunications equipment or services in carrying out such missions.

(3) DELEGATION.—The Secretary may not delegate the authority to make a waiver under paragraph (2) to any official other than the Deputy Secretary of Defense or the co-chairs of the Council on Oversight of the National Leadership Command, Control, and Communications System established by section 171a of title 10, United States Code.

(c) DEFINITIONS.—In this section:

(1) The term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

(2) The term "covered foreign country" means any of the following:

(A) The People's Republic of China.

(B) The Russian Federation.

(3) The term "covered telecommunications equipment or services" means any of the following:

(A) Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

(B) Telecommunications services provided by such entities or using such equipment.

(C) Telecommunications equipment or services produced or provided by an entity that the Secretary of Defense reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

SEC. 1657. OVERSIGHT OF AERIAL-LAYER PROGRAMS BY COUNCIL ON OVERSIGHT OF THE NATIONAL LEADERSHIP COMMAND, CONTROL, AND COMMUNICATIONS SYSTEM.

Any analysis of alternatives for the Senior Leader Airborne Operations Center, the executive airlift program of the Air Force, and the E–6B modernization program may not receive final approval by the Joint Requirements Oversight Council, and the Director of Cost Assessment and Program Evaluation may not conduct any sufficiency review of such an analysis of alternatives, unless—

(1) the Council on Oversight of the National Leadership Command, Control, and Communications System established by section 171a of title 10, United States Code, determines that the alternatives for such programs are capable of meeting the requirements for senior leadership communications in support of the nuclear command, control, and communications mission of the Department of Defense and the continuity of government mission of the Department;

(2) the Council submits to the congressional defense committees such determination; and

(3) a period of 30 days elapses following the date of such submission.

SEC. 1658. SECURITY CLASSIFICATION GUIDE FOR PROGRAMS RELATING TO NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS AND NUCLEAR DETERRENCE.

10 USC 491 note.

(a) REQUIREMENT FOR SECURITY CLASSIFICATION GUIDE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall require the issuance of a security classification guide for each covered program to ensure the protection of sensitive information from public disclosure.

(b) REQUIREMENTS.—Each security classification guide issued pursuant to subsection (a) shall be—

(1) approved by—

(A) the Council on Oversight of the National Leadership Command, Control, and Communications System with respect to covered programs under paragraph (1) or (2) of subsection (c); or

(B) the Nuclear Weapons Council with respect to covered programs under paragraph (3) of such subsection; and

(2) issued not later than March 19, 2019, with respect to a covered program in existence as of such date.

(c) ANNUAL NOTIFICATIONS.—On an annual basis during the three-year period beginning on the date of the enactment of this Act, the Deputy Secretary of Defense, without delegation, shall notify the congressional defense committees of the status of implementing subsection (a), including a description of any challenges to such implementation.

(d) EXCLUSION.—This section shall not apply with respect to restricted data covered by chapter 12 of the Atomic Energy Act of 1954 (42 U.S.C. 2161 et seq.).

(e) COVERED PROGRAM DEFINED.—In this section, the term "covered program" means programs of the Department of Defense in existence on or after the date of the enactment of this Act relating to any of the following:

(1) Continuity of government.

(2) Nuclear command, control, and communications.

(3) Nuclear deterrence.

10 USC 491 note.

SEC. 1659. EVALUATION AND ENHANCED SECURITY OF SUPPLY CHAIN FOR NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS AND CONTINUITY OF GOVERNMENT PROGRAMS.

(a) EVALUATIONS OF SUPPLY CHAIN VULNERABILITIES.—

(1) IN GENERAL.—Not later than December 31, 2019, and in accordance with the plan under paragraph (2)(A), the Secretary of Defense shall conduct evaluations of the supply chain vulnerabilities of each covered program.

(2) PLAN.—

(A) DEVELOPMENT.—The Secretary shall develop a plan to carry out the evaluations under paragraph (1), including with respect to the personnel and resources required to carry out such evaluations.

(B) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the plan under subparagraph (A).

(3) WAIVER.—The Secretary may waive, on a case-by-case basis with respect to a weapons system, a program, or a system of systems, of a covered program, either the requirement to conduct an evaluation under paragraph (1) or the deadline specified in such paragraph if the Secretary certifies to the congressional defense committees before such date that all known supply chain vulnerabilities of such weapons system, program, or system of systems have minimal consequences for the capability of such weapons system, program, or system of systems to meet operational requirements or otherwise satisfy mission requirements.

(4) RISK MITIGATION STRATEGIES.—In carrying out an evaluation under paragraph (1) with respect to a covered program specified in subparagraph (B) or (C) of subsection (c)(2), the Secretary shall develop strategies for mitigating the risks of supply chain vulnerabilities identified in the course of such evaluation.

(b) PRIORITIZATION OF CERTAIN SUPPLY CHAIN RISK MANAGEMENT EFFORTS.—

(1) INSTRUCTIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue a Department of Defense Instruction, or update such an Instruction, establishing the prioritization of supply chain risk management programs, including supply chain risk management threat assessment reporting, to ensure that acquisition and sustainment programs relating to covered programs receive the highest priority of such supply chain risk management programs and reporting.

(2) REQUIREMENTS.—

(A) ESTABLISHMENT.—The Secretary shall establish requirements to carry out supply chain risk management threat assessment collections and analyses under acquisition and sustainment programs relating to covered programs.

(B) SUBMISSION.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees the requirements established under subparagraph (A).

(c) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term "covered programs" means programs relating to any of the following:

(A) Nuclear weapons.

(B) Nuclear command, control, and communications.

(C) Continuity of government.

(D) Ballistic missile defense.

SEC. 1660. PROCUREMENT AUTHORITY FOR CERTAIN PARTS OF INTERCONTINENTAL BALLISTIC MISSILE FUZES.

(a) AVAILABILITY OF FUNDS.—Notwithstanding section 1502(a) of title 31, United States Code, of the amount authorized to be appropriated for fiscal year 2018 by section 101 and available for Missile Procurement, Air Force, as specified in the funding table in division D, $6,334,000 shall be available for the procurement of covered parts pursuant to contracts entered into under section 1645(a) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3651).

(b) COVERED PARTS DEFINED.—In this section, the term "covered parts" means commercially available off-the-shelf items as defined in section 104 of title 41, United States Code.

SEC. 1661. PRESIDENTIAL NATIONAL VOICE CONFERENCING SYSTEM AND PHOENIX AIR-TO-GROUND COMMUNICATIONS NETWORK.

(a) CONSOLIDATION OF ELEMENTS.—

(1) PNVCS.—Not later than one year after the date of the enactment of this Act, all program elements and funding for the Presidential National Voice Conferencing System shall be transferred to the Program Executive Office with responsibility for the Family of Advanced Beyond Line-of-Sight Terminals program. The Program Executive Office shall be responsible for approving all such program elements, requests for funding, and contract actions (including regarding contract line items) relating to the Presidential National Voice Conferencing System.

(2) PAGCN.—Not later than one year after the date of the enactment of this Act, all program elements and funding for the Phoenix Air-to-Ground Communications Network shall be transferred to the Program Executive Office with responsibility for the nuclear command, control, and communications systems of the United States. The Program Executive Office shall be responsible for approving all such program elements, requests for funding, and contract actions (including regarding contract line items) relating to the Phoenix Air-to-Ground Communications Network.

(b) SELECTED ACQUISITION REPORTS.—Commencing not later than one year after the date of the enactment of this Act, the Presidential National Voice Conferencing System and the Phoenix Air-to-Ground Communications Network shall each be deemed to

be a program for which a Selected Acquisition Report is required pursuant to section 2432 of title 10, United States Code.

SEC. 1662. LIMITATION ON PURSUIT OF CERTAIN COMMAND AND CONTROL CONCEPT.

(a) LIMITATION ON COMMAND AND CONTROL CONCEPT.—The Secretary of the Air Force may not award a contract for engineering and manufacturing development for the ground-based strategic deterrent program that would result in a command and control concept for such program that consists of less than 15 fixed launch control centers per missile wing unless the Commander of the United States Strategic Command—

(1) determines that—

(A) the plans of the Secretary of the Air Force for a command and control concept consisting of less than 15 fixed launch control centers per missile wing are appropriate, meet requirements, and do not contain excessive risk;

(B) the risks to schedules and costs from such concept are minimized and manageable;

(C) the strategy and plan of the Secretary of the Air Force for addressing cyber threats for such concept are robust; and

(D) with respect to such concept, the Secretary of the Air Force has established an appropriate process for considering and managing trade-offs among requirements relating to survivability, long-term operations and sustainment costs, procurement costs, and military personnel needs; and

(2) submits, in writing, to the Secretary of Defense and the congressional defense committees such determination.

(b) INABILITY TO MAKE DETERMINATION.—If the Secretary of the Air Force proposes to award a contract specified in subsection (a) and the Commander is unable to make the determination under such subsection, the Commander shall submit, in writing, to the Secretary of Defense and the congressional defense committees the reasons for not making such determination.

(c) NO EFFECT ON COMPETITION.—Nothing in subsection (a) or (b) shall be construed to affect or prohibit the ability of the Secretary of the Air Force to use fair and open competition procedures in soliciting, evaluating, and awarding contracts for the ground-based strategic deterrent program.

SEC. 1663. PROHIBITION ON AVAILABILITY OF FUNDS FOR MOBILE VARIANT OF GROUND-BASED STRATEGIC DETERRENT MISSILE.

Section 1664 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2615) is amended by striking "or 2018" and inserting "through 2019".

SEC. 1664. PROHIBITION ON REDUCTION OF THE INTERCONTINENTAL BALLISTIC MISSILES OF THE UNITED STATES.

(a) PROHIBITION.—Except as provided by subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the Department of Defense shall be obligated or expended for—

(1) reducing, or preparing to reduce, the responsiveness or alert level of the intercontinental ballistic missiles of the United States; or

(2) reducing, or preparing to reduce, the quantity of deployed intercontinental ballistic missiles of the United States to a number less than 400.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any of the following activities:

(1) The maintenance or sustainment of intercontinental ballistic missiles.

(2) Ensuring the safety, security, or reliability of intercontinental ballistic missiles.

(3) Reduction in the number of deployed intercontinental ballistic missiles that are carried out in compliance with—

(A) the limitations of the New START Treaty (as defined in section 494(a)(2)(D) of title 10, United States Code); and

(B) section 1644 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3651; 10 U.S.C. 494 note).

SEC. 1665. MODIFICATION TO ANNUAL REPORT ON PLAN FOR THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, NUCLEAR WEAPONS DELIVERY SYSTEMS, AND NUCLEAR WEAPONS COMMAND AND CONTROL SYSTEM.

Subsection (a)(2)(F) of section 1043 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1576), as most recently amended by section 1643 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3650), is further amended by inserting after the period at the end the following: "The Secretary may include information and data for a period beyond such 10-year period if the Secretary determines that such information and data is accurate and useful in understanding the long-term nuclear modernization plan.".

SEC. 1666. ESTABLISHMENT OF PROCEDURES FOR IMPLEMENTATION OF NUCLEAR ENTERPRISE REVIEW.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall issue a final Department of Defense Instruction establishing procedures for the long-term implementation of the recommendations contained in the Independent Review of the Department of Defense Nuclear Enterprise, dated June 2, 2014, and the Internal Assessment of the Department of Defense Nuclear Enterprise, dated September 2014.

(b) SUBMISSION.—The Secretary shall submit to the congressional defense committees the final instruction under subsection (a) by not later than 30 days after issuing the instruction.

SEC. 1667. REPORT ON IMPACTS OF NUCLEAR PROLIFERATION.

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

(1) nuclear proliferation continues to be a serious threat to the security of the United States;

(2) it is critical for the United States to understand the impacts of nuclear proliferation and ensure the necessary policies and resources are in place to prevent the proliferation of nuclear materials and weapons;

(3) effectively addressing the danger of states and non-state actors acquiring nuclear weapons or nuclear-weapons-usable material should be a clear priority for United States national security; and

(4) Secretary of Defense James Mattis testified before Congress on June 12, 2017, that "nuclear nonproliferation has not received enough attention over quite a few years".

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) a description of the impacts of nuclear proliferation on the security of the United States;

(2) a description of how the Department of Defense is contributing to the current strategy to respond to the threat of nuclear proliferation, and what resources are being applied to this effort, including whether there are any funding gaps; and

(3) if and how nuclear proliferation is being addressed in the Nuclear Posture Review and other pertinent strategy reviews.

SEC. 1668. CERTIFICATION THAT THE NUCLEAR POSTURE REVIEW ADDRESSES DETERRENT EFFECT AND OPERATION OF UNITED STATES NUCLEAR FORCES IN CURRENT AND FUTURE SECURITY ENVIRONMENTS.

(a) CERTIFICATION REQUIRED.—Not later than 30 days after completing the first Nuclear Posture Review after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a certification that the Nuclear Posture Review accounts for—

(1) with respect to the nuclear capabilities of the United States as of such date of enactment—

(A) the ability of such capabilities to deter adversaries of the United States that possess nuclear weapons or may possess such weapons in the future;

(B) the ability of the United States to operate in a major regional conflict that involves nuclear weapons;

(C) the ability and preparedness of forward-deployed members of the Armed Forces to operate in a nuclear environment; and

(D) weapons, equipment, and training or conduct that would improve the abilities described in subparagraphs (A), (B), and (C);

(2) with respect to the nuclear capabilities of the United States projected over the 10-year period beginning on such date of enactment—

(A) the projected ability of such capabilities to deter adversaries of the United States that possess nuclear weapons or may possess such weapons in the future;

(B) the projected ability of the United States to operate in a major regional conflict that involves nuclear weapons;

(C) the projected ability and preparedness of forward-deployed members of the Armed Forces to operate in a nuclear environment; and

(D) weapons, equipment, and training or conduct that would improve the abilities described in subparagraphs (A), (B), and (C); and

(3) any actions that could be taken by the Secretary of Defense or the Administrator for Nuclear Security in the near and medium terms to decrease the risk posed by possible additional changes to the security environment related to nuclear weapons in the future.

(b) FORM.—The certification under subsection (a) may be submitted in classified form.

SEC. 1669. PLAN TO MANAGE INTEGRATED TACTICAL WARNING AND ATTACK ASSESSMENT SYSTEM AND MULTI-DOMAIN SENSORS.

(a) PLAN REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of the Air Force shall develop a plan to manage the Air Force missile warning elements of the Integrated Tactical Warning and Attack Assessment System as a weapon system consistent with Air Force Policy Directive 10–9, entitled "Lead Command Designation and Responsibilities for Weapon Systems" and dated March 8, 2007.

(b) MULTI-DOMAIN SENSOR MANAGEMENT AND EXPLOITATION.—

(1) IN GENERAL.—The plan required by subsection (a) shall include a long-term plan to manage all available sensors for multi-domain exploitation against modern and emergent threats in order to provide comprehensive support for integrated tactical warning and attack assessment, missile defense, and space situational awareness.

(2) COORDINATION WITH OTHER AGENCIES.—In developing the plan required by paragraph (1), the Secretary shall—

(A) coordinate with the Secretary of the Army, the Secretary of the Navy, the Director of the Missile Defense Agency, and the Director of the National Reconnaissance Office; and

(B) solicit comments on the plan, if any, from the Commander of the United States Strategic Command and the Commander of the United States Northern Command.

(c) SUBMISSION TO CONGRESS.—Not later than 14 months after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees—

(1) the plan required by subsection (a); and

(2) the comments from the Commander of the United States Strategic Command and the Commander of the United States Northern Command, if any, on the plan required by subsection (b)(1).

SEC. 1670. CERTIFICATION REQUIREMENT WITH RESPECT TO STRATEGIC RADIATION HARDENED TRUSTED MICROELECTRONICS.

Not later than December 31, 2020, the Secretary of Defense shall submit to the congressional defense committees a certification that an assured capability to produce or acquire strategic radiation hardened trusted microelectronics, consistent with Department of Defense Instruction 5200.44, is operational and available to supply necessary microelectronic components for necessary radiation

environments involved with the acquisition of delivery systems for nuclear weapons.

SEC. 1671. NUCLEAR POSTURE REVIEW.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Nuclear Posture Review should—

(1) take into account the obligations of the United States under treaties ratified by and with the advice and consent of the Senate;

(2) examine the tools required to sustain the stockpile stewardship program under section 4201 of the Atomic Energy Defense Act (50 U.S.C. 2521) in the future to ensure the safety, security, and effectiveness of the nuclear arsenal of the United States; and

(3) consider input and views from all relevant stakeholders in the United States Government, including the Secretary of Energy, the Secretary of State, and the Administrator for Nuclear Security, on issues pertaining to nuclear deterrence, nuclear nonproliferation, and nuclear arms control.

(b) AVAILABILITY.—The Secretary of Defense shall ensure that—

(1) the Nuclear Posture Review is submitted, in its entirety, to the President and the congressional defense committees; and

(2) an unclassified version of the Nuclear Posture Review is made available to the public.

SEC. 1672. SENSE OF CONGRESS ON IMPORTANCE OF INDEPENDENT NUCLEAR DETERRENT OF UNITED KINGDOM.

It is the sense of Congress that—

(1) nuclear deterrence is foundational to the defense and security of the United States and the security of the United States is enhanced by a nuclear-armed ally with common values and security priorities;

(2) the United States sees the nuclear deterrent of the United Kingdom as central to transatlantic security and welcomes the commitment of the United Kingdom to the North Atlantic Treaty Organization (NATO) to continue to spend two percent of gross domestic product on defense;

(3) in the face of increasing threats, the presence of credible nuclear deterrent forces of the United Kingdom is essential to international stability and for NATO;

(4) the commitment of the United Kingdom to sustaining an independent nuclear deterrent, deployed continuously at sea, provides a vital second decision-making point within the deterrent capability of NATO, creating essential uncertainty in the mind of any potential adversary;

(5) the United States Navy must continue to execute the Columbia-class submarine program on time and within budget to ensure that the sea-based leg of the nuclear triad of the United States is sustained and the program delivers a Common Missile Compartment, the Trident II (D5) Strategic Weapon System, and associated equipment and production capabilities, to support the successful development and deployment of the Dreadnought submarines of the United Kingdom;

(6) the support that the United Kingdom provides to deployments of strategic ships and aircraft of the United States at specialized facilities enables a vital part of the deterrence posture of the United States as well as mutual deterrence of

adversaries and assurance to the allies and partners of the United States; and

(7) the collaboration of the United Kingdom with the United States on the military use of atomic energy ensures a peer in the technology and science of nuclear weapons and provides independent expert peer review of the nuclear programs of the United States, ensuring resilience and cost effectiveness to the nuclear defense programs of both nations.

Subtitle E—Missile Defense Programs

SEC. 1676. ADMINISTRATION OF MISSILE DEFENSE AND DEFEAT PROGRAMS.

(a) MAJOR FORCE PROGRAM.—

(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 239a. Missile defense and defeat programs: major force program and budget assessment

10 USC 239a.

"(a) ESTABLISHMENT OF MAJOR FORCE PROGRAM.—The Secretary of Defense shall establish a unified major force program for missile defense and defeat programs pursuant to section 222(b) of this title to prioritize missile defense and defeat programs in accordance with the requirements of the Department of Defense and national security.

"(b) BUDGET ASSESSMENT.—(1) The Secretary shall include with the defense budget materials for each of fiscal years 2019 through 2023 a report on the budget for missile defense and defeat programs of the Department of Defense.

"(2) Each report on the budget for missile defense and defeat programs of the Department under paragraph (1) shall include the following:

"(A) An overview of the budget, including—

"(i) a comparison between that budget, the previous budget, the most recent and prior future-years defense program submitted to Congress under section 221 of this title (such comparison shall exclude the responsibility for research and development of the continuing improvement of such missile defense and defeat program), and the amounts appropriated for such missile defense and defeat programs during the previous fiscal year; and

"(ii) the specific identification, as a budgetary line item, for the funding under such programs.

"(B) An assessment of the budget, including significant changes, priorities, challenges, and risks.

"(C) Any additional matters the Secretary determines appropriate.

"(3) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

"(c) DEFINITIONS.—In this section:

"(1) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

"(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by

the Secretary of Defense in support of the budget for that fiscal year.

"(3) The term 'missile defense and defeat programs' means active and passive ballistic missile defense programs, cruise missile defense programs for the homeland, and missile defeat programs.".

10 USC prec. 221.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 239 the following new item:

"239a. Missile defense and defeat programs: major force program and budget assessment.".

10 USC 2431 note.

(b) TRANSITION OF BALLISTIC MISSILE DEFENSE PROGRAMS TO MILITARY DEPARTMENTS.—

(1) REQUIREMENT.—Not later than the date on which the budget of the President for fiscal year 2021 is submitted under section 1105 of title 31, United States Code, the Secretary of Defense shall transfer the acquisition authority and the total obligational authority for each missile defense program described in paragraph (2) from the Missile Defense Agency to a military department.

(2) MISSILE DEFENSE PROGRAM DESCRIBED.—A missile defense program described in this paragraph is a missile defense program of the Missile Defense Agency that, as of the date specified in paragraph (1), has received Milestone C approval (as defined in section 2366 of title 10, United States Code).

(3) REPORT.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the plans of the Department of Defense for the transition of missile defense programs from the Missile Defense Agency to the military departments pursuant to paragraph (1).

(B) SCOPE.—The report under subparagraph (A) shall cover the period covered by the future-years defense program that is submitted under section 221 of title 10, United States Code, in the year in which such report is submitted.

(C) MATTERS INCLUDED.—The report under subparagraph (A) shall include the following:

(i) An identification of—

(I) the missile defense programs planned to be transitioned from the Missile Defense Agency to the military departments; and

(II) the missile defense programs, if any, not planned for transition to the military departments.

(ii) The schedule for transition of each missile defense program planned to be transitioned to a military department, and an explanation of such schedule.

(iii) A description of—

(I) the status of the plans of the Missile Defense Agency and the military departments for the transition of missile defense programs from that agency to the military departments; and

(II) the status of any agreement between the Missile Defense Agency and one or more of the

military departments on the transition of any such program from that agency to the military departments, including any agreement on the operational test criteria that must be achieved before such transition.

(iv) An identification of the element of the Department of Defense (whether the Missile Defense Agency, a military department, or both) that will be responsible for funding each missile defense program to be transitioned to a military department, and at what date.

(v) A description of the type of funds that will be used (whether funds for research, development, test, and evaluation, procurement, military construction, or operation and maintenance) for each missile defense program to be transitioned to a military department.

(vi) An explanation of the number of systems planned for procurement for each missile defense program to be transitioned to a military department, and the schedule for procurement of each such system.

(vii) A description of how the Missile Defense Agency will continue the responsibility for the research and development of improvements to missile defense programs.

(c) ROLE OF MISSILE DEFENSE AGENCY.—

(1) IN GENERAL.—Chapter 8 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 205. Missile Defense Agency 10 USC 205.

"(a) TERM OF DIRECTOR.—The Director of the Missile Defense Agency shall be appointed for a six-year term.

"(b) REPORTING.—The Missile Defense Agency shall be under the authority, direction, and control of the Under Secretary of Defense for Research and Engineering.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by adding at the end the following new item: 10 USC prec. 191.

"205. Missile Defense Agency.".

(3) APPLICATION.— 10 USC 205 note.

(A) TERMS.—Subsection (a) of section 205 of title 10, United States Code, as added by paragraph (1), shall apply the day following the date on which the present incumbent in the office of the Director of the Missile Defense Agency, as of the date of the enactment of this Act, ceases to serve as such.

(B) REPORTING.—Subsection (b) of such section 205 shall apply beginning on February 1, 2018. In carrying out such subsection, the Missile Defense Agency shall be under the authority, direction, and control of the Under Secretary of Defense for Research and Engineering in the same manner as the Missile Defense Agency was under the authority, direction, and control of the Under Secretary of Defense for Acquisition, Technology, and Logistics pursuant to Department of Defense Directive 5134.09. Any reference in such Instruction to the Under Secretary of Defense for Acquisition, Technology, and Logistics shall

be deemed to be a reference to the Under Secretary of Defense for Research and Engineering, including with respect to the Under Secretary serving as the chairman of the Missile Defense Executive Board.

SEC. 1677. CONDITION FOR PROCEEDING BEYOND LOW-RATE INITIAL PRODUCTION.

(a) INCLUSION OF BALLISTIC MISSILE DEFENSE SYSTEM.—Section 2399(a)(1) of title 10, United States Code, is amended—

(1) by striking "or a covered designated major subprogram" and inserting ", a covered designated major subprogram, or an element of the ballistic missile defense system"; and

(2) by striking "program or subprogram" and inserting "program, subprogram, or element".

(b) RULE OF CONSTRUCTION.—Section 1662(e) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 2431 note) is amended by inserting before the period at the end the following: ", or to diminish the authority of the Secretary of Defense to deploy a missile defense system at the date on which the Secretary determines appropriate".

SEC. 1678. PRESERVATION OF THE BALLISTIC MISSILE DEFENSE CAPACITY OF THE ARMY.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 or any fiscal year thereafter for the Army may be obligated or expended to demilitarize any GEM–T interceptor or remove any such interceptor from the operational inventory of the Army until the date on which the Secretary of the Army submits to the congressional defense committees the plan under subsection (b).

(b) PLAN.—Not later than 120 days after the date of the enactment of this Act, the Secretary and the Chief of Staff of the Army shall jointly submit to the congressional defense committees a plan to maintain an inventory of interceptors necessary to retain the capability provided by GEM–T interceptors, including the costs, milestones, and timelines to carry out such plan.

(c) EXCEPTION.—The limitation in subsection (a) shall not apply to activities that the Secretary determines are critical to the safety of GEM–T interceptors.

(d) GEM–T INTERCEPTOR DEFINED.—In this section, the term "GEM–T interceptor" means the Patriot guidance enhanced missile TBM.

SEC. 1679. MODERNIZATION OF ARMY LOWER TIER AIR AND MISSILE DEFENSE SENSOR.

(a) APPROVAL OF ACQUISITION STRATEGY.—

(1) IN GENERAL.—Not later than September 15, 2018, the Secretary of the Army shall issue an acquisition strategy for a 360-degree lower tier air and missile defense sensor that achieves initial operating capability by not later than December 31, 2023.

(2) REQUIREMENTS.—The acquisition strategy under paragraph (1) shall—

(A) ensure the use of competitive procedures;

(B) clearly describe the open-architecture design to be used;

(C) provide a comprehensive fielding plan that provides 360-degree lower tier air and missile defense sensor capability to all units of the Army;

(D) define the operation and sustainment cost savings of the acquisition strategy and other acquisition options of the Army;

(E) identify any programmatic cost avoidance that could be achieved through co-production, co-development, or foreign military sales;

(F) ensure the fielding of an interim gap-filler capability to the highest priority forces (consisting of not less than three battalions) for imminent threats; and

(G) identify the estimated cost to field both the 360-degree lower tier air and missile defense sensor capability and the interim capability pursuant to subparagraph (E).

(3) LIMITATION.—If the Secretary of the Army does not issue the acquisition strategy under subsection (a) by September 15, 2018, none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the lower tier air and missile defense sensor of the Army that are unobligated as of such date may be obligated or expended.

(b) CONDITIONAL TRANSFER.—

(1) MDA.—If the Secretary of the Army does not issue the acquisition strategy under subsection (a) by September 15, 2018, the Secretary of Defense shall transfer from the Secretary of the Army to the Director of the Missile Defense Agency—

(A) the responsibility to issue the acquisition strategy described in subsection (a) by not later than August 15, 2019; and

(B) the responsibility to implement such acquisition strategy to procure a 360-degree lower tier air and missile defense sensor.

(2) ARMY.—If the Secretary of Defense carries out the transfer under paragraph (1), after the 360-degree lower tier air and missile defense sensor achieves Milestone B approval (or equivalent), but before such sensor achieves Milestone C approval (or equivalent), the Secretary of Defense shall transfer from the Director of the Missile Defense Agency to the Secretary of the Army the responsibility to procure such sensor.

(c) DEFINITIONS.—The terms "Milestone B approval" and "Milestone C approval" have the meanings given those terms in section 2366 of title 10, United States Code.

SEC. 1680. DEFENSE OF HAWAII FROM NORTH KOREAN BALLISTIC MISSILE ATTACK.

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

(1) expanding persistent midcourse and terminal ballistic missile defense system discrimination capability is critically important to the defense of the United States; and

(2) the Department of Defense should take all appropriate steps to ensure Hawaii has missile defense coverage against the evolving ballistic missile threat, including from North Korea.

(b) SEQUENCED APPROACH.—The Secretary of Defense shall—

(1) protect the test and training operations of the Pacific Missile Range Facility; and

(2) assess the siting and functionality of a discrimination radar for homeland defense throughout the Hawaiian Islands before assessing the feasibility of improving the missile defense of Hawaii by using existing missile defense assets that could materially improve the defense of Hawaii.

(c) TEST.—The Director of the Missile Defense Agency shall—

(1) not later than December 31, 2020, conduct a test to evaluate and demonstrate, if technologically feasible, the capability to defeat a simple intercontinental ballistic missile threat using the standard missile 3 block IIA missile interceptor; and

(2) as part of the integrated master test plan for the ballistic missile defense system, develop a plan to demonstrate a capability to defeat a complex intercontinental ballistic missile threat, including a complex threat posed by the intercontinental ballistic missiles of North Korea.

(d) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report—

(1) that indicates whether demonstrating an intercontinental ballistic missile defense capability against North Korean ballistic missiles by the standard missile 3 block IIA missile interceptor poses any risks to strategic stability; and

(2) if the Secretary determines under paragraph (1) that such demonstration poses such risks to strategic stability, a description of the plan developed and implemented by the Secretary to address and mitigate such risks, as determined appropriate by the Secretary.

SEC. 1681. DESIGNATION OF LOCATION OF CONTINENTAL UNITED STATES INTERCEPTOR SITE.

If consistent with the direction or recommendations of the Ballistic Missile Defense Review that commenced in 2017, not later than 60 days after the date on which the Ballistic Missile Defense Review is published, the Secretary of Defense shall—

(1) designate the preferred location of a potential additional continental United States interceptor site;

(2) in making such designation, consider—

(A) strategic and operational effectiveness, including with respect to the location that is the most advantageous site to the continental United States, including by having the capability to provide shoot-assess-shoot coverage to the entire continental United States;

(B) existing infrastructure at the location; and

(C) costs to construct, equip, and operate; and

(3) submit to the congressional defense committees a report on the designation made under paragraph (1) with respect to each factor specified in subparagraphs (A), (B), and (C) of such paragraph.

SEC. 1682. AEGIS ASHORE ANTI-AIR WARFARE CAPABILITY.

(a) AUTHORIZATION.—Subject to the availability of funds authorized to be appropriated by sections 101 and 201 of this Act or otherwise made available for fiscal year 2018 for procurement and research, development, test, and evaluation, as specified in the funding tables in division D, the Secretary of Defense shall continue

the development, procurement, and deployment of anti-air warfare capabilities at each Aegis Ashore site in Romania and Poland. The Secretary shall ensure the deployment of such capabilities—

(1) at such sites in Romania by not later than one year after the date of the enactment of this Act; and

(2) at such sites in Poland by not later than one year after the declaration of operational status for such sites.

(b) REPROGRAMMING AND TRANSFERS.—Any reprogramming or transfer made to carry out subsection (a) shall be carried out in accordance with established procedures for reprogramming or transfers.

SEC. 1683. DEVELOPMENT OF PERSISTENT SPACE-BASED SENSOR ARCHITECTURE.

10 USC 2431 note.

(a) IN GENERAL.—If consistent with the direction or recommendations of the Ballistic Missile Defense Review that commenced in 2017, the Director of the Missile Defense Agency shall develop, using sound acquisition practices, a highly reliable and cost-effective persistent space-based sensor architecture capable of supporting the ballistic missile defense system.

(b) TESTING AND DEPLOYMENT.—The Director shall ensure that the sensor architecture developed under subsection (a) is rigorously tested before final production decisions or operational deployment.

(c) FUNCTIONS.—The sensor architecture developed under subsection (a) shall include one or more of the following functions:

(1) Control of increased raid sizes.

(2) Precision tracking of threat missiles.

(3) Fire-control-quality tracks of evolving threat missiles.

(4) Enabling of launch-on-remote and engage-on-remote capabilities.

(5) Discrimination of warheads.

(6) Effective kill assessment.

(7) Enhanced shot doctrine.

(8) Integration with the command, control, battle management, and communication program of the ballistic missile defense system.

(9) Integration with all other elements of the current ballistic missile defense system, including the Terminal High Altitude Area Defense, Aegis Ballistic Missile Defense, Aegis Ashore, and Patriot Air and Missile Defense systems.

(10) Such additional functions as determined by the Ballistic Missile Defense Review.

(d) COST ESTIMATES.—Whenever the Director develops a cost estimate for the sensor architecture required by subsection (a), the Director shall use—

(1) the cost-estimating and assessment guide of the Comptroller General of the United States titled "GAO Cost Estimating and Assessment Guide" (GAO–09–3SP), or a successor guide; or

(2) the most current operating and support cost-estimating guide of the Office of Cost Assessment and Program Evaluation.

(e) PLAN.—Not later than one year after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees a plan that includes—

(1) how the Director will develop the sensor architecture under subsection (a), including with respect to the estimated costs (in accordance with subsection (d)) to develop, acquire,

and deploy, and the lifecycle costs to operate and sustain, the sensor architecture;

(2) an assessment of the maturity of critical technologies necessary to make operational such sensor architecture, and recommendations for any research and development activities to rapidly mature such technologies;

(3) an assessment of what capabilities such sensor architecture can contribute that other sensor architectures do not contribute;

(4) how the Director will leverage the use of national technical means, commercially available space and terrestrial capabilities, hosted payloads, small satellites, and other capabilities to carry out subsection (a); and

(5) any other matters the Director determines appropriate.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1684. IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM AND ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM CO-DEVELOPMENT AND CO-PRODUCTION.

(a) IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM.—

(1) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for procurement, Defense-wide, and available for the Missile Defense Agency, not more than $92,000,000 may be provided to the Government of Israel to procure Tamir interceptors for the Iron Dome short-range rocket defense system through co-production of such interceptors in the United States by industry of the United States.

(2) CONDITIONS.—

(A) AGREEMENT.—Funds described in paragraph (1) for the Iron Dome short-range rocket defense program shall be available subject to the terms and conditions in the Agreement Between the Department of Defense of the United States of America and the Ministry of Defense of the State of Israel Concerning Iron Dome Defense System Procurement, signed on March 5, 2014, as amended to include co-production for Tamir interceptors. In negotiations by the Missile Defense Agency and the Missile Defense Organization of the Government of Israel regarding such production, the goal of the United States is to maximize opportunities for co-production of the Tamir interceptors described in paragraph (1) in the United States by industry of the United States.

(B) CERTIFICATION.—Not later than 30 days prior to the initial obligation of funds described in paragraph (1), the Director of the Missile Defense Agency and the Under Secretary of Defense for Acquisition and Sustainment shall jointly submit to the appropriate congressional committees—

(i) a certification that the amended bilateral international agreement specified in subparagraph (A) is

being implemented as provided in such agreement; and

(ii) an assessment detailing any risks relating to the implementation of such agreement.

(b) ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM, DAVID'S SLING WEAPON SYSTEM CO-PRODUCTION.—

(1) IN GENERAL.—Subject to paragraph (2), of the funds authorized to be appropriated for fiscal year 2018 for procurement, Defense-wide, and available for the Missile Defense Agency not more than $120,000,000 may be provided to the Government of Israel to procure the David's Sling Weapon System, including for co-production of parts and components in the United States by United States industry.

(2) CERTIFICATION.—The Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees a certification that—

(A) the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreement and the bilateral co-production agreement for the David's Sling Weapon System;

(B) funds specified in paragraph (1) will be provided on the basis of a one-for-one cash match made by Israel or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel); and

(C) the level of co-production of parts, components, and all-up rounds (if appropriate) in the United States by United States industry for the David's Sling Weapon System is not less than 50 percent.

(c) ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM, ARROW 3 UPPER TIER INTERCEPTOR PROGRAM CO-PRODUCTION.—

(1) IN GENERAL.—Subject to paragraph (2), of the funds authorized to be appropriated for fiscal year 2018 for procurement, Defense-wide, and available for the Missile Defense Agency not more than $120,000,000 may be provided to the Government of Israel for the Arrow 3 Upper Tier Interceptor Program, including for co-production of parts and components in the United States by United States industry.

(2) CERTIFICATION.—Except as provided by paragraph (3), the Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees a certification that—

(A) the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreements for the Arrow 3 Upper Tier Development Program;

(B) funds specified in paragraph (1) will be provided on the basis of a one-for-one cash match made by Israel or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel);

(C) the United States has entered into a bilateral international agreement with Israel that establishes, with respect to the use of such funds—

(i) in accordance with subparagraph (D), the terms of co-production of parts and components on the basis of the greatest practicable co-production of parts, components, and all-up rounds (if appropriate) by United States industry and minimizes nonrecurring engineering and facilitization expenses to the costs needed for co-production;

(ii) complete transparency on the requirement of Israel for the number of interceptors and batteries that will be procured, including with respect to the procurement plans, acquisition strategy, and funding profiles of Israel;

(iii) technical milestones for co-production of parts and components and procurement;

(iv) a joint affordability working group to consider cost reduction initiatives; and

(v) joint approval processes for third-party sales; and

(D) the level of co-production described in subparagraph (C)(i) for the Arrow 3 Upper Tier Interceptor Program is not less than 50 percent.

(3) WAIVER.—The Under Secretary may waive the certification required by paragraph (2) if the Under Secretary certifies to the appropriate congressional committees that the Under Secretary has received sufficient data from the Government of Israel to demonstrate—

(A) the funds specified in paragraph (1) are provided to Israel solely for funding the procurement of long-lead components and critical hardware in accordance with a production plan, including a funding profile detailing Israeli contributions for production, including long-lead production, of the Arrow 3 Upper Tier Interceptor Program;

(B) such long-lead components have successfully completed knowledge points, technical milestones, and production readiness reviews; and

(C) the long-lead procurement will be conducted in a manner that maximizes co-production in the United States without incurring nonrecurring engineering activity or cost other than such activity or cost required for suppliers of the United States to start or restart production in the United States.

(d) NUMBER.—In carrying out paragraph (2) of subsection (b) and paragraph (2) of subsection (c), the Under Secretary may submit—

(1) one certification covering both the David's Sling Weapon System and the Arrow 3 Upper Tier Interceptor Program; or

(2) separate certifications for each respective system.

(e) TIMING.—The Under Secretary shall submit to the congressional defense committees the certifications under paragraph (2) of subsection (b) and paragraph (2) of subsection (c) by not later than 60 days before the funds specified in paragraph (1) of subsections (b) and (c) for the respective system covered by the certification are provided to the Government of Israel.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1685. BOOST PHASE BALLISTIC MISSILE DEFENSE.

10 USC 2431 note.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, if consistent with the direction or recommendations of the Ballistic Missile Defense Review that commenced in 2017—

(1) the Secretary of Defense should rapidly develop and demonstrate a boost phase intercept capability for missile defense as soon as practicable;

(2) existing technologies should be adapted to demonstrate this capability;

(3) the concept of operation for this demonstration should be developed in cooperation with the United States Pacific Command to address emerging threats and heightened tensions in the Asia-Pacific region; and

(4) the Secretary should prioritize funding allocations for the development of boost phase intercept capabilities and coordinate these efforts with the Missile Defense Agency as the Agency develops a space-based missile defense sensor layer.

(b) INITIAL OPERATIONAL DEPLOYMENT.—The Secretary of Defense shall ensure that an effective interim kinetic or directed energy boost phase ballistic missile defense capability is available for initial operational deployment as soon as practicable.

(c) PLAN.—Together with the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2019, the Secretary of Defense shall submit to the congressional defense committees a plan to achieve the requirement in subsection (b). Such plan shall include—

(1) the budget requirements;

(2) a robust test schedule; and

(3) a plan to develop an enduring boost phase ballistic missile defense capability, including cost and test schedule.

SEC. 1686. GROUND-BASED INTERCEPTOR CAPABILITY, CAPACITY, AND RELIABILITY.

10 USC 2431 note.

(a) INCREASE IN CAPACITY AND CONTINUED ADVANCEMENT.—The Secretary of Defense may—

(1) subject to the amounts authorized to be appropriated for national missile defense, increase the number of the ground-based interceptors of the United States by up to 28, if consistent with the direction or recommendations of the Ballistic Missile Defense Review that commenced in 2017;

(2) develop a plan to further increase such number to the currently available missile field capacity of 104 and to plan for any future capacity at any site that may be identified by such Ballistic Missile Defense Review; and

(3) continue to rapidly advance missile defense technologies to improve the capability and reliability of the ground-based midcourse defense element of the ballistic missile defense system.

(b) DEPLOYMENT.—Not later than December 31, 2021, the Secretary of Defense may—

(1) execute any requisite construction to ensure that Missile Field 1 or Missile Field 2 at Fort Greely, Alaska, or alternative missile fields at Fort Greely which may be identified pursuant

to subsection (a), are capable of supporting and sustaining additional ground-based interceptors; and

(2) deploy up to 20 additional ground-based interceptors to a missile field at Fort Greely as soon as technically feasible.

(c) REPORT.—

(1) IN GENERAL.—If consistent with the direction or recommendations of the Ballistic Missile Defense Review that commenced in 2017, the Director of the Missile Defense Agency shall submit to the congressional defense committees, not later than 90 days after the date on which the Ballistic Missile Defense Review is published, a report on options to increase the capability, capacity, and reliability of the ground-based midcourse defense element of the ballistic missile defense system and the infrastructure requirements for increasing the number of ground-based interceptors in currently feasible locations across the United States.

(2) CONTENTS.—The report under paragraph (1) shall include the following:

(A) An identification of potential sites in the United States, whether existing or new on the East Coast or in the Midwest, for the deployment of 104 ground-based interceptors.

(B) A cost-benefit analysis of each such site, including with respect to tactical, operational, and cost-to-construct considerations.

(C) A description of any completed and outstanding environmental assessments or impact statements for each such site.

(D) A description of the additional infrastructure and components needed to further outfit missile fields at Fort Greely before emplacing additional ground-based interceptors configured with the redesigned kill vehicle, including with respect to ground excavation, silos, utilities, and support equipment.

(E) A cost estimate of such infrastructure and components.

(F) An estimated schedule for completing such construction as may be required for such infrastructure and components.

(G) An identification of any environmental assessments or impact studies that would need to be conducted to expand such missile fields at Fort Greely beyond current capacity.

(H) A determination of the appropriate fleet mix of ground-based interceptor kill vehicles and boosters to maximize overall system effectiveness and increase its capacity and capability, including the costs and benefits of continued inclusion of capability enhancement II block 1 interceptors after the fielding of the redesigned kill vehicle.

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

SEC. 1687. LIMITATION ON AVAILABILITY OF FUNDS FOR GROUND-BASED MIDCOURSE DEFENSE ELEMENT OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the ground-based midcourse defense element of the ballistic missile defense system, $50,000,000 may not be obligated or expended until the date on which the Director of the Missile Defense Agency submits to the congressional defense committees a written certification that the risk of mission failure of ground-based midcourse interceptor enhanced kill vehicles due to foreign object debris has been minimized.

SEC. 1688. PLAN FOR DEVELOPMENT OF SPACE-BASED BALLISTIC MISSILE INTERCEPT LAYER.

10 USC 2431 note.

(a) DEVELOPMENT.—If consistent with the direction or recommendations of the Ballistic Missile Defense Review that commenced in 2017, the Director of the Missile Defense Agency shall develop a space-based ballistic missile intercept layer to the ballistic missile defense system that is—

(1) regionally focused;

(2) capable of providing boost-phase defense; and

(3) achieves an operational capability at the earliest practicable date.

(b) SPACE-BASED BALLISTIC MISSILE INTERCEPT LAYER PLAN.—If the Director carries out subsection (a), not later than one year after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees a plan to carry out subsection (a) during the 10-year period following the date of the plan. Such plan shall include the following:

(1) A concept definition phase consisting of multiple awarded contracts to identify feasible solutions consistent with architectural principles, performance goals, and price points established by the Director, such as contracts relating to—

(A) refined requirements;

(B) conceptual designs;

(C) technology readiness assessments;

(D) critical technical and operational issues;

(E) cost, schedule, performance estimates; and

(F) risk reduction plans.

(2) A technology risk reduction phase consisting of up to three competitively awarded contracts focused on maturing, integrating, and characterizing key technologies, algorithms, components, and subsystems, such as contracts relating to—

(A) refined concepts and designs;

(B) engineering trade studies;

(C) medium-to-high fidelity digital representations of the space-based ballistic missile intercept weapon system; and

(D) a proposed integration and test sequence that could potentially lead to a live-fire boost phase intercept during fiscal year 2022, if the technology has reached sufficient maturity and is economically viable.

(3) During the technology risk reduction phase, contractors will define proposed demonstrations to a preliminary design review level prior to a technology development phase down-select.

(4) A technology development phase consisting of two competitively awarded contracts to mature the preferred space-based ballistic missile intercept weapon system concepts and to potentially conduct a live-fire boost phase intercept fly-off during fiscal year 2022, if the technology has reached sufficient maturity and is economically viable, with brassboard hardware and prototype software on a path to the operational goal.

(5) A concurrent space-based ballistic missile intercept weapon system fire control test bed activity that incrementally incorporates modeling and simulation elements, real-world data, hardware, algorithms, and systems to evaluate with increasing confidence the performance of evolving designs and concepts of such weapon system from target detection to intercept.

(6) Any other matters the Director determines appropriate.

(c) ESTABLISHMENT OF SPACE TEST BED.—In carrying out subsection (a), the Director of the Missile Defense Agency shall establish a space test bed to—

(1) conduct research and development regarding options for a space-based defensive layer, including with respect to space-based interceptors and directed energy platforms; and

(2) identify the most cost-efficient and promising technological solutions to implementing such layer.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1689. SENSE OF CONGRESS ON THE STATE OF THE MISSILE DEFENSE OF THE UNITED STATES.

It is the sense of Congress that—

(1) the Secretary of Defense should use the Ballistic Missile Defense Review that commenced in 2017 to consider accelerating the development of technologies that will increase the capacity, capability, and reliability of the ground-based mid-course defense element of the ballistic missile defense system;

(2) upon completion of the Ballistic Missile Defense Review, the Director of the Missile Defense Agency should, to the extent practicable and with sound acquisition practices, accelerate the development, testing, and fielding of such capabilities as they are prioritized in the Ballistic Missile Defense Review, with respect to the redesigned kill vehicle, the multi-object kill vehicle, the C3 booster, a space-based sensor layer, boost phase sensor and kill technologies, and additional ground-based interceptors; and

(3) in order to achieve these objectives, and to avoid post-production and post-deployment problems, it is essential for the Department of Defense and the Missile Defense Agency to follow a "fly before you buy" approach to adequately test and assess the elements of the ballistic missile defense system before final production decisions or operational deployment.

SEC. 1690. SENSE OF CONGRESS AND REPORT ON GROUND-BASED MID-COURSE DEFENSE TESTING.

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

(1) at a minimum, the Missile Defense Agency should continue to flight test the ground-based midcourse defense element at least once each fiscal year;

(2) the Department of Defense should allocate increased funding to homeland missile defense testing to ensure that the defenses of the United States continue to evolve faster than the threats against which they are postured to defend, while pursuing a sound acquisition practice;

(3) in order to rapidly innovate, develop, and field new technologies, the Director of the Missile Defense Agency should continue to focus testing campaigns on delivering increased capabilities to the Armed Forces as quickly as possible; and

(4) the Director should seek to establish a more prudent balance between risk mitigation and the more rapid testing pace needed to quickly develop and deliver new capabilities to the Armed Forces.

(b) REPORT.—

(1) IN GENERAL.—If consistent with the direction or recommendations of the Ballistic Missile Defense Review that commenced in 2017, not later than 90 days after the date on which the Review is published, the Director of the Missile Defense Agency shall submit to the congressional defense committees a revised missile defense testing campaign plan that accelerates the development and deployment of new missile defense technologies.

(2) CONTENTS.—The report under paragraph (1) shall include the following:

(A) A detailed analysis of the acceleration of each of following programs:

(i) Redesigned kill vehicle.

(ii) Multi-object kill vehicle.

(iii) Configuration-3 Booster.

(iv) Such additional technologies as the Director considers appropriate.

(B) A new deployment timeline for each of the programs listed in subparagraph (A) or a detailed description of why the current timeline for deployment technologies under those programs is most suitable.

(C) An identification of any funding or policy restrictions that would slow down the deployment of the technologies under the programs listed in subparagraph (A).

(D) A risk assessment of the potential cost-overruns and deployment delays that may be encountered in the expedited development process of the capabilities under paragraph (1).

(c) REPORT ON FUNDING PROFILE.—The Director shall include with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2019 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report on the funding profile necessary for the new testing campaign plan required by subsection (b)(1).

Subtitle F—Other Matters

SEC. 1691. COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE ATTACKS AND SIMILAR EVENTS.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "Commission to Assess the Threat to the United States from Electromagnetic Pulse Attacks and Similar Events" (hereafter in this section referred to as the "Commission"). The purpose of the Commission is to assess and make recommendations with respect to the threat to the United States from electromagnetic pulse attacks and similar events.

(b) COMPOSITION.—

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

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

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

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

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

(2) CHAIR AND VICE CHAIR.—

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

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

(3) SECURITY CLEARANCE REQUIRED.—Each individual appointed as a member of the Commission shall possess (or have recently possessed before the date of such appointment) the appropriate security clearance necessary to carry out the duties of the Commission.

(4) QUALIFICATION.—Members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in the scientific, technical, and defense aspects of electromagnetic pulse threats, geomagnetic disturbances, and related vulnerabilities.

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

(c) DUTIES.—

(1) REVIEW AND ASSESSMENT.—The Commission shall review and assess—

(A) the nature, magnitude, and likelihood of potential electromagnetic pulse (hereafter in section referred to as "EMP") attacks and similar events, including geomagnetic

disturbances, both manmade and natural, that could be directed at or affect the United States within the next 20 years;

(B) the vulnerability of United States military and civilian systems to EMP attacks and similar events, including with respect to emergency preparedness and immediate response;

(C) the capability of the United States to repair and recover from damage inflicted on United States military and civilian systems by EMP attacks and similar events; and

(D) the feasibility and cost of hardening critical military and civilian systems against EMP attack and similar events.

(2) RECOMMENDATIONS.—The Commission shall recommend any actions it believes should be taken by the United States to better prepare, prevent, mitigate, or recover military and civilian systems with respect to EMP attacks and similar events.

(d) COOPERATION FROM GOVERNMENT.—

(1) COOPERATION.—In carrying out its duties, the Commission shall receive the full and timely cooperation of the Secretary of Defense, the Secretary of Energy, the Secretary of Homeland Security, and the pertinent heads of any other Federal agency in providing the Commission with analysis, briefings, and other information necessary for the fulfillment of its responsibilities.

(2) LIAISON.—Each Secretary specified in paragraph (1) shall designate at least one officer or employee of the respective department of the Secretary to serve as a liaison officer between the Department and the Commission.

(e) REPORT.—

(1) FINAL REPORT.—

(A) IN GENERAL.—Not later than April 1, 2019, the Commission shall submit to the President, the Secretary of Defense, the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate a report on the findings, conclusions, and recommendations of the Commission.

(B) FORM OF REPORT.—The report submitted to Congress under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(2) VIEWS OF THE SECRETARY.—Not later than 90 days after the submittal of the report under paragraph (1), the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report that contains the views of the Secretary with respect to the findings, conclusions, and recommendations of the Commission and any actions the Secretary intends to take as a result.

(3) INTERIM BRIEFING.—Not later than October 1, 2018, the Commission shall provide to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a briefing on the status of the activities of the Commission, including a discussion of any interim recommendations.

(f) FUNDING.—Of the amounts authorized to be appropriated by this Act for the Department of Defense, $3,000,000 is available to fund the activities of the Commission, as specified in the funding tables in division D.

(g) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Commission.

(h) TERMINATION.—The Commission shall terminate on October 1, 2019.

(i) REPEAL.—Title XIV of Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398) is repealed.

50 USC 2301 note.

SEC. 1692. PROTECTION OF CERTAIN FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.

Section 130i of title 10, United States Code, is amended to read as follows:

"§ 130i Protection of certain facilities and assets from unmanned aircraft

"(a) AUTHORITY.—Notwithstanding section 46502 of title 49, or any provision of title 18, the Secretary of Defense may take, and may authorize members of the armed forces and officers and civilian employees of the Department of Defense with assigned duties that include safety, security, or protection of personnel, facilities, or assets, to take, such actions described in subsection (b)(1) that are necessary to mitigate the threat (as defined by the Secretary of Defense, in consultation with the Secretary of Transportation) that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset.

"(b) ACTIONS DESCRIBED.—(1) The actions described in this paragraph are the following:

"(A) Detect, identify, monitor, and track the unmanned aircraft system or unmanned aircraft, without prior consent, including by means of intercept or other access of a wire communication, an oral communication, or an electronic communication used to control the unmanned aircraft system or unmanned aircraft.

"(B) Warn the operator of the unmanned aircraft system or unmanned aircraft, including by passive or active, and direct or indirect physical, electronic, radio, and electromagnetic means.

"(C) Disrupt control of the unmanned aircraft system or unmanned aircraft, without prior consent, including by disabling the unmanned aircraft system or unmanned aircraft by intercepting, interfering, or causing interference with wire, oral, electronic, or radio communications used to control the unmanned aircraft system or unmanned aircraft.

"(D) Seize or exercise control of the unmanned aircraft system or unmanned aircraft.

"(E) Seize or otherwise confiscate the unmanned aircraft system or unmanned aircraft.

"(F) Use reasonable force to disable, damage, or destroy the unmanned aircraft system or unmanned aircraft.

"(2) The Secretary of Defense shall develop the actions described in paragraph (1) in coordination with the Secretary of Transportation.

"(c) FORFEITURE.—Any unmanned aircraft system or unmanned aircraft described in subsection (a) that is seized by the Secretary of Defense is subject to forfeiture to the United States.

"(d) REGULATIONS AND GUIDANCE.—(1) The Secretary of Defense and the Secretary of Transportation may prescribe regulations and shall issue guidance in the respective areas of each Secretary to carry out this section.

"(2)(A) The Secretary of Defense and the Secretary of Transportation shall coordinate in the development of guidance under paragraph (1).

"(B) The Secretary of Defense shall coordinate with the Secretary of Transportation and the Administrator of the Federal Aviation Administration before issuing any guidance or otherwise implementing this section if such guidance or implementation might affect aviation safety, civilian aviation and aerospace operations, aircraft airworthiness, or the use of airspace.

"(e) PRIVACY PROTECTION.—The regulations prescribed or guidance issued under subsection (d) shall ensure that—

"(1) the interception or acquisition of, or access to, communications to or from an unmanned aircraft system under this section is conducted in a manner consistent with the fourth amendment to the Constitution and applicable provisions of Federal law;

"(2) communications to or from an unmanned aircraft system are intercepted, acquired, or accessed only to the extent necessary to support a function of the Department of Defense;

"(3) records of such communications are not maintained for more than 180 days unless the Secretary of Defense determines that maintenance of such records—

"(A) is necessary to support one or more functions of the Department of Defense; or

"(B) is required for a longer period to support a civilian law enforcement agency or by any other applicable law or regulation; and

"(4) such communications are not disclosed outside the Department of Defense unless the disclosure—

"(A) would fulfill a function of the Department of Defense;

"(B) would support a civilian law enforcement agency or the enforcement activities of a regulatory agency of the Federal Government in connection with a criminal or civil investigation of, or any regulatory action with regard to, an action described in subsection (b)(1); or

"(C) is otherwise required by law or regulation.

"(f) BUDGET.—The Secretary of Defense shall submit to Congress, as a part of the defense budget materials for each fiscal year after fiscal year 2018, a consolidated funding display that identifies the funding source for the actions described in subsection (b)(1) within the Department of Defense. The funding display shall be in unclassified form, but may contain a classified annex.

"(g) SEMIANNUAL BRIEFINGS.—(1) On a semiannual basis during the five-year period beginning March 1, 2018, the Secretary of Defense and the Secretary of Transportation, shall jointly provide a briefing to the appropriate congressional committees on the activities carried out pursuant to this section. Such briefings shall include—

"(A) policies, programs, and procedures to mitigate or eliminate impacts of such activities to the National Airspace System;

"(B) a description of instances where actions described in subsection (b)(1) have been taken;

"(C) how the Secretaries have informed the public as to the possible use of authorities under this section; and

"(D) how the Secretaries have engaged with Federal, State, and local law enforcement agencies to implement and use such authorities.

"(2) Each briefing under paragraph (1) shall be in unclassified form, but may be accompanied by an additional classified briefing.

"(h) RULE OF CONSTRUCTION.—Nothing in this section may be construed to—

"(1) vest in the Secretary of Defense any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration under title 49; and

"(2) vest in the Secretary of Transportation or the Administrator of the Federal Aviation Administration any authority of the Secretary of Defense under this title.

"(i) PARTIAL TERMINATION.—(1) Except as provided by paragraph (2), the authority to carry out this section with respect to the covered facilities or assets specified in clauses (iv) through (viii) of subsection (j)(3) shall terminate on December 31, 2020.

"(2) The President may extend by 180 days the termination date specified in paragraph (1) if before November 15, 2020, the President certifies to Congress that such extension is in the national security interests of the United States.

"(j) DEFINITIONS.—In this section:

"(1) The term 'appropriate congressional committees' means—

"(A) the congressional defense committees;

"(B) the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Commerce, Science, and Transportation of the Senate; and

"(C) the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Transportation and Infrastructure of the House of Representatives.

"(2) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

"(3) The term 'covered facility or asset' means any facility or asset that—

"(A) is identified by the Secretary of Defense, in consultation with the Secretary of Transportation with respect to potentially impacted airspace, through a risk-based assessment for purposes of this section;

"(B) is located in the United States (including the territories and possessions of the United States); and

"(C) directly relates to the missions of the Department of Defense pertaining to—

"(i) nuclear deterrence, including with respect to nuclear command and control, integrated tactical warning and attack assessment, and continuity of government;

"(ii) missile defense;

"(iii) national security space;

"(iv) assistance in protecting the President or the Vice President (or other officer immediately next in order of succession to the office of the President) pursuant to the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note);

"(v) air defense of the United States, including air sovereignty, ground-based air defense, and the National Capital Region integrated air defense system;

"(vi) combat support agencies (as defined in paragraphs (1) through (4) of section 193(f) of this title);

"(vii) special operations activities specified in paragraphs (1) through (9) of section 167(k) of this title;

"(viii) production, storage, transportation, or decommissioning of high-yield explosive munitions, by the Department; or

"(ix) a Major Range and Test Facility Base (as defined in section 196(i) of this title).

"(4) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

"(5) The terms 'electronic communication', 'intercept', 'oral communication', and 'wire communication' have the meanings given those terms in section 2510 of title 18.

"(6) The terms 'unmanned aircraft' and 'unmanned aircraft system' have the meanings given those terms in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).".

SEC. 1693. CONVENTIONAL PROMPT GLOBAL STRIKE WEAPONS SYSTEM.

(a) EARLY OPERATIONAL CAPABILITY.—The Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff, shall plan to reach early operational capability for the conventional prompt strike weapon system by not later than September 30, 2022.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff, in consultation with the Chief of Staff of the Army, the Commander of the United States European Command, the Commander of the United States Pacific Command, and the Commander of the United States Strategic Command, shall submit to the congressional defense committees a report on the conventional prompt global strike weapons system with respect to—

(1) the required level of resources that is consistent with the level of priority assigned to the associated capability gap;

(2) the estimated period for the delivery of a medium-range early operational capability, the required level of resources necessary to field a medium-range conventional prompt global strike weapon within the United States (including the territories and possessions of the United States), or a similar sea-based system, and a detailed plan consistent with the urgency of the associated capability gap across multiple platforms;

(3) the joint performance requirements that—

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

(B) are necessary, as designated by the Chairman of the Joint Chiefs of Staff, to fulfill capability gaps of more than one military department, Defense Agency, or other element of the Department; and

(4) in coordination with the Secretary of Defense, any plan (including policy options) considered appropriate to address any potential risks of ambiguity from the launch or employment of such a capability.

SEC. 1694. BUSINESS CASE ANALYSIS REGARDING AMMONIUM PERCHLORATE.

(a) IN GENERAL.—The Secretary of Defense, acting through the Director of Cost Assessment and Program Evaluation, shall conduct a business case analysis regarding the options of the Federal Government to ensure a robust domestic industrial base to supply ammonium perchlorate for use in solid rocket motors. Such analysis should include assessments of the near- and long-term costs, program impacts, opportunities for competition, opportunities for redundant or complementary capabilities, and national security implications of—

(1) continuing to rely on one domestic provider;

(2) supporting development of a second domestic source;

(3) procuring ammonium perchlorate as Government-furnished material and providing it to all necessary programs; and

(4) such other options as the Secretary determines appropriate.

(b) ELEMENTS.—The analysis under subsection (a) shall, at minimum, include—

(1) an estimate of all associated costs, including development costs, procurement costs, and qualification and requalification costs (and types of associated testing for requalification), as applicable;

(2) an assessment of options, under various scenarios, for the quantity of ammonium perchlorate that would be required by the Department of Defense; and

(3) the assessment of the Secretary of how the requirements for ammonium perchlorate of other Federal agencies impact the requirements of the Department of Defense.

(c) REPORT.—The Secretary shall submit the business case analysis required by subsection (a) to the Comptroller General of the United States and the Committees on Armed Services of the Senate and House of Representatives by March 1, 2018, along with any views of the Secretary.

(d) REVIEW.—The Comptroller General of the United States shall conduct a review of the report submitted by the Secretary under subsection (c) and, not later than 30 days after receiving such report, provide a briefing on such review to the Committees on Armed Services of the Senate and House of Representatives.

SEC. 1695. REPORT ON INDUSTRIAL BASE FOR LARGE SOLID ROCKET MOTORS AND RELATED TECHNOLOGIES.

(a) REPORT.—Not later than March 1, 2018, the Secretary of Defense, in consultation with the Administrator of the National Aeronautics and Space Administration, shall submit to the appropriate congressional committees a report on options to ensure a robust domestic industrial base for large solid rocket motors, including with respect to the critical technologies, subsystems,

components, and materials within and relating to such rocket motors.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) An assessment of options that would sustain not less than two domestic suppliers for—

(A) large solid rocket motors;

(B) small liquid-fueled rocket engines;

(C) aeroshells for reentry vehicles (or reentry bodies);

(D) strategic radiation-hardened microelectronics; and

(E) any other critical technologies, subsystems, components, and materials within and relating to large solid rocket motors that the Secretary determines appropriate.

(2) With respect to the sustainment of domestic suppliers as described in paragraph (1), the views of the Secretary on—

(A) such sustainment of not less than two domestic suppliers for each item specified in subparagraphs (A) through (E) of such paragraph;

(B) the risks within the industrial base for each such item;

(C) the estimated costs for such sustainment; and

(D) the opportunities to ensure or promote competition within the industrial base for each such item.

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

(1) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Armed Services of the Senate.

SEC. 1696. PILOT PROGRAM ON ENHANCING INFORMATION SHARING FOR SECURITY OF SUPPLY CHAIN.

10 USC 2302 note.

(a) ESTABLISHMENT.—Not later than June 1, 2019, the Secretary of Defense shall establish a pilot program to enhance information sharing with cleared defense contractors to ensure all source information is appropriately, singularly, and exclusively shared for the purpose of ensuring the security or integrity of the supply chain of covered programs.

(b) SELECTION.—The Secretary shall select not more than 10 acquisition or sustainment programs of the Department of Defense to participate in the pilot program under subsection (a), of which—

(1) not fewer than one program shall be related to nuclear weapons;

(2) not fewer than one program shall be related to nuclear command, control, and communications;

(3) not fewer than one program shall be related to continuity of government;

(4) not fewer than one program shall be related to ballistic missile defense;

(5) not fewer than one program shall be related to other command and control systems; and

(6) not fewer than one program shall be related to space systems.

(c) REPORT.—Not later than March 1, 2018, the Secretary shall submit to the congressional defense committees a report that includes—

(1) details on how the Secretary will establish the pilot program under subsection (a) to ensure all source information is appropriately, singularly, and exclusively shared for the purpose of ensuring the security or integrity of the supply chain of covered programs;

(2) details of any personnel, funding, or statutory constraints in carrying out the pilot program; and

(3) the identification of any legislative action or administrative action required to provide the Secretary with specific additional authorities required to fully implement the pilot program.

(d) CLEARED DEFENSE CONTRACTORS DEFINED.—In this section, the term "cleared defense contractors" means contractors of the Department of Defense who have a security clearance, including contractor facilities that have a security clearance.

SEC. 1697. PILOT PROGRAM ON ELECTROMAGNETIC SPECTRUM MAPPING.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense may establish a pilot program to assess the viability of mapping the electromagnetic spectrum used by the Department of Defense.

(b) DURATION.—The authority of the Secretary to carry out the pilot program under subsection (a) shall terminate on the date that is one year after the date of the enactment of this Act.

(c) INTERIM BRIEFING.—Not later than 60 days after the date of enactment of this Act, the Secretary of Defense shall provide a briefing to the Committees on Armed Services of the House of Representatives and the Senate (and to any other congressional defense committee upon request) demonstrating how the Secretary plans to implement the pilot program under subsection (a).

(d) FINAL BRIEFING.—Not later than 90 days after the pilot program under subsection (a) is completed, the Secretary shall provide a briefing to the Committees on Armed Services of the House of Representatives and the Senate (and to any other congressional defense committee upon request) on the utility, cost, and other considerations regarding the mapping of the electromagnetic spectrum used by the Department of Defense.

10 USC 2302 note.

SEC. 1698. USE OF COMMERCIAL ITEMS IN DISTRIBUTED COMMON GROUND SYSTEMS.

(a) IN GENERAL.—The procurement process for each covered Distributed Common Ground System shall be carried out in accordance with section 2377 of title 10, United States Code.

(b) CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, the service acquisition executive responsible for each covered Distributed Common Ground System shall certify to the appropriate congressional committees that the procurement process for increments of the system procured after the date of the enactment of this Act will be carried out in accordance with section 2377 of title 10, United States Code.

(c) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "covered Distributed Common Ground System" includes the following:

(A) The Distributed Common Ground System of the Army.

(B) The Distributed Common Ground System of the Navy.

(C) The Distributed Common Ground System of the Marine Corps.

(D) The Distributed Common Ground System of the Air Force.

(E) The Distributed Common Ground System of the Special Operations Forces.

TITLE XVII—SMALL BUSINESS PROCUREMENT AND INDUSTRIAL BASE MATTERS

SEC. 1701. AMENDMENTS TO HUBZONE PROVISIONS OF THE SMALL BUSINESS ACT.

(a) TRANSFER OF HUBZONE DEFINITIONS.—

(1) REDESIGNATION.—Section 31 of the Small Business Act (15 U.S.C. 657a) is amended by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively.

(2) TRANSFER.—Subsection (p) of section 3 of the Small Business Act (15 U.S.C. 632(p)) is transferred to section 31 of the Small Business Act (15 U.S.C. 657a), inserted so as to appear after subsection (a), and redesignated as subsection (b), and is amended—

(A) by striking "In this Act:" and inserting "In this section:";

(B) in paragraph (1)—

(i) by striking "term" and inserting "terms"; and

(ii) by striking "means" and inserting "or 'HUBZone' mean"; and

(C) by striking paragraph (2) (and redesignating subsequent paragraphs accordingly).

(3) DEFINITION OF QUALIFIED HUBZONE SMALL BUSINESS CONCERN.—Section 3 of the Small Business Act (15 U.S.C. 632), as amended by paragraph (2), is further amended by inserting after subsection (o) the following new subsection (p):

"(p) QUALIFIED HUBZONE SMALL BUSINESS CONCERN.—In this Act, the term 'qualified HUBZone small business concern' has the meaning given such term in section 31(b).".

(4) CONFORMING AMENDMENTS.—

(A) MENTOR-PROTEGE PROGRAM.—Section 831(n)(2)(G) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1607; 10 U.S.C. 2302 note) is amended by striking "section 3(p) of the Small Business Act (15 U.S.C. 632(p))" and inserting "section 31(b) of the Small Business Act".

(B) TITLE 10.—Section 2323 of title 10, United States Code, is amended by striking "section 3(p) of the Small Business Act" each place it appears and inserting "section 31(b) of the Small Business Act".

(C) SMALL BUSINESS ACT.—Section 8(d)(3)(G) of the Small Business Act (15 U.S.C. 637(d)(3)(G)) is amended by striking "section 3(p) of the Small Business Act" and inserting "section 31(b)".

(D) COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.—Section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is amended by striking "section 3(p)(5) of such Act (15 U.S.C. 632(p)(5))" and inserting "section 31(b) of such Act".

(E) CONTRACTS FOR COLLECTION SERVICES.—Section 3718 of title 31, United States Code, is amended by striking "section 3(p) of the Small Business Act" each place it appears and inserting "section 31(b) of the Small Business Act".

(F) TITLE 41.—Title 41, United States Code, is amended—

(i) in section 1122, by striking "section 3(p) of the Small Business Act (15 U.S.C. 632(p))" each place it appears and inserting "section 31(b) of the Small Business Act"; and

(ii) in section 1713, by striking "section 3(p) of the Small Business Act (15 U.S.C. 632(p))" and inserting "section 31(b) of the Small Business Act".

(G) TITLE 49.—Title 49, United States Code, is amended—

(i) in section 47107, by striking "section 3(p) of the Small Business Act" each place it appears and inserting "section 31(b) of the Small Business Act"; and

(ii) in section 47113(a)(3), by striking "section 3(p) of the Small Business Act (15 U.S.C. 632(o))" and inserting "section 31(b) of the Small Business Act".

(b) AMENDMENTS TO DEFINITIONS OF QUALIFIED CENSUS TRACT AND QUALIFIED NONMETROPOLITAN COUNTY.—

(1) IN GENERAL.—Paragraph (3) of section 31(b) of the Small Business Act (as transferred and redesignated by subsection (a)) is amended—

(A) in subparagraph (A)—

(i) by amending clause (i) to read as follows:

"(i) IN GENERAL.—The term 'qualified census tract' means a census tract that is covered by the definition of 'qualified census tract' in section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986 and that is reflected in an online tool prepared by the Administrator described under subsection (d)(7).''; and

(ii) in clause (ii), by inserting "and that is reflected in the online tool described under clause (i)" after "such section"; and

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by inserting "that is reflected in the online tool described under subparagraph (A)(i) and" after "any county"; and

(ii) in clause (ii)—

(I) in subclause (I), by striking "nonmetropolitan"; and

(II) by striking "the most recent data available" each place it appears and inserting "a 5-year average of the available data".

(2) TECHNICAL AMENDMENTS.—Paragraph (3)(B) of section 31(b) of the Small Business Act (as transferred and redesignated by subsection (a)), as amended by paragraph (1), is further amended—

(A) in clause (i), by striking "section 42(d)(5)(C)(ii) of the Internal Revenue Code of 1986" and inserting "section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986"; and

(B) in clause (ii)(III), by striking "section 42(d)(5)(C)(iii) of the Internal Revenue Code of 1986" and inserting "section 42(d)(5)(B)(iii) of the Internal Revenue Code of 1986".

(c) AMENDMENTS TO DEFINITIONS OF BASE CLOSURE AREA AND QUALIFIED DISASTER AREA.—Paragraph (3) of section 31(b) of the Small Business Act (as transferred and redesignated by subsection (a)), as amended by subsection (b), is further amended—

(1) by amending clause (ii) of subparagraph (D) to read as follows:

"(ii) LIMITATION.—A census tract or nonmetropolitan county described in clause (i) shall be considered to be a base closure area for a period beginning on the date on which the Administrator designates such census tract or nonmetropolitan county as a base closure area and ending on the date on which the base closure area ceases to be a qualified census tract under subparagraph (A) or a qualified nonmetropolitan county under subparagraph (B) in accordance with the online tool prepared by the Administrator described under subsection (d)(7), except that such period may not be less than 8 years."; and

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

"(E) QUALIFIED DISASTER AREA.—

"(i) IN GENERAL.—Subject to clause (ii), the term 'qualified disaster area' means any census tract or nonmetropolitan county located in an area where a major disaster has occurred or an area in which a catastrophic incident has occurred if such census tract or nonmetropolitan county ceased to be qualified under subparagraph (A) or (B), as applicable, during the period beginning 5 years before the date on which

the President declared the major disaster or the catastrophic incident occurred.

"(ii) DURATION.—A census tract or nonmetropolitan county shall be considered to be a qualified disaster area under clause (i) only for the period of time ending on the date the area ceases to be a qualified census tract under subparagraph (A) or a qualified nonmetropolitan county under subparagraph (B), in accordance with the online tool prepared by the Administrator described under subsection (d)(7) and beginning—

"(I) in the case of a major disaster, on the date on which the President declared the major disaster for the area in which the census tract or nonmetropolitan county, as applicable, is located; or

"(II) in the case of a catastrophic incident, on the date on which the catastrophic incident occurred in the area in which the census tract or nonmetropolitan county, as applicable, is located.

"(iii) DEFINITIONS.—In this subparagraph:

"(I) MAJOR DISASTER.—The term 'major disaster' means a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

"(II) OTHER DEFINITIONS.—The terms 'census tract' and 'nonmetropolitan county' have the meanings given such terms in subparagraph (D)(iii).".

(d) AMENDMENT TO DEFINITION OF REDESIGNATED AREAS.—Paragraph (3) of section 31(b) of the Small Business Act (as transferred and redesignated by subsection (a)), as amended by subsection (c), is further amended by amending subparagraph (C) to read as follows:

"(C) REDESIGNATED AREA.—The term 'redesignated area' means any census tract that ceases to be qualified under subparagraph (A) and any nonmetropolitan county that ceases to be qualified under subparagraph (B) for a period of 3 years after the date on which the census tract or nonmetropolitan county ceased to be so qualified.".

(e) GOVERNOR-DESIGNATED COVERED AREA.—Section 31(b) of the Small Business Act (as transferred and redesignated by subsection (a)), is amended—

(1) in paragraph (1)—

(A) in subparagraph (E), by striking "or" at the end;

(B) in subparagraph (F), by striking the period at the end and inserting "; or"; and

(C) by inserting after subparagraph (F) the following new subparagraph:

"(G) a Governor-designated covered area.";

(2) in paragraph (3) (as amended by subsection (c)), by adding at the end the following new subparagraph:

"(F) GOVERNOR-DESIGNATED COVERED AREA.—

"(i) IN GENERAL.—A 'Governor-designated covered area' means a covered area that the Administrator

has designated by approving a petition described under clause (ii).

"(ii) PETITION.—For a covered area to receive a designation as a Governor-designated covered area, the Governor of the State in which the covered area is wholly contained shall include such covered area in a petition to the Administrator requesting such a designation. In reviewing a request for designation included in such a petition, the Administrator may consider—

"(I) the potential for job creation and investment in the covered area;

"(II) the demonstrated interest of small business concerns in the covered area to be designated as a Governor-designated covered area;

"(III) how State and local government officials have incorporated the covered area into an economic development strategy; and

"(IV) if the covered area was a HUBZone before becoming the subject of the petition, the impact on the covered area if the Administrator did not approve the petition.

"(iii) LIMITATIONS.—Each calendar year, a Governor may submit not more than 1 petition described under clause (ii). Such petition shall include all covered areas in a State for which the Governor seeks designation as a Governor-designated covered area, except that the total number of covered areas included in such petition may not exceed 10 percent of the total number of covered areas in the State.

"(iv) CERTIFICATION.—If the Administrator grants a petition described under clause (ii), the Governor of the Governor-designated covered area shall, not less frequently than annually, submit data to the Administrator certifying that each Governor-designated covered area continues to meet the requirements of clause (v)(I).

"(v) DEFINITIONS.—In this subparagraph:

"(I) COVERED AREA.—The term 'covered area' means an area in a State—

"(aa) that is located outside of an urbanized area, as determined by the Bureau of the Census;

"(bb) with a population of not more than 50,000; and

"(cc) for which the average unemployment rate is not less than 120 percent of the average unemployment rate of the United States or of the State in which the covered area is located, whichever is less, based on the most recent data available from the American Community Survey conducted by the Bureau of the Census.

"(II) GOVERNOR.—The term 'Governor' means the chief executive of a State.

"(III) STATE.—The term 'State' means each of the several States, the District of Columbia, the

Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.".

(f) REPEAL OF 5-YEAR LIMITATION ON HUBZONE STATUS OF BASE CLOSURE AREAS.—Section 152(a) of title I of division K of the Consolidated Appropriations Act, 2005 (15 U.S.C. 632 note) is amended by repealing paragraph (2).

(g) AMENDMENT TO DEFINITION OF QUALIFIED HUBZONE SMALL BUSINESS CONCERN.—Paragraph (4) of section 31(b) of the Small Business Act (as transferred and redesignated by subsection (a)) is amended to read as follows:

"(4) QUALIFIED HUBZONE SMALL BUSINESS CONCERN.—The term 'qualified HUBZone small business concern' means a HUBZone small business concern that has been certified by the Administrator in accordance with the procedures described in this section.".

(h) AMENDMENTS TO HUBZONE PROGRAM.—

(1) CLARIFICATIONS TO ELIGIBILITY FOR HUBZONE PROGRAM.—Section 31(d) of the Small Business Act, as redesignated by subsection (a), is amended to read as follows:

"(d) ELIGIBILITY REQUIREMENTS; ENFORCEMENT.—

"(1) CERTIFICATION.—In order to be eligible for certification by the Administrator as a qualified HUBZone small business concern, a HUBZone small business concern shall submit documentation to the Administrator stating that—

"(A) at the time of certification and at each examination conducted pursuant to paragraph (4), the principal office of the concern is located in a HUBZone and not fewer than 35 percent of its employees reside in a HUBZone;

"(B) the concern will attempt to maintain the applicable employment percentage under subparagraph (A) during the performance of any contract awarded to such concern on the basis of a preference provided under subsection (c); and

"(C) the concern will ensure that the requirements of section 46 are satisfied with respect to any subcontract entered into by such concern pursuant to a contract awarded under this section.

"(2) VERIFICATION.—In carrying out this section, the Administrator shall establish procedures relating to—

"(A) the filing, investigation, and disposition by the Administration of any challenge to the eligibility of a HUBZone small business concern to receive assistance under this section (including a challenge, filed by an interested party, relating to the veracity of documentation provided to the Administration by such a concern under paragraph (1)); and

"(B) verification by the Administrator of the accuracy of any documentation provided by a HUBZone small business concern under paragraph (1).

"(3) TIMING.—The Administrator shall verify the eligibility of a HUBZone small business concern using the procedures described in paragraph (2) within a reasonable time and not later than 60 days after the date on which the Administrator receives sufficient and complete documentation from a HUBZone small business concern under paragraph (1).

"(4) RECERTIFICATION.—Not later than 3 years after the date that such HUBZone small business concern was certified as a qualified HUBZone small business concern, and every 3 years thereafter, the Administrator shall verify the accuracy of any documentation provided by a HUBZone small business concern under paragraph (1) to determine if such HUBZone small business concern remains a qualified HUBZone small business concern.

"(5) EXAMINATIONS.—The Administrator shall conduct program examinations of qualified HUBZone small business concerns, using a risk-based analysis to select which concerns are examined, to ensure that any concern examined meets the requirements of paragraph (1).

"(6) LOSS OF CERTIFICATION.—A HUBZone small business concern that, based on the results of an examination conducted pursuant to paragraph (5) no longer meets the requirements of paragraph (1), shall have 30 days to submit documentation to the Administrator to be eligible to be certified as a qualified HUBZone small business concern. During the 30-day period, such concern may not compete for or be awarded a contract under this section. If such concern fails to meet the requirements of paragraph (1) by the last day of the 30-day period, the Administrator shall not certify such concern as a qualified HUBZone small business concern.

"(7) HUBZONE ONLINE TOOL.—

"(A) IN GENERAL.—The Administrator shall develop a publicly accessible online tool that depicts HUBZones. Such online tool shall be updated—

"(i) with respect to HUBZones described under subparagraphs (A) and (B) of subsection (b)(3), beginning on January 1, 2020, and every 5 years thereafter;

"(ii) with respect to a HUBZone described under subsection (b)(3)(C), immediately after the area becomes, or ceases to be, a redesignated area; and

"(iii) with respect to HUBZones described under subparagraphs (D), (E), and (F) of subsection (b)(3), immediately after an area is designated as a base closure area, qualified disaster area, or Governor-designated covered area, respectively.

"(B) DATA.—The online tool required under subparagraph (A) shall clearly and conspicuously provide access to the data used by the Administrator to determine whether or not an area is a HUBZone in the year in which the online tool was prepared.

"(C) NOTIFICATION OF UPDATE.—The Administrator shall include in the online tool a notification of the date on which the online tool, and the data used to create the online tool, will be updated.

"(8) LIST OF QUALIFIED HUBZONE SMALL BUSINESS CONCERNS.—The Administrator shall establish and publicly maintain on the internet a list of qualified HUBZone small business concerns that shall—

"(A) to the extent practicable, include the name, address, and type of business with respect to such concern;

"(B) be updated by the Administrator not less than annually; and

"(C) be provided upon request to any Federal agency or other entity.

"(9) PROVISION OF DATA.—Upon the request of the Administrator, the Secretary of Labor, the Administrator of the Federal Emergency Management Agency, the Secretary of Housing and Urban Development, and the Secretary of the Interior (or the Assistant Secretary for Indian Affairs), shall promptly provide to the Administrator such information as the Administrator determines to be necessary to carry out this subsection.

"(10) PENALTIES.—In addition to the penalties described in section 16(d), any small business concern that is determined by the Administrator to have misrepresented the status of that concern as a 'qualified HUBZone small business concern' for purposes of this section shall be subject to liability for fraud, including section 1001 of title 18, United States Code, and sections 3729 through 3733 of title 31, United States Code.".

(2) PERFORMANCE METRICS.—Section 31 of the Small Business Act (15 U.S.C. 657a) is amended—

(A) in subsection (a)—

(i) by inserting "(to be known as the HUBZone program)" after "program"; and

(ii) by inserting ", including promoting economic development in economically distressed areas (as defined in section 7(m)(11))," after "assistance";

(B) by redesignating subsection (e) (as redesignated by subsection (a)) as subsection (f); and

(C) by inserting after subsection (d) the following new subsection:

"(e) PERFORMANCE METRICS.—

"(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this subsection, the Administrator shall publish performance metrics designed to measure the success of the HUBZone program established under this section in meeting the program's objective of promoting economic development in economically distressed areas (as defined in section 7(m)(11)).

"(2) COLLECTING AND MANAGING HUBZONE DATA.—The Administrator shall develop processes to incentivize each regional office of the Administration to collect and manage data on HUBZones within the geographic area served by such regional office.

"(3) REPORT.—Not later than 90 days after the last day of each fiscal year, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report analyzing the data from the performance metrics established under this subsection and including—

"(A) the number of HUBZone small business concerns that lost certification as a qualified HUBZone small business concern because of the results of an examination performed under subsection (d)(5); and

"(B) the number of those concerns that did not submit documentation to be recertified under subsection (d)(6).".

(3) AUTHORIZATION OF APPROPRIATIONS.—Section 31(f) of the Small Business Act, as redesignated by paragraph (2),

is amended by striking "fiscal years 2004 through 2006" and inserting "fiscal years 2020 through 2025".

(i) CURRENT QUALIFIED HUBZONE SMALL BUSINESS CONCERNS.—A HUBZone small business concern that was qualified pursuant to section 3(p)(5) of the Small Business Act on or before December 31, 2019, shall continue to be considered as a qualified HUBZone small business concern during the period beginning on January 1, 2020, and ending on the date that the Administrator of the Small Business Administration prepares the online tool depicting qualified areas described under section 31(d)(7) (as added by subsection (h) of this section). 15 USC 657a note.

(j) EFFECTIVE DATE.—The provisions of this section shall take effect— 10 USC 2323 note.

(1) with respect to subsection (i), on the date of the enactment of this section; and

(2) with respect to subsections (a) through (h), on January 1, 2020.

SEC. 1702. UNIFORMITY IN PROCUREMENT TERMINOLOGY.

(a) IN GENERAL.—Section 15(j)(1) of the Small Business Act (15 U.S.C. 644(j)(1)) is amended by striking "greater than $2,500 but not greater than $100,000" and inserting "greater than the micro-purchase threshold, but not greater than the simplified acquisition threshold".

(b) AMENDMENT TO CONTRACTING DEFINITIONS.—Section 3(m) of the Small Business Act (15 U.S.C. 632(m)) is amended to read as follows:

"(m) DEFINITIONS RELATING TO CONTRACTING.—In this Act:

"(1) PRIME CONTRACT.—The term 'prime contract' has the meaning given such term in section 8701(4) of title 41, United States Code.

"(2) PRIME CONTRACTOR.—The term 'prime contractor' has the meaning given such term in section 8701(5) of title 41, United States Code.

"(3) SIMPLIFIED ACQUISITION THRESHOLD.—The term 'simplified acquisition threshold' has the meaning given such term in section 134 of title 41, United States Code.

"(4) MICRO-PURCHASE THRESHOLD.—The term 'micro-purchase threshold' has the meaning given such term in section 1902 of title 41, United States Code.

"(5) TOTAL PURCHASES AND CONTRACTS FOR PROPERTY AND SERVICES.—The term 'total purchases and contracts for property and services' shall mean total number and total dollar amount of contracts and orders for property and services.".

(c) CONFORMING AMENDMENT.—Section 15(a)(1)(C) of the Small Business Act (15 U.S.C. 644(a)(1)(C)) is amended by striking "total purchase and contracts for goods and services" and inserting "total purchases and contracts for goods and services".

SEC. 1703. IMPROVING REPORTING ON SMALL BUSINESS GOALS.

(a) IN GENERAL.—Section 15(h)(2)(E) of the Small Business Act (15 U.S.C. 644(h)(2)(E)) is amended—

(1) in clause (i)—

(A) in subclause (III), by striking "and" at the end; and

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

"(V) that were purchased by another entity after the initial contract was awarded and as a

result of the purchase, would no longer be deemed to be small business concerns for purposes of the initial contract; and

"(VI) that were awarded using a procurement method that restricted competition to small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, or a subset of any such concerns;";

(2) in clause (ii)—

(A) in subclause (IV), by striking "and" at the end; and

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

"(VI) that were purchased by another entity after the initial contract was awarded and as a result of the purchase, would no longer be deemed to be small business concerns owned and controlled by service-disabled veterans for purposes of the initial contract; and

"(VII) that were awarded using a procurement method that restricted competition to qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, or a subset of any such concerns;";

(3) in clause (iii)—

(A) in subclause (V), by striking "and" at the end; and

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

"(VII) that were purchased by another entity after the initial contract was awarded and as a result of the purchase, would no longer be deemed to be qualified HUBZone small business concerns for purposes of the initial contract; and

"(VIII) that were awarded using a procurement method that restricted competition to small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, or a subset of any such concerns;";

(4) in clause (iv)—

(A) in subclause (V), by striking "and" at the end; and

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

"(VII) that were purchased by another entity after the initial contract was awarded and as a result of the purchase, would no longer be deemed to be small business concerns owned and controlled by socially and economically disadvantaged individuals for purposes of the initial contract; and

"(VIII) that were awarded using a procurement method that restricted competition to small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by women, or a subset of any such concerns;";

(5) in clause (v)—

(A) in subclause (IV), by striking "and" at the end;

(B) in subclause (V), by inserting "and" at the end; and

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

"(VI) that were purchased by another entity after the initial contract was awarded and as a result of the purchase, would no longer be deemed to be small business concerns owned by an Indian tribe other than an Alaska Native Corporation for purposes of the initial contract;";

(6) in clause (vi)—

(A) in subclause (IV), by striking "and" at the end;

(B) in subclause (V), by inserting "and" at the end; and

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

"(VI) that were purchased by another entity after the initial contract was awarded and as a result of the purchase, would no longer be deemed to be small business concerns owned by a Native Hawaiian Organization for purposes of the initial contract;";

(7) in clause (vii)—

(A) in subclause (IV), by striking "and" at the end; and

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

"(VI) that were purchased by another entity after the initial contract was awarded and as a result of the purchase, would no longer be deemed to be small business concerns owned by an Alaska Native Corporation for purposes of the initial contract; and"; and

(8) in clause (viii)—

(A) in subclause (VII), by striking "and" at the end;

(B) in subclause (VIII), by striking "and" at the end; and

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

"(IX) that were purchased by another entity after the initial contract was awarded and as a result of the purchase, would no longer be deemed to be small business concerns owned and controlled by women for purposes of the initial contract; and

"(X) that were awarded using a procurement method that restricted competition to small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, or a subset of any such concerns; and".

15 USC 644 note.

(b) EFFECTIVE DATE.—The Administrator of the Small Business Administration shall be required to report on the information required by clauses (i)(V), (ii)(VI), (iii)(VII), (iv)(VII), (v)(VI), (vi)(VI), (vii)(VI), and (viii)(IX) of section 15(h)(2)(E) of the Small Business Act (15 U.S.C. 644(h)(2)(E)) beginning on the date that such information is available in the Federal Procurement Data System, the System for Award Management, or any new or successor system.

SEC. 1704. RESPONSIBILITIES OF BUSINESS OPPORTUNITY SPECIALISTS.

Section 4(g) of the Small Business Act (15 U.S.C. 633(g)) is amended to read as follows:

"(g) BUSINESS OPPORTUNITY SPECIALISTS.—

"(1) DUTIES.—The exclusive duties of a Business Opportunity Specialist employed by the Administrator and reporting to the senior official appointed by the Administrator with responsibilities under sections 8, 15, 31, and 36 (or the designee of such official) shall be to implement sections 7, 8, and 45 and to complete other duties related to contracting programs under this Act. Such duties shall include—

"(A) with respect to small business concerns eligible to receive contracts and subcontracts pursuant to section 8(a)—

"(i) providing guidance, counseling, and referrals for assistance with technical, management, financial, or other matters that will improve the competitive viability of such concerns;

"(ii) identifying causes of success or failure of such concerns;

"(iii) providing comprehensive assessments of such concerns, including identifying the strengths and weaknesses of such concerns;

"(iv) monitoring and documenting compliance with the requirements of sections 7 and 8 and any regulations implementing those sections;

"(v) explaining the requirements of sections 7, 8, 15, 31, 36, and 45; and

"(vi) advising on compliance with contracting regulations (including the Federal Acquisition Regulation) after award of such a contract or subcontract;

"(B) reviewing and monitoring compliance with mentor-protege agreements under section 45;

"(C) representing the interests of the Administrator and small business concerns in the award, modification, and administration of contracts and subcontracts awarded pursuant to section 8(a); and

"(D) reporting fraud or abuse under section 7, 8, 15, 31, 36, or 45 or any regulations implementing such sections.

"(2) CERTIFICATION REQUIREMENTS.—

"(A) IN GENERAL.—Consistent with the requirements of subparagraph (B), a Business Opportunity Specialist described under section 7(j)(10)(D) shall have a Level I Federal Acquisition Certification in Contracting (or any successor certification) or the equivalent Department of Defense certification.

"(B) DELAY OF CERTIFICATION REQUIREMENT.—The certification described in subparagraph (A) is not required—

"(i) for any person serving as a Business Opportunity Specialist on the date of the enactment of this subsection, until the date that is one calendar year after the date such person was appointed as a Business Opportunity Specialist; or

"(ii) for any person serving as a Business Opportunity Specialist on or before January 3, 2013, until January 3, 2020.

"(3) JOB POSTING REQUIREMENTS.—The duties and certification requirements described in this subsection shall be included in any initial job posting for the position of a Business Opportunity Specialist.".

SEC. 1705. RESPONSIBILITIES OF COMMERCIAL MARKET REPRESENTATIVES.

Section 4(h) of the Small Business Act (15 U.S.C. 633(h)) is amended to read as follows:

"(h) COMMERCIAL MARKET REPRESENTATIVES.—

"(1) DUTIES.—The principal duties of a commercial market representative employed by the Administrator and reporting to the senior official appointed by the Administrator with responsibilities under sections 8, 15, 31, and 36 (or the designee of the official) shall be to advance the policies established in section 8(d)(1) relating to subcontracting, including—

"(A) helping prime contractors to find small business concerns that are capable of performing subcontracts;

"(B) for contractors awarded contracts containing the clause described in section 8(d)(3), providing—

"(i) counseling on the responsibility of the contractor to maximize subcontracting opportunities for small business concerns;

"(ii) instruction on methods and tools to identify potential subcontractors that are small business concerns; and

"(iii) assistance to increase awards to subcontractors that are small business concerns through visits, training, and reviews of past performance;

"(C) providing counseling on how a small business concern may promote the capacity of the small business concern to contractors awarded contracts containing the clause described in section 8(d)(3); and

"(D) conducting periodic reviews of contractors awarded contracts containing the clause described in section 8(d)(3) to assess compliance with subcontracting plans required under section 8(d)(6).

"(2) CERTIFICATION REQUIREMENTS.—

"(A) IN GENERAL.—Consistent with the requirements of subparagraph (B), a commercial market representative referred to in section 15(q)(3) shall have a Level I Federal Acquisition Certification in Contracting (or any successor certification) or the equivalent Department of Defense certification.

"(B) DELAY OF CERTIFICATION REQUIREMENT.—The certification described in subparagraph (A) is not required—

"(i) for any person serving as a commercial market representative on the date of enactment of this subsection, until the date that is one calendar year after

the date on which the person was appointed as a commercial market representative; or

"(ii) for any person serving as a commercial market representative on or before November 25, 2015, until November 25, 2020.

"(3) JOB POSTING REQUIREMENTS.—The duties and certification requirements described in this subsection shall be included in any initial job posting for the position of a commercial market representative.".

SEC. 1706. MODIFICATION OF PAST PERFORMANCE PILOT PROGRAM TO INCLUDE CONSIDERATION OF PAST PERFORMANCE WITH ALLIES OF THE UNITED STATES.

(a) IN GENERAL.—Section 8(d)(17) of the Small Business Act (15 U.S.C. 637(d)(17)) is amended—

(1) in subparagraph (G)—

(A) in clause (i), by inserting "and, set forth separately, the number of small business exporters," after "small business concerns"; and

(B) in clause (ii), by inserting ", set forth separately by applications from small business concerns and from small business exporters," after "applications"; and

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

"(H) DEFINITIONS.—In this paragraph—

"(i) the term 'appropriate official' means—

"(I) a commercial market representative;

"(II) another individual designated by the senior official appointed by the Administrator with responsibilities under sections 8, 15, 31, and 36; or

"(III) the Office of Small and Disadvantaged Business Utilization of a Federal agency, if the head of the Federal agency and the Administrator agree;

"(ii) the term 'defense item' has the meaning given that term in section 38(j)(4)(A) of the Arms Export Control Act (22 U.S.C. 2778(j)(4)(A));

"(iii) the term 'major non-NATO ally' means a country designated as a major non-NATO ally under section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k);

"(iv) the term 'past performance' includes performance of a contract for a sale of defense items (under section 38 of the Arms Export Control Act (22 U.S.C. 2778)) to the government of a member nation of North Atlantic Treaty Organization, the government of a major non-NATO ally, or the government of a country with which the United States has a defense cooperation agreement (as certified by the Secretary of State); and

"(v) the term 'small business exporter' means a small business concern that exports defense items under section 38 of the Arms Export Control Act (22 U.S.C. 2778) to the government of a member nation of the North Atlantic Treaty Organization, the government of a major non-NATO ally, or the government of a country with which the United States has a defense cooperation agreement (as certified by the Secretary of State).".

(b) TECHNICAL AMENDMENT.—Section 8(d)(17)(A) of the Small Business Act (15 U.S.C. 637(d)(17)(A)) is amended by striking "paragraph 13(A)" and inserting "paragraph (13)(A)".

SEC. 1707. NOTICE OF COST-FREE FEDERAL PROCUREMENT TECHNICAL ASSISTANCE IN CONNECTION WITH REGISTRATION OF SMALL BUSINESS CONCERNS ON PROCUREMENT WEBSITES OF THE DEPARTMENT OF DEFENSE.

10 USC note prec. 2411.

(a) IN GENERAL.—The Secretary of Defense shall establish procedures to ensure that any notice or direct communication regarding the registration of a small business concern on a website maintained by the Department of Defense relating to contracting opportunities contains information about cost-free Federal procurement technical assistance services that are available through a procurement technical assistance program established under chapter 142 of title 10, United States Code.

(b) SMALL BUSINESS CONCERN DEFINED.—The term "small business concern" has the meaning given such term under section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 1708. INCLUSION OF SBIR AND STTR PROGRAMS IN TECHNICAL ASSISTANCE.

Subsection (c) of section 2418 of title 10, United States Code, is amended—

(1) by striking "issued under" and inserting the following: "issued—

"(1) under";

(2) by striking "and on" and inserting ", and on";

(3) by striking "requirements." and inserting "requirements; and"; and

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

"(2) under section 9 of the Small Business Act (15 U.S.C. 638), and on compliance with those requirements.".

SEC. 1709. REQUIREMENTS RELATING TO COMPETITIVE PROCEDURES AND JUSTIFICATION FOR AWARDS UNDER THE SBIR AND STTR PROGRAMS.

(a) IN GENERAL.—Section 9(r)(4) of the Small Business Act (15 U.S.C. 638(r)(4)) is amended by striking "shall issue Phase III awards" and inserting the following: "shall—

"(A) consider an award under the SBIR program or the STTR program to satisfy the requirements under section 2304 of title 10, United States Code, and any other applicable competition requirements; and

"(B) issue, without further justification, Phase III awards".

(b) CONFORMING AMENDMENTS.—

(1) SMALL BUSINESS ACT.—Section 9(r) of the Small Business Act (15 U.S.C. 638(r)) is amended—

(A) in the subsection heading, by inserting ", COMPETITIVE PROCEDURES, AND JUSTIFICATION FOR AWARDS" after "AGREEMENTS"; and

(B) by amending the heading for paragraph (4) to read as follows: "COMPETITIVE PROCEDURES AND JUSTIFICATION FOR AWARDS".

(2) TITLE 10.—Section 2304(f) of title 10, United States Code, is amended—

(A) in paragraph (1), by inserting "and paragraph (6)" after "paragraph (2)"; and

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

"(6) The justification and approval required by paragraph (1) is not required in the case of a Phase III award made pursuant to section 9(r)(4) of the Small Business Act (15 U.S.C. 638(r)(4)).".

10 USC 2304 note.

SEC. 1710. PILOT PROGRAM FOR STREAMLINED TECHNOLOGY TRANSITION FROM THE SBIR AND STTR PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) DEFINITIONS.—In this section—

(1) the terms "commercialization", "Federal agency", "Phase I", "Phase II", "Phase III", "SBIR", and "STTR" have the meanings given those terms in section 9(e) of the Small Business Act (15 U.S.C. 638(e));

(2) the term "covered small business concern" means—

(A) a small business concern that completed a Phase II award under the SBIR or STTR program of the Department; or

(B) a small business concern that—

(i) completed a Phase I award under the SBIR or STTR program of the Department; and

(ii) a contracting officer for the Department recommended for inclusion in a multiple award contract described in subsection (b);

(1) the term "Department" means the Department of Defense;

(2) the term "military department" has the meaning given the term in section 101 of title 10, United States Code;

(3) the term "multiple award contract" has the meaning given the term in section 3302(a) of title 41, United States Code;

(4) the term "pilot program" means the pilot program established under subsection (b); and

(5) the term "small business concern" has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall establish a pilot program under which the Department shall award multiple award contracts to covered small business concerns for the purchase of technologies, supplies, or services that the covered small business concern has developed through the SBIR or STTR program.

(c) WAIVER OF COMPETITION IN CONTRACTING ACT REQUIREMENTS.—The Secretary of Defense may establish procedures to waive provisions of section 2304 of title 10, United States Code, for purposes of carrying out the pilot program.

(d) USE OF CONTRACT VEHICLE.—A multiple award contract described in subsection (b) may be used by any military department or component of the Department.

(e) TERMINATION.—The pilot program established under this section shall terminate on September 30, 2023.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent the commercialization of products and services produced by a small business concern under an SBIR or STTR program of a Federal agency through—

(1) direct awards for Phase III of an SBIR or STTR program; or

(2) any other contract vehicle.

SEC. 1711. PILOT PROGRAM ON STRENGTHENING MANUFACTURING IN THE DEFENSE INDUSTRIAL BASE.

10 USC 2505 note.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of increasing the capability of the defense industrial base to support—

(1) production needs to meet military requirements; and

(2) manufacturing and production of emerging defense and commercial technologies.

(b) AUTHORITIES.—The Secretary shall carry out the pilot program under the following:

(1) Chapters 137 and 139 and sections 2371, 2371b, and 2373 of title 10, United States Code.

(2) Such other legal authorities as the Secretary considers applicable to carrying out the pilot program.

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

(1) Use of contracts, grants, or other transaction authorities to support manufacturing and production capabilities in small- and medium-sized manufacturers.

(2) Purchases of goods or equipment for testing and certification purposes.

(3) Incentives, including purchase commitments and cost sharing with nongovernmental sources, for the private sector to develop manufacturing and production capabilities in areas of national security interest.

(4) Issuing loans or providing loan guarantees to small- and medium-sized manufacturers to support manufacturing and production capabilities in areas of national security interest.

(5) Giving awards to third party entities to support investments in small- and medium-sized manufacturers working in areas of national security interest, including debt and equity investments that would benefit missions of the Department of Defense.

(6) Such other activities as the Secretary determines necessary.

(d) TERMINATION.—The pilot program shall terminate on the date that is four years after the date of the enactment of this Act.

(e) BRIEFING REQUIRED.—No later than January 31, 2022, the Secretary of Defense shall provide a briefing to the Committees on Armed Services in the Senate and the House of Representatives on the results of the pilot program.

SEC. 1712. REVIEW REGARDING APPLICABILITY OF FOREIGN OWNERSHIP, CONTROL, OR INFLUENCE REQUIREMENTS OF NATIONAL INDUSTRIAL SECURITY PROGRAM TO NATIONAL TECHNOLOGY AND INDUSTRIAL BASE COMPANIES.

10 USC 2536 note.

(a) REVIEW.—The Secretary of Defense, with the concurrence of the Secretary of State and after consultation with the Director of the Information Security Oversight Office, shall review whether organizations whose ownership or majority control is based in a country that is part of the national technology and industrial base should be exempted from one or more of the foreign ownership, control, or influence requirements of the National Industrial Security Program.

(b) AUTHORITY.—The Secretary of Defense may establish a program to exempt organizations described under subsection (a) from one or more of the foreign ownership, control, or influence requirements of the National Industrial Security Program. Any such program shall comply with the requirements of this subsection.

(1) IN GENERAL.—Under a program established under this subsection, the Secretary, with the concurrence of the Secretary of State and after consultation with the Director of the Information Security Oversight Office, shall maintain a list of organizations owned or controlled by a country that is part of the national technology and industrial base that are eligible for exemption from the requirements described under such subsection.

(2) DETERMINATIONS OF ELIGIBILITY.—Under a program established under this subsection, the Secretary of Defense, with the concurrence of the Secretary of State and after consultation with the Director of the Information Security Oversight Office, may (on a case-by-case basis and for the purpose of supporting specific needs of the Department of Defense) designate an organization whose ownership or majority control is based in a country that is part of the national technology and industrial base as exempt from the requirements described under subsection (a) upon a determination that such exemption—

(A) is beneficial to improving collaboration within countries that are a part of the national technology and industrial base;

(B) is in the national security interest of the United States; and

(C) will not result in a greater risk of the disclosure of classified or sensitive information consistent with the National Industrial Security Program.

(3) EXERCISE OF AUTHORITY.—The authority under this subsection may be exercised beginning on the date that is the later of—

(A) the date that is 60 days after the Secretary of Defense, in consultation with the Secretary of State and the Director of the Information Security Oversight Office, submits to the appropriate congressional committees a report summarizing the review conducted under subsection (a); and

(B) the date that is 30 days after the Secretary of Defense, in consultation with the Secretary of State and the Director of the Information Security Oversight Office, submits to the appropriate congressional committees a written notification of a determination made under paragraph (2), including a discussion of the issues related to the foreign ownership or control of the organization that were considered as part of the determination.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" has the meaning given the term in section 301 of title 10, United States Code.

(2) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—the term "national technology and industrial base" has the meaning given the term in section 2500 of title 10, United States Code.

SEC. 1713. REPORT ON SOURCING OF TUNGSTEN AND TUNGSTEN POWDERS FROM DOMESTIC PRODUCERS.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the procurement of tungsten and tungsten powders for military applications.

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

(1) An overview of the quantities and countries of origin of tungsten and tungsten powders that are procured by the Department of Defense or prime contractors of the Department for military applications.

(2) An evaluation of the effects on the Department if the Secretary of Defense prioritizes the procurement of tungsten and tungsten powders from only domestic producers.

(3) An evaluation of the effects on the Department if tungsten and tungsten powders are required to be procured from only domestic producers.

(4) An estimate of any costs associated with domestic sourcing requirements related to tungsten and tungsten powders.

SEC. 1714. REPORT ON UTILIZATION OF SMALL BUSINESS CONCERNS FOR FEDERAL CONTRACTS.

(a) FINDINGS.—Congress finds that—

(1) since the passage of the Budget Control Act of 2011 (Public Law 112–25; 125 Stat. 240), many Federal agencies have started favoring longer-term Federal contracts, including multiple award contracts, over direct individual awards;

(2) these multiple award contracts have grown to more than one-fifth of Federal contract spending, with the fastest growing multiple award contracts each surpassing $100,000,000 in obligations for the first time between 2013 and 2014;

(3) in fiscal year 2017, 17 of the 20 largest Federal contract opportunities are multiple award contracts;

(4) while Federal agencies may choose to use any or all of the various socioeconomic groups on a multiple award contract, the Small Business Administration only examines the performance of socioeconomic groups through the small business procurement scorecard and does not examine potential opportunities for those groups; and

(5) Congress and the Department of Justice have been clear that no individual socioeconomic group shall be given preference over another.

(b) DEFINITIONS.—In this section—

(1) the term "Administrator" means the Administrator of the Small Business Administration;

(2) the term "covered small business concerns" means—

(A) qualified HUBZone small business concerns;

(B) small business concerns owned and controlled by service-disabled veterans;

(C) small business concerns owned and controlled by women; and

(D) small business concerns owned and controlled by socially and economically disadvantaged individuals, as defined under section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)); and

(3) the terms "qualified HUBZone small business concern", "small business concern", "small business concern owned and controlled by service-disabled veterans", and "small business concern owned and controlled by women" have the meanings given those terms in section 3 of the Small Business Act (15 U.S.C. 632).

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that includes—

(A) a determination as to whether small business concerns and each category of covered small business concern are being utilized in a significant portion of the multiple award contracts awarded by the Federal Government, including—

(i) whether awards are reserved for concerns in 1 or more of those categories; and

(ii) whether concerns in each such category are given the opportunity to perform on multiple award contracts;

(B) a determination as to whether performance requirements for multiple award contracts, as in effect on the day before the date of enactment of this Act, are feasible and appropriate for small business concerns and covered small business concerns; and

(C) any additional information as the Administrator may determine necessary.

(2) REQUIREMENT.—In making the determinations required under paragraph (1), the Administrator shall use information—

(A) from multiple award contracts with varied assigned North American Industry Classification System codes; and

(B) about the awards of multiple award contracts from not less than eight Federal agencies.

TITLE XVIII—GOVERNMENT PURCHASE AND TRAVEL CARDS

Saving Federal Dollars Through Better Use of Government Purchase and Travel Cards Act of 2017.
31 USC 3321 note.

SEC. 1801. SHORT TITLE.

This title may be cited as the "Saving Federal Dollars Through Better Use of Government Purchase and Travel Cards Act of 2017".

SEC. 1802. DEFINITIONS.

In this title:

(1) IMPROPER PAYMENT.—The term "improper payment" has the meaning given the term in section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) QUESTIONABLE TRANSACTION.—The term "questionable transaction" means a charge card transaction that from initial card data appears to be high risk and may therefore be

improper due to non-compliance with applicable law, regulation or policy.

(3) STRATEGIC SOURCING.—The term "strategic sourcing" means analyzing and modifying a Federal agency's spending patterns to better leverage its purchasing power, reduce costs, and improve overall performance.

SEC. 1803. EXPANDED USE OF DATA ANALYTICS.

(a) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator for General Services, shall develop a strategy to expand the use of data analytics in managing government purchase and travel charge card programs. These analytics may employ existing General Services Administration capabilities, and may be in conjunction with agencies' capabilities, for the purpose of—

(1) identifying examples or patterns of questionable transactions and developing enhanced tools and methods for agency use in—

(A) identifying questionable purchase and travel card transactions; and

(B) recovering improper payments made with purchase and travel cards;

(2) identifying potential opportunities for agencies to further leverage administrative process streamlining and cost reduction from purchase and travel card use, including additional agency opportunities for card-based strategic sourcing;

(3) developing a set of purchase and travel card metrics and benchmarks for high-risk activities, which shall assist agencies in identifying potential emphasis areas for their purchase and travel card management and oversight activities, including those required by the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112–194); and

(4) developing a plan, which may be based on existing capabilities, to create a library of analytics tools and data sources for use by Federal agencies (including inspectors general of those agencies).

SEC. 1804. GUIDANCE ON IMPROVING INFORMATION SHARING TO CURB IMPROPER PAYMENTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services and the interagency charge card data management group established under section 1805, shall issue guidance on improving information sharing by government agencies for the purposes of section 1803(a)(1).

(b) ELEMENTS.—The guidance issued under subsection (a) shall—

(1) require relevant officials at Federal agencies to identify high-risk activities and communicate that information to the appropriate management levels within the agencies;

(2) require that appropriate officials at Federal agencies review the reports issued by charge card-issuing banks on questionable transaction activity (such as purchase and travel card pre-suspension and suspension reports, delinquency reports, and exception reports), including transactions that

occur with high-risk activities, and suspicious timing or amounts of cash withdrawals or advances;

(3) provide for the appropriate sharing of information related to potential questionable transactions, fraud schemes, and high-risk activities with the General Services Administration and the appropriate officials in Federal agencies;

(4) consider the recommendations made by Inspectors General or the best practices Inspectors General have identified; and

(5) include other requirements determined appropriate by the Director for the purposes of carrying out this title.

SEC. 1805. INTERAGENCY CHARGE CARD DATA MANAGEMENT GROUP.

(a) ESTABLISHMENT.—The Administrator of General Services and the Director of the Office of Management and Budget shall establish a purchase and travel charge card data management group to develop and share best practices for the purposes described in section 1803(a).

(b) ELEMENTS.—The best practices developed under subsection (a) shall—

(1) cover rules, edits, and task order or contract modifications related to charge card-issuing banks;

(2) include the review of accounts payable information and purchase and travel card transaction data of agencies for the purpose of identifying potential strategic sourcing and other additional opportunities (such as recurring payments, utility payments, and grant payments) for which the charge cards or related payment products could be used as a payment method; and

(3) include other best practices as determined by the Administrator and Director.

(c) MEMBERSHIP.—The purchase and travel charge card data management group shall meet regularly as determined by the co-chairs, for a duration of three years, and include those agencies as described in section 2 of the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112–194) and others identified by the Administrator and Director.

SEC. 1806. REPORTING REQUIREMENTS.

(a) GENERAL SERVICES ADMINISTRATION REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator for General Services shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the implementation of this title, including the metrics used in determining whether the analytic and benchmarking efforts have reduced, or contributed to the reduction of, questionable transactions or improper payments as well as improved utilization of card-based payment products.

(b) AGENCY REPORTS AND CONSOLIDATED REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the head of each Federal agency described in section 2 of the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112–194) shall submit a report to the Director of the Office of Management and Budget on that agency's activities to implement this title.

(c) OFFICE OF MANAGEMENT AND BUDGET REPORT TO CONGRESS.—The Director of the Office of Management and Budget

shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a consolidated report of agency activities to implement this title, which may be included as part of another report submitted by the Director to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(d) REPORT ON ADDITIONAL SAVINGS OPPORTUNITIES.—Not later than one year after the date of the enactment of this Act, the Administrator of General Services shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report identifying and exploring further potential savings opportunities for government agencies under the Federal charge card programs. This report may be combined with the report required under subsection (a).

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Military Construction Authorization Act for Fiscal Year 2018.

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2018".

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER FIVE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2022; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2023.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2022; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2023 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

(c) EXTENSION OF AUTHORIZATIONS OF FISCAL YEAR 2016 AND FISCAL YEAR 2017 PROJECTS.—

(1) FISCAL YEAR 2016 PROJECTS.—Section 2002 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1145) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "2018" and inserting "2020"; and

(ii) in paragraph (2), by striking "2019" and inserting "2021"; and

(B) in subsection (b)—

(i) in paragraph (1), by striking "2018" and inserting "2020"; and

(ii) in paragraph (2), by striking "2019" and inserting "2021".

(2) FISCAL YEAR 2017 PROJECTS.—Section 2002 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 129 Stat. 1145) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "2019" and inserting "2021"; and

(ii) in paragraph (2), by striking "2020" and inserting "2022"; and

(B) in subsection (b)—

(i) in paragraph (1), by striking "2019" and inserting "2021"; and

(ii) in paragraph (2), by striking "2020" and inserting "2022".

SEC. 2003. EFFECTIVE DATE.

Titles XXI through XXVII and title XXIX shall take effect on the later of—

(1) October 1, 2017; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY MILITARY CONSTRUCTION

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation	Amount
Alabama	Fort Rucker	$38,000,000
Arizona	Davis-Monthan Air Force Base	$22,000,000

Army: Inside the United States—Continued

State	Installation	Amount
	Fort Huachuca	$30,000,000
California	Fort Irwin	$3,000,000
Colorado	Fort Carson	$29,300,000
Florida	Eglin Air Force Base	$18,000,000
Georgia	Fort Benning	$38,800,000
	Fort Gordon	$51,500,000
Hawaii	Pohakuloa Training Area	$25,000,000
Indiana	Crane Army Ammunition Plant	$24,000,000
New York	U.S. Military Academy	$22,000,000
South Carolina	Fort Jackson	$60,000,000
	Shaw Air Force Base	$25,000,000
Texas	Camp Bullis	$13,600,000
	Fort Hood	$70,000,000
Virginia	Joint Base Langley-Eustis	$34,000,000
	Joint Base Myer-Henderson	$20,000,000
Washington	Joint Base Lewis-McChord	$66,000,000
	Yakima	$19,500,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out the military construction project for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation	Amount
Germany	Stuttgart	$40,000,000
	Weisbaden	$43,000,000
Korea	Kunsan Air Base	$53,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

State/Country	Installation	Units	Amount
Georgia	Fort Gordon	Family Housing New Construction	$6,100,000

Army: Family Housing—Continued

State/Country	Installation	Units	Amount
Germany	South Camp Vilseck.	Family Housing New Construction	$22,445,000
Kwajalein	Kwajalein Atoll	Family Housing Replacement Construction	$31,000,000
Massachusetts	Natick	Family Housing Replacement Construction	$21,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $33,559,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may improve existing military family housing units in an amount not to exceed $34,156,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2017, for military construction, land acquisition, and military family housing functions of the Department of the Army as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 986) for Joint Base Lewis-McChord, Washington, for construction of an airfield operations complex, the Secretary of the Army may construct standby generator capacity of 1,000 kilowatts.

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2015 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for

Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3670) for Fort Shafter, Hawaii, for construction of a command and control facility, the Secretary of the Army may construct 15 megawatts of redundant power generation for a total project amount of $370,000,000.

SEC. 2107. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2014 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorization set forth in the table in subsection (b), as provided in section 2101 of that Act (127 Stat. 986), shall remain in effect until October 1, 2018, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2014 Project Authorization

State or Country	Installation or Location	Project	Amount
Japan	Kyogamisaki	Company Operations Complex ..	$33,000,000

SEC. 2108. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2015 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3669), the authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (128 Stat. 3670), shall remain in effect until October 1, 2018, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2015 Project Authorizations

State/ Country	Installation or Location	Project	Amount
California	Military Ocean Terminal Concord ..	Access Control Point	$9,900,000
Hawaii ...	Fort Shafter	Command and Control Facility (SCIF)	$370,000,000
Japan	Kadena Air Base	Missile Magazine	$10,600,000
Texas	Fort Hood ...	Simulation Center	$46,000,000

SEC. 2109. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000, 2005, 2006, AND 2007 PROJECTS.

(a) PROJECT AUTHORIZATION.—In connection with the authorizations contained in the tables in section 2101(a) of the Military

Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 825), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485), and section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445) for Fort Irwin, California, for Land Acquisition – National Training Center, Phases 1 through 4, the Secretary of the Army may carry out military construction projects to complete the land acquisitions within the initial scope of the projects.

(b) CONGRESSIONAL NOTIFICATION.—The Secretary of the Army shall provide information in accordance with section 2851(c) of title 10, United States Code, regarding the projects described in subsection (a).

TITLE XXII—NAVY MILITARY CONSTRUCTION

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Yuma	$36,358,000
California	Barstow	$36,539,000
	Camp Pendleton	$61,139,000
	Coronado	$36,000,000
	Lemoore	$60,828,000
	Miramar	$47,600,000
	Twentynine Palms	$55,099,000
Florida	Mayport	$84,818,000
Georgia	Albany	$43,300,000
Guam	Joint Region Marianas	$284,679,000
Hawaii	Joint Base Pearl Harbor-Hickam	$73,200,000
	Kaneohe Bay	$26,492,000
	Wahiawa	$65,864,000
Maine	Kittery	$61,692,000
North Carolina	Camp Lejeune	$103,767,000
	Cherry Point Marine Corps Air Station	$15,671,000

Navy: Inside the United States—Continued

State	Installation or Location	Amount
Virginia	Dam Neck	$29,262,000
	Joint Expeditionary Base Little Creek-Story	$2,596,000
	Portsmouth	$72,990,000
	Quantico	$23,738,000
	Yorktown	$36,358,000
Washington	Indian Island	$44,440,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Greece	Souda Bay	$22,045,000
Japan	Iwakuni	$21,860,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Navy: Family Housing

Country	Installation	Units	Amount
Bahrain Island	SW Asia	Construct On-Base GFOQ	$2,138,000
Mariana Islands	Guam	Replace Andersen Housing PH II	$40,875,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,418,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $36,251,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2017, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2205. EXTENSION OF AUTHORIZATIONS FOR CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (127 Stat. 989) and extended by section 2207 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2694), shall remain in effect until October 1, 2018, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2014 Project Authorizations

State	Installation or Location	Project	Amount
Illinois	Great Lakes	Unaccompanied Housing	$35,851,000
Nevada	Fallon	Wastewater Treatment Plant	$11,334,000
Virginia	Quantico	Fuller Road Improvements	$9,013,000

SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2015 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3669), the authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (128 Stat. 3675), shall remain in effect until October

1, 2018, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2015 Project Authorizations

State	Installation or Location	Project	Amount
District of Columbia	NSA Washington	Electronics Science and Technology Lab	$37,882,000
Maryland	Indian Head	Advanced Energetics Research Lab Complex Phase 2	$15,346,000

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Eielson Air Force Base	$168,900,000
Arkansas	Little Rock Air Force Base.	$20,000,000
California	Travis Air Force Base	$114,700,000
Colorado	Buckley Air Force Base	$38,000,000
	Fort Carson	$13,000,000
	U.S. Air Force Academy	$30,000,000
Florida	Eglin Air Force Base	$90,700,000
	MacDill Air Force Base	$8,100,000
	Tyndall Air Force Base	$17,000,000
Georgia	Robins Air Force Base	$9,800,000
Kansas	McConnell Air Force Base	$17,500,000
Maryland	Joint Base Andrews	$271,500,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
Nevada	Nellis Air Force Base	$61,000,000
New Jersey	McGuire-Dix-Lakehurst	$146,500,000
New Mexico	Cannon Air Force Base	$42,000,000
	Holloman Air Force Base	$4,250,000
	Kirtland Air Force Base	$9,300,000
North Dakota	Minot Air Force Base	$27,000,000
Ohio	Wright-Patterson Air Force Base.	$6,800,000
Oklahoma	Altus Air Force Base	$20,900,000
Texas	Joint Base San Antonio	$156,630,000
Utah	Hill Air Force Base	$28,000,000
Wyoming	F.E. Warren Air Force Base.	$62,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Australia	Darwin	$76,000,000
United Kingdom	RAF Fairford	$45,650,000
	RAF Lakenheath	$136,992,000

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,445,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $80,617,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2017, for military construction, land acquisition, and

military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2017 PROJECTS.

(a) HANSCOM AIR FORCE BASE.—In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2696) for Hanscom Air Force Base, Massachusetts, for construction of a gate complex at the installation, the Secretary of the Air Force may construct a visitor control center of 187 square meters, a traffic check house of 294 square meters, and an emergency power generator system and transfer switch consistent with the Air Force's construction guidelines.

(b) MARIANA ISLANDS.—In the case of the authorization contained in the table in section 2301(b) of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2697) for acquiring 142 hectares of land at an unspecified location in the Mariana Islands, the Secretary of the Air Force may acquire 142 hectares of land on Tinian in the Northern Mariana Islands for a cost of $21,900,000.

(c) CHABELLEY AIRFIELD.—In the case of the authorization contained in the table in section 2902 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2743) for Chabelley Airfield, Djibouti, for construction of a parking apron and taxiway at that location, the Secretary of the Air Force may construct 20,490 square meters of taxiway and apron, 8,230 square meters of paved shoulders, 10,650 square meters of hangar pads, and 3,900 square meters of cargo apron.

(d) SCOTT AIR FORCE BASE.—The table in section 4601 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2877) is amended in the item relating to Scott Air Force Base, Illinois, by striking "Consolidated Corrosion Facility add/alter." in the project title column and inserting "Consolidated Communication Facility add/alter.".

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2015 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3669), the authorizations set forth in the table in subsection (b), as provided in section 2301 of that Act (128 Stat. 3679), shall remain in effect until October 1, 2018, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2015 Project Authorization

State	Installation	Project	Amount
Alaska	Clear Air Force Station	Emergency Power Plant Fuel Storage	$11,500,000
Oklahoma	Tinker Air Force Base	KC-46 Two-Bay Maintenance Hangar	$63,000,000

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Greely	$200,000,000
California	Camp Pendleton	$43,642,000
	Coronado	$258,735,000
Colorado	Schriever Air Force Base	$10,200,000
Florida	Eglin Air Force Base	$9,100,000
	Hurlburt Field	$46,400,000
Georgia	Fort Gordon	$10,350,000
Guam	Andersen Air Force Base	$23,900,000
Hawaii	Kunia	$5,000,000
Missouri	Fort Leonard Wood	$393,241,000
	St. Louis	$381,000,000
New Mexico	Cannon Air Force Base	$8,228,000
North Carolina	Camp Lejeune	$90,039,000
	Fort Bragg	$57,778,000
	Seymour Johnson Air Force Base	$20,000,000
South Carolina	Shaw Air Force Base	$22,900,000
Utah	Hill Air Force Base	$20,000,000
Virginia	Joint Expeditionary Base Little Creek-Story	$23,000,000
	Norfolk	$18,500,000

Defense Agencies: Inside the United States—Continued

State	Installation or Location	Amount
	Pentagon	$50,100,000
	Portsmouth	$22,500,000
Worldwide Unspecified	Unspecified Worldwide Locations	$64,364,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Germany	Spangdahlem Air Base	$79,141,000
	Stuttgart	$46,609,000
Greece	Souda Bay	$18,100,000
Italy	Vicenza	$62,406,000
Japan	Iwakuni	$30,800,000
	Kadena Air Base	$27,573,000
	Okinawa	$11,900,000
	Sasebo	$45,600,000
	Torii Commo Station	$25,323,000
Puerto Rico	Punta Borinquen	$61,071,000
United Kingdom	Menwith Hill Station	$11,000,000

SEC. 2402. AUTHORIZED ENERGY RESILIENCY AND CONSERVATION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy resiliency and conservation projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may carry out energy resiliency and conservation projects under chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and the amounts set forth in the following table:

Energy Resiliency and Conservation Projects: Inside the United States

State	Installation or Location	Amount
Colorado	Schriever Air Force Base	$15,260,000
Guam	Andersen Air Force Base	$5,880,000
	NAVBASE Guam	$6,920,000
Hawaii	MCBH Kaneohe Bay	$6,185,000
Illinois	MTC Marseilles	$3,000,000
Maryland	NSA South Potomac-Indian Head	$10,790,000
Missouri	Fort Leonard Wood	$5,300,000
Montana	Malmstrom Air Force Base	$6,086,000
North Carolina	Fort Bragg	$3,000,000
	Lejeune/New River	$9,750,000
Utah	Tooele Army Depot	$6,400,000

Energy Resiliency and Conservation Projects: Inside the United States—Continued

State	Installation or Location	Amount
	Dugway Proving Ground	$8,700,000
	Hill Air Force Base	$8,467,000
Wyoming	F.E. Warren	$4,500,000
Various Locations	Various Locations	$27,232,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy resiliency and conservation projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may carry out energy resiliency and conservation projects under chapter 173 of title 10, United States Code, for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Energy Resiliency and Conservation Projects: Outside the United States

Country	Installation or Location	Amount
Honduras	Soto Cano Air Base	$12,600,000
Italy	NSA Naples	$2,700,000
Japan	CFA Yokosuka	$8,530,000
Korea	Osan Air Base	$13,700,000

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2017, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2017 PROJECT.

In the case of the authorization in the table in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2700) for Kaiserslautern, Germany, for construction of the Sembach Elementary/Middle School Replacement, the Secretary of Defense may construct an elementary school.

SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (127 Stat. 995) and extended by section 2406 of the Military

Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2702), shall remain in effect until October 1, 2018, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Agencies: Extension of 2014 Project Authorizations

State/Country	Installation or Location	Project	Amount
United Kingdom	Royal Air Force Lakenheath	Lakenheath Middle/High School Replacement	$69,638,000
Virginia	Marine Corps Base Quantico	Quantico Middle/High School Replacement	$40,586,000
	Pentagon	PFPA Support Operations Center	$14,800,000

SEC. 2406. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2015 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3669), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (128 Stat. 3681), shall remain in effect until October 1, 2018, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Agencies: Extension of 2015 Project Authorizations

State/Country	Installation or Location	Project	Amount
Australia	Geraldton	Combined Communications Gateway Geraldton	$9,600,000
Belgium	Brussels	Brussels Elementary/High School Replacement	$41,626,000
Japan	Okinawa	Kubasaki High School Replacement/Renovation	$99,420,000

Defense Agencies: Extension of 2015 Project Authorizations—Continued

State/Country	Installation or Location	Project	Amount
	Commander Fleet Activities Sasebo	E.J. King High School Replacement/Renovation	$37,681,000
Mississippi	Stennis	SOF Land Acquisition Western Maneuver Area	$17,224,000
New Mexico	Cannon Air Force Base	SOF Squadron Operations Facility (STS)	$23,333,000
Virginia	Defense Distribution Depot Richmond	Replace Access Control Point	$5,700,000
	Joint Base Langley-Eustis	Hospital Addition/Central Utility Plant Replacement	$41,200,000
	Pentagon	Redundant Chilled Water Loop	$15,100,000

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from

the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2017, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501 as specified in the funding table in section 4601.

Subtitle B—Host Country In-Kind Contributions

SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS.

Pursuant to agreement with the Republic of Korea for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installations or locations, and in the amounts, set forth in the following table:

Republic of Korea Funded Construction Projects

Country	Component	Installation or Location	Project	Amount
Korea ...	Army ...	Camp Humphreys ...	Unaccompanied Enlisted Personnel Housing, Phase 1	$76,000,000
	Army ...	Camp Humphreys ...	Type I Aircraft Parking Apron	$10,000,000
	Air Force	Kunsan Air Base	Construct Airfield Damage Repair Warehouse	$6,500,000
	Air Force	Osan Air Base	Main Gate Entry Control Facilities	$13,000,000

SEC. 2512. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2017 PROJECTS.

(a) CAMP HUMPHREYS.—In the case of the authorization contained in the table in section 2511 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2704) for Camp Humphreys, Republic of Korea, for construction of the 8th Army Correctional Facility, the Secretary of Defense may construct a level 1 correctional facility of 26,000

square feet and a utility and tool storage building of 400 square feet.

(b) K-16 AIR BASE.—In the case of the authorization contained in the table in section 2511 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2704) for the K-16 Air Base, Republic of Korea, for renovation of the Special Operations Forces (SOF) Operations Facility, B-606, the Secretary of Defense may renovate an operations administration area of 5,500 square meters.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Subtitle A—Project Authorizations and Authorization of Appropriations

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard

State	Location	Amount
Delaware	New Castle	$36,000,000
Idaho	Orchard Training Area	$22,000,000
	MTC Gowen	$9,000,000
Iowa	Camp Dodge	$8,500,000
Kansas	Fort Leavenworth	$19,000,000
Maine	Presque Isle	$17,500,000
Maryland	Sykesville	$19,000,000
Minnesota	Arden Hills	$39,000,000
Missouri	Springfield	$32,000,000
New Mexico	Las Cruces	$8,600,000
Virginia	Fort Belvoir	$15,000,000
	Fort Pickett	$4,550,000

Army National Guard—Continued

State	Location	Amount
Washington	Tumwater	$31,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve: Inside the United States

State	Location	Amount
California	Fallbrook	$36,000,000
Washington	Lewis-McChord	$30,000,000
Wisconsin	Fort McCoy	$13,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 3102, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations outside the United States, and in the amounts, set forth in the following table:

Army Reserve: Outside the United States

State	Location	Amount
Puerto Rico	Aguadilla	$12,400,000
	Fort Buchanan	$26,000,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
California	Lemoore	$17,330,000
Georgia	Fort Gordon	$17,797,000
New Jersey	Joint Base McGuire-Dix-Lakehurst	$11,573,000
Texas	Fort Worth	$12,637,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
California	March Air Force Base	$15,000,000
Colorado	Peterson Air Force Base	$8,000,000
Connecticut	Bradley IAP	$7,000,000
Indiana	Hulman Regional Airport	$8,000,000
Kentucky	Louisville IAP	$9,000,000
Mississippi	Jackson International Airport	$8,000,000
Missouri	Rosecrans Memorial Airport	$10,000,000
New York	Hancock Field	$6,800,000
Ohio	Toledo Express Airport	$15,000,000
Oklahoma	Tulsa International Airport	$8,000,000
Oregon	Klamath Falls IAP	$18,500,000
South Dakota	Joe Foss Field	$12,000,000
Tennessee	McGhee-Tyson Airport	$25,000,000
Wisconsin	Dane County Regional/Airport Truax Field.	$8,000,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
Florida	Patrick Air Force Base	$25,000,000
Georgia	Robins Air Force Base	$32,000,000
Guam	Joint Region Marianas	$5,200,000
Hawaii	Joint Base Pearl Harbor-Hickam	$5,500,000
Massachusetts	Westover ARB	$10,000,000
Minnesota	Minneapolis-St Paul IAP	$9,000,000
North Carolina	Seymour Johnson Air Force Base	$6,400,000
Texas	NAS JRB Fort Worth	$3,100,000
Utah	Hill Air Force Base	$3,100,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2017, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

Subtitle B—Other Matters

SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2015 PROJECT.

In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3688) for Starkville, Mississippi, for construction of an Army Reserve Center at that location, the Secretary of the Army may acquire approximately fifteen acres (653,400 square feet) of land.

SEC. 2612. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in sections 2602, 2604, and 2605 of that Act (127 Stat. 1001, 1002), shall remain in effect until October 1, 2018, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

National Guard and Reserve: Extension of 2014 Project Authorizations

State	Installation or Location	Project	Amount
Florida ..	Homestead ARB	Entry Control Complex	$9,800,000
Maryland	Fort Meade	175th Network Warfare Squadron Facility	$4,000,000
New York	Bullville	Army Reserve Center	$14,500,000

SEC. 2613. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2015 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3669), the authorizations set forth in the table in subsection (b), as provided in sections 2602 and 2604 of that Act (128 Stat. 3688, 3689), shall remain in effect until October 1, 2018, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

National Guard and Reserve: Extension of 2015 Project Authorizations

State	Location	Project	Amount
Mississippi	Starkville	Army Reserve Center	$9,300,000
New Hampshire	Pease	KC-46A ADAL Airfield Pavements and Hydrant Systems	$7,100,000

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2017, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account established by section 2906 of such Act (as amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2140)), as specified in the funding table in section 4601.

SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL BASE REALIGNMENT AND CLOSURE (BRAC) ROUND.

Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing

Subtitle A—Military Construction Program and Military Family Housing

SEC. 2801. ELIMINATION OF WRITTEN NOTICE REQUIREMENT FOR MILITARY CONSTRUCTION ACTIVITIES AND RELIANCE ON ELECTRONIC SUBMISSION OF NOTIFICATIONS AND REPORTS.

(a) MILITARY CONSTRUCTION AUTHORITIES.—Subchapter I of chapter 169 of title 10, United States Code, is amended as follows:

(1) Section 2803(b) is amended—

(A) by striking "in writing";

(B) by striking "seven-day period" and inserting "five-day period"; and

(C) by striking "or, if earlier, the end of the seven-day period beginning on the date on which a copy of the notification is provided".

(2) Section 2804(b) is amended—

(A) by striking "in writing";

(B) by striking "14-day period" and inserting "seven-day period; and"

(C) by striking "or, if earlier, the end of the seven-day period beginning on the date on which a copy of the notification is provided".

(3) Section 2805 is amended—

(A) in subsection (b)(2)—

(i) by striking "in writing";

(ii) by striking "21-day period" and inserting "14-day period"; and

(iii) by striking "or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided"; and

(B) in subsection (d)(3)—

(i) by striking "in writing";

(ii) by striking "21-day period" and inserting "14-day period"; and

(iii) by striking "or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided".

(4) Section 2806(c) is amended—

(A) in paragraph (1), by inserting "of Defense" after "The Secretary"; and

(B) by striking "(A)" and all that follows through the end of the paragraph and inserting the following: ", only after the end of the 14-day period beginning on the date

on which the Secretary submits, in an electronic medium pursuant to section 480 of this title, to the appropriate committees of Congress notice of the increase, including the reasons for the increase and the source of the funds to be used for the increase.".

(5) Section 2807 is amended—

(A) in subsection (b)—

(i) by striking "21-day period" and inserting "14-day period"; and

(ii) by striking "or, if earlier, the end of the 14-day period beginning on the date on which a copy of the report is provided"; and

(B) in subsection (c), by striking "(1)" and all that follows through the end of the subsection and inserting the following: "only after the end of the 14-day period beginning on the date on which the Secretary submits, in an electronic medium pursuant to section 480 of this title, to the appropriate committees of Congress notice of the need for the increase, including the source of funds to be used for the increase.".

(6) Section 2808(b) is amended by inserting after "notify" the following: ", in an electronic medium pursuant to section 480 of this title,".

(7) Section 2809 is amended by striking subsection (f) and inserting the following new subsection:

"(f) NOTICE AND WAIT REQUIREMENTS.—The Secretary concerned may enter into a contract under this section only after the end of the 14-day period beginning on the date on which the Secretary submits, in an electronic medium pursuant to section 480 of this title, to the appropriate committees of Congress a justification of the need for the facility covered by the proposed contract, including an economic analysis (based upon accepted life cycle costing procedures) which demonstrates that the proposed contract is cost effective when compared with alternative means of furnishing the same facility.".

(8) Section 2811(d) is amended by inserting after "submit" the following: ", in an electronic medium pursuant to section 480 of this title,".

(9) Section 2812(c) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) The Secretary concerned may enter into a lease under this section only after the end of the 14-day period beginning on the date on which the Secretary submits, in an electronic medium pursuant to section 480 of this title, to the appropriate committees of Congress a justification of the need for the facility covered by the proposed lease, including an economic analysis (based upon accepted life-cycle costing procedures) that demonstrates the cost effectiveness of the proposed lease compared with a military construction project for the same facility.".

(10) Section 2813(c) is amended—

(A) by striking "transmits to the appropriate committees of Congress a written notification" and inserting "notifies the appropriate committees of Congress";

(B) by striking "21-day period" and inserting "14-day period"; and

(C) by striking "or, if earlier, the end of the 14-day period beginning on the date on which a copy of the report is provided".

(11) Section 2814 is amended by striking subsection (g) and inserting the following:

"(g) NOTICE AND WAIT REQUIREMENTS.—The Secretary of the Navy may carry out a transaction authorized by this section only after the end of the 20-day period beginning on the date on which the Secretary submits, in an electronic medium pursuant to section 480 of this title, to the appropriate committees of Congress notice of the transaction, including a detailed description of the transaction and a justification for the transaction specifying the manner in which the transaction will meet the purposes of this section.".

(b) MILITARY FAMILY HOUSING ACTIVITIES.—Subchapter II of chapter 169 of title 10, United States Code, is amended as follows:

(1) Section 2825(b) is amended—

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

(B) in paragraph (5), as redesignated—

(i) by striking "the first sentence of"; and

(ii) by striking "in that sentence" and inserting "in that paragraph"; and

(C) in paragraph (1)—

(i) in the second sentence, by striking "The Secretary concerned may waive the limitations contained in the preceding sentence" and inserting the following:

"(2) The Secretary concerned may waive the limitations contained in paragraph (1)";

(ii) in the third sentence, by striking "the Secretary transmits" and all that follows through the end of the sentence and inserting the following: "the end of the 14-day period beginning on the date on which the Secretary submits, in an electronic medium pursuant to section 480 of this title, to the appropriate committees of Congress notice of the proposed waiver, together with an economic analysis demonstrating that the improvement will be cost effective.".

(2) Section 2827 is amended—

(A) in subsection (a), by inserting "RELOCATION AUTHORITY.—" after "(a)"; and

(B) by striking subsection (b) and inserting the following new subsection:

"(b) NOTICE AND WAIT REQUIREMENTS.—A contract to carry out a relocation of military family housing units under subsection (a) may be awarded only after the end of the 14-day period beginning on the date on which the Secretary concerned submits, in an electronic medium pursuant to section 480 of this title, to the appropriate committees of Congress notice of the proposed new locations of the housing units to be relocated and the estimated cost of and source of funds for the relocation.".

(3) Section 2828(f) is amended by striking "may not be made" and all that follows through the end of the subsection and inserting "may be made under this section only after the end of the 14-day period beginning on the date on which the Secretary concerned submits, in an electronic medium pursuant to section 480 of this title, to the appropriate committees of Congress notice of the facts concerning the proposed lease.".

(4) Subsection (e) of section 2831, as redesignated by section 1051(a)(21), is further amended by striking "until—" and all that follows through the end of the subsection and inserting the following: "until after the end of the 14-day period beginning on the date on which the Secretary submits, in an electronic medium pursuant to section 480 of this title, to the appropriate committees of Congress a justification of the need for the maintenance or repair project, including an estimate of the cost of the project.".

(5) Section 2835 is amended by striking subsection (g) and inserting the following new subsection:

"(g) NOTICE AND WAIT REQUIREMENTS.—A contract may be entered into for the lease of housing facilities under this section only after the end of the 14-day period beginning on the date on which the Secretary of Defense, or the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, submits, in an electronic medium pursuant to section 480 of this title, to the appropriate committees of Congress an economic analysis (based upon accepted life cycle costing procedures) which demonstrates that the proposed contract is cost-effective when compared with alternative means of furnishing the same housing facilities.".

(6) Section 2835a(c) is amended by striking "until—" and all that follows through the end of the subsection and inserting the following: "until after the end of the 14-day period beginning on the date on which the Secretary submits, in an electronic medium pursuant to section 480 of this title, to the appropriate committees of Congress a notice of the intent to undertake the conversion.".

(c) ADMINISTRATIVE PROVISIONS.—Subchapter III of chapter 169 of title 10, United States Code, is amended as follows:

(1) Section 2853(c) is amended—

(A) by striking "in writing" both places it appears;

(B) in paragraph (1)(B)—

(i) by striking "period of 21 days" and inserting "14-day period"; and

(ii) by striking "or, if over sooner, a period of 14 days has elapsed after the date on which a copy of the notification is provided"; and

(C) in paragraph (2), by inserting after "notifies" the following: ", using an electronic medium pursuant to section 480 of this title,".

(2) Section 2854(b) is amended—

(A) by striking "in writing";

(B) by striking "21-day period" and inserting "14-day period"; and

(C) by striking "or, if earlier, the end of the seven-day period beginning on the date on which a copy of the notification is provided".

(3) Section 2854a is amended by striking subsection (c) and inserting the following new subsection:

"(c) NOTICE AND WAIT REQUIREMENTS.—(1) The Secretary concerned may enter into an agreement to convey a family housing facility under this section only after the end of the 14-day period

beginning on the date on which the Secretary submits, in an electronic medium pursuant to section 480 of this title, to the appropriate committees of Congress a notice containing a justification for the conveyance under the agreement.

"(2) A notice under paragraph (1) shall include—

"(A) an estimate of the consideration to be provided the United States under the agreement;

"(B) an estimate of the cost of repairing the family housing facility to be conveyed; and

"(C) an estimate of the cost of replacing the family housing facility to be conveyed.".

(4) Section 2861(c) is amended—

(A) by striking "in writing";

(B) by striking "21-day period" and inserting "14-day period"; and

(C) by striking "or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided".

(5) Section 2866(c)(2) is amended—

(A) by striking "21-day period" and inserting "14-day period"; and

(B) by striking "or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided".

(6) Section 2869(d)(3) is amended—

(A) in the first sentence, by striking "after a period of 21 days" and all that follows through the end of the sentence and inserting the following: "after the end of the 14-day period beginning on the date of the submission of the notice in an electronic medium pursuant to section 480 of this title."; and

(B) in the second sentence, by striking "only after" and all that follows through the end of the sentence and inserting the following: "only after the end of the 45-day period beginning on the date of the submission of the notice in an electronic medium pursuant to section 480 of this title."

(d) ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.—Subchapter IV of chapter 169 of title 10, United States Code, is amended as follows:

(1) Section 2881a(d)(2) is amended by inserting after "Congress" the following: "in an electronic medium pursuant to section 480 of this title".

(2) Section 2883(f) is amended—

(A) by striking "30-day period" and inserting "14-day period";

(B) by striking "written"; and

(C) by striking "or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notice and justification is provided".

(3) Section 2884(a) is amended by striking paragraph (4) and inserting the following new paragraph:

"(4) The report shall be submitted in an electronic medium pursuant to section 480 of this title not later than 21 days before the date on which the Secretary issues the contract solicitation or offers the conveyance or lease.".

(4) Section 2885 is amended—

(A) in subsection (a)(4)(B)—

(i) by inserting after "notify" the following: ", in an electronic medium pursuant to section 480 of this title,"; and

(ii) by striking ", and shall provide" and inserting "and include"; and

(B) in subsection (d), by inserting after "submit" the following: ", in an electronic medium pursuant to section 480 of this title,".

(e) ENERGY SECURITY ACTIVITIES.—Chapter 173 of title 10, United States Code, is amended as follows:

(1) Section 2914(b)(1) is amended—

(A) by striking "in writing";

(B) by striking "21-day period" and inserting "14-day period"; and

(C) by striking "or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided".

(2) Section 2916(c) is amended—

(A) by striking "in writing";

(B) by striking "21-day period" and inserting "14-day period"; and

(C) by striking "or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided".

(f) MILITARY CONSTRUCTION CARRIED OUT USING BURDEN SHARING CONTRIBUTIONS.—Section 2350j(e)(2) of title 10, United States Code, is amended—

(1) by striking "21-day period" and inserting "14-day period"; and

(2) by striking "or, if earlier, the end of the 14-day period beginning on the date on which a copy of the report is provided".

(g) ACQUISITION OF FACILITIES FOR RESERVE COMPONENTS BY EXCHANGE.—Section 18240(f)(2) of title 10, United States Code, is amended—

(1) by striking "30-day period" and inserting "21-day period"; and

(2) by striking "or, if earlier, the end of the 21-day period beginning on the date on which a copy of the report is provided".

SEC. 2802. MODIFICATION OF THRESHOLDS APPLICABLE TO UNSPECIFIED MINOR CONSTRUCTION PROJECTS.

(a) INCREASE IN THRESHOLD; UNIFORM THRESHOLD FOR ALL PROJECTS.—Section 2805(a)(2) of title 10, United States Code, is amended—

(1) in the first sentence, by striking "$3,000,000" and inserting "$6,000,000"; and

(2) by striking the second sentence.

(b) APPROVAL BY SECRETARY CONCERNED.—Section 2805(b)(1) of such title is amended by striking "$1,000,000" and inserting "$750,000".

(c) CONGRESSIONAL NOTIFICATION.—Section 2805(b)(2) of such title is amended by striking "to which paragraph (1) is applicable" and inserting "to which paragraph (1) is applicable and which costs more than $2,000,000".

(d) USE OF OPERATION AND MAINTENANCE FUNDS.—Section 2805(c) of such title is amended by striking "$1,000,000" and inserting "$2,000,000".

SEC. 2803. ANNUAL LOCALITY ADJUSTMENT OF DOLLAR THRESHOLDS APPLICABLE TO UNSPECIFIED MINOR MILITARY CONSTRUCTION AUTHORITIES.

Section 2805 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) ADJUSTMENT OF DOLLAR LIMITATIONS FOR LOCATION.—

"(1) ADJUSTMENT OF LIMITATIONS.—Each fiscal year, the Secretary concerned shall adjust the dollar limitations specified in this section applicable to an unspecified minor military construction project inside the United States to reflect the area construction cost index for military construction projects published by the Department of Defense during the prior fiscal year for the location of the project, except that no limitation specified in this section may exceed $10,000,000 as the result of any adjustment made under this paragraph.

"(2) LOCATION OF PROJECTS.—For purposes of paragraph (1), a project shall be considered to be inside the United States if the project is carried out in any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands.

"(3) SUNSET.—The requirements of this subsection shall not apply with respect to any fiscal year after fiscal year 2022.".

SEC. 2804. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

(a) EXTENSION OF AUTHORITY.—Subsection (h) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as most recently amended by section 2804 of the Military Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114–328; 130 Stat. 2713), is amended—

(1) in paragraph (1), by striking "December 31, 2017" and inserting "December 31, 2018"; and

(2) in paragraph (2), by striking "fiscal year 2018" and inserting "fiscal year 2019".

(b) LIMITATION ON USE OF AUTHORITY.—Subsection (c)(1) of such section is amended—

(1) by striking "October 1, 2016" and inserting "October 1, 2017";

(2) by striking "December 31, 2017" and inserting "December 31, 2018"; and

(3) by striking "fiscal year 2018" and inserting "fiscal year 2019".

SEC. 2805. USE OF OPERATION AND MAINTENANCE FUNDS FOR MILITARY CONSTRUCTION PROJECTS TO REPLACE FACILITIES DAMAGED OR DESTROYED BY NATURAL DISASTERS OR TERRORISM INCIDENTS.

(a) AUTHORIZING USE OF FUNDS.—Section 2854 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) In using the authority described in subsection (a) to carry out a military construction project to replace a facility, including a family housing facility, that has been damaged or destroyed, the Secretary concerned may use appropriations available for operation and maintenance if—

"(A) the damage or destruction to the facility was the result of a natural disaster or a terrorism incident; and

"(B) the Secretary submits a notification to the appropriate committees of Congress of the decision to carry out the replacement project, and includes in the notification—

"(i) the current estimate of the cost of the replacement project;

"(ii) the source of funds for the replacement project;

"(iii) in the case of damage to a facility rather than destruction, a certification that the replacement project is more cost-effective than repair or restoration; and

"(iv) a certification that deferral of the replacement project for inclusion in the next Military Construction Authorization Act would be inconsistent with national security or the protection of health, safety, or environmental quality, as the case may be.

"(2) A replacement project under this subsection may be carried out only after the end of the 7-day period beginning on the date on which a copy of the notification described in paragraph (1) is provided in an electronic medium pursuant to section 480 of this title.

"(3) The maximum aggregate amount that the Secretary concerned may obligate from appropriations available for operation and maintenance in any fiscal year for replacement projects under the authority of this subsection is $50,000,000.".

(b) CONFORMING AMENDMENT.—Subsection (b) of section 2854 of such title, as amended by section 2801(c)(2), is amended by striking "under this section" and inserting "under subsection (a)".

SEC. 2806. ANNUAL REPORT ON UNFUNDED REQUIREMENTS FOR LABORATORY MILITARY CONSTRUCTION PROJECTS.

10 USC 222a note.

The Under Secretary of Defense for Research and Engineering, in coordination with the Assistant Secretary of Defense for Energy, Installations, and Environment, shall submit to the congressional defense committees each year, at the time the budget of the President for the fiscal year beginning in such year is submitted to Congress under section 1105(a) of title 31, United States Code, a reporting listing unfunded requirements on major and minor military construction projects for Department of Defense science and technology laboratories and facilities and test and evaluation facilities, and shall include a Department of Defense Form DD1391 for each major and minor military construction project included in the report.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. ELIMINATION OF WRITTEN NOTICE REQUIREMENT FOR MILITARY REAL PROPERTY TRANSACTIONS AND RELIANCE ON ELECTRONIC SUBMISSION OF NOTIFICATIONS AND REPORTS.

(a) GENERAL REAL PROPERTY TRANSACTION REPORT.—Section 2662(a) of title 10, United States Code, is amended by amending paragraph (3) to read as follows:

"(3) The authority of the Secretary concerned to enter into a transaction described in paragraph (1) commences only after the end of the 14-day period beginning on the first day of the first month beginning on or after the date on which the report containing the facts concerning such transaction, and all other such proposed transactions for that month, is provided in an electronic medium pursuant to section 480 of this title.".

(b) ACQUISITION OF INTERESTS IN LAND WHEN NEED IS URGENT.—Section 2663(d)(2) of title 10, United States Code, is amended—

(1) by inserting after "submit" the following: ", in an electronic medium pursuant to section 480 of this title,"; and

(2) by striking "written notice" and inserting "a notice".

(c) ACQUISITION OF LAND BY CONDEMNATION FOR CERTAIN MILITARY PURPOSES.—Section 2663(f)(2) of title 10, United States Code, is amended by striking "or, if over sooner, the end of the 14-day period beginning on the date on which a copy of the report is provided".

(d) EXCEPTIONS TO LIMITATIONS ON LAND ACQUISITION REDUCTION IN SCOPE OR INCREASE IN COST.—Section 2664(d) of title 10, United States Code, is amended—

(1) by striking "written";

(2) by striking "a period of 21 days elapses from" and inserting "the end of the 14-day period beginning on"; and

(3) by striking "or, if over sooner, a period of 14 days elapses from the date on which a copy of that notification is provided".

(e) LEASES OF NON-EXCESS DEFENSE PROPERTY.—Section 2667(d)(3) of title 10, United States Code, is amended by striking "provide to the congressional defense committees written notice" and inserting "submit, in an electronic medium pursuant to section 480 of this title, to the congressional defense committees a notice".

(f) MAINTENANCE AND REPAIR AND JURISDICTION OVER FACILITIES FOR DEFENSE AGENCIES.—Section 2682(c)(2) of title 10, United States Code, is amended by striking "to the appropriate congressional committees written notification" and inserting ", in an electronic medium pursuant to section 480 of this title, to the appropriate congressional committees a notice".

(g) AGREEMENTS TO LIMIT ENCROACHMENTS AND OTHER CONSTRAINTS ON MILITARY TRAINING, TESTING, AND OPERATIONS.—Section 2684a(d)(4)(D) of title 10, United States Code, is amended—

(1) in clause (i), by striking "provides written notice" and inserting "submits, in an electronic medium pursuant to section 480 of this title, a notice"; and

(2) in clause (ii), by striking "14 days" and all that follows through the end of the clause and inserting the following:

"10 days after the date on which the notice is submitted under clause (i).".

(h) CONVEYANCE OF SURPLUS REAL PROPERTY FOR NATURAL RESOURCE CONSERVATION.—Section 2694a of title 10, United States Code, is amended by striking subsection (e) and inserting the following new subsection:

"(e) NOTICE AND WAIT REQUIREMENTS.—The Secretary concerned may not approve of the reconveyance of real property under subsection (c) or grant the release of a covenant under subsection (d) until after the end of the 14-day period beginning on the date on which the Secretary submits, in an electronic medium pursuant to section 480 of this title, to the appropriate committees of Congress a notice of the proposed reconveyance or release.".

SEC. 2812. CERTIFICATION RELATED TO CERTAIN ACQUISITIONS OR LEASES OF REAL PROPERTY.

Section 2662(a) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking the period at the end of the first sentence and inserting the following: ", as well as the certification described in paragraph (5).''; and

(2) by adding at the end the following:

"(5) For purposes of paragraph (2), the certification described in this paragraph with respect to an acquisition or lease of real property is a certification that the Secretary concerned—

"(A) evaluated the feasibility of using space in property under the jurisdiction of the Department of Defense to satisfy the purposes of the acquisition or lease; and

"(B) determined that—

"(i) space in property under the jurisdiction of the Department of Defense is not reasonably available to be used to satisfy the purposes of the acquisition or lease;

"(ii) acquiring the property or entering into the lease would be more cost-effective than the use of the Department of Defense property; or

"(iii) the use of the Department of Defense property would interfere with the ongoing military mission of the property.".

SEC. 2813. INCREASED TERM LIMIT FOR INTERGOVERNMENTAL SUPPORT AGREEMENTS TO PROVIDE INSTALLATION SUPPORT SERVICES.

Section 2679(a)(2)(A) of title 10, United States Code, is amended by striking "five years" and inserting "ten years".

SEC. 2814. AUTHORIZING REIMBURSEMENT OF STATES FOR COSTS OF SUPPRESSING WILDFIRES CAUSED BY DEPARTMENT OF DEFENSE ACTIVITIES ON STATE LANDS; RESTORATION OF LANDS OF OTHER FEDERAL AGENCIES FOR DAMAGE CAUSED BY DEPARTMENT OF DEFENSE VEHICLE MISHAPS.

(a) AUTHORITIES.—Section 2691 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "or lease" each place it appears;

(2) in subsection (b), by striking "or lease";

(3) in subsection (c), by striking "lease,"; and

(4) by adding at the end the following new subsections:

"(d) WILDLAND FIRES ON STATE LAND.—The Secretary of Defense may, in any lease, permit, license, or other grant of access for use of lands owned by a State, agree to reimburse the State for the reasonable costs of the State in suppressing wildland fires caused by the activities of the Department of Defense under such lease, permit, license, or other grant of access.

"(e) RESTORATION OF LAND DAMAGED BY MISHAP.—(1) When land under the administrative jurisdiction of a Federal agency that is not a part of the Department of Defense is damaged as the result of a mishap involving a vessel, aircraft, or vehicle of the Department of Defense, the Secretary of Defense may, with the consent of the Federal agency, restore the land.

"(2) When land under the administrative jurisdiction of the Department of Defense or a military department is damaged as the result of a mishap involving a vessel, aircraft, or vehicle of a Federal agency that is not a part of the Department of Defense, the head of the Federal agency under whose control the vessel, aircraft, or vehicle was operating may, with the consent of the Department of Defense, restore the land.".

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

(1) in the heading, by striking "**LEASE**" and inserting "**DAMAGED BY MISHAP; REIMBURSEMENT OF STATE COSTS OF FIGHTING WILDLAND FIRES**";

(2) in subsection (a), by striking "(a) The Secretary" and inserting "(a) RESTORATION OF OTHER AGENCY LAND USED BY PERMIT.—The Secretary";

(3) in subsection (b), by striking "(b) Unless" and inserting "(b) SCREENING FOR USE OF IMPROVED LAND.—Unless"; and

(4) in subsection (c), by striking "(c)(1) As a condition" and inserting "(c) RESTORATION OF DEPARTMENT OF DEFENSE LAND USED BY OTHER AGENCY.—(1) As a condition".

10 USC prec. 2661.

(c) CLERICAL AMENDMENT.—The table of sections of chapter 159 of such title is amended by amending the item relating to section 2691 to read as follows:

"2691. Restoration of land used by permit or damaged by mishap; reimbursement of State costs of fighting wildland fires.".

SEC. 2815. CRITERIA FOR EXCHANGES OF PROPERTY AT MILITARY INSTALLATIONS.

Paragraph (2) of section 2869(a) of title 10, United States Code, is amended to read as follows:

"(2) Paragraph (1) applies with respect to real property under the jurisdiction of the Secretary concerned—

"(A) that is located on a military installation that is closed or realigned under a base closure law; or

"(B) that is located on a military installation not covered by subparagraph (A) and for which the Secretary concerned makes a determination that the conveyance under paragraph (1) is advantageous to the United States.".

SEC. 2816. LAND EXCHANGE VALUATION OF PROPERTY WITH REDUCED DEVELOPMENT THAT LIMITS ENCROACHMENT ON MILITARY INSTALLATIONS.

Subsection (b) of section 2869 of title 10, United States Code, is amended to read as follows:

"(b) CONDITIONS ON CONVEYANCE AUTHORITY.—(1) The fair market value of the land to be obtained by the Secretary concerned under subsection (a) in exchange for the conveyance of real property by the Secretary under such subsection shall be at least equal to the fair market value of the conveyed real property, as determined by the Secretary. If the fair market value of the land is less than the fair market value of the real property to be conveyed, the recipient of the property shall pay to the United States an amount equal to the difference in the fair market values.

"(2) In the case of a conveyance of real property to a political subdivision of a State, the value of the real property to be conveyed by the Secretary concerned under subsection (a) may exceed the fair market value of the land to be obtained, as determined under paragraph (1), by an amount not to exceed the reduction in value of the land which is attributable to voluntary zoning actions taken by such political subdivision to limit encroachment on a military installation, but only if the notice required by subsection (d)(2) contains—

"(A) a certification by the Secretary concerned that the military value to the United States of the land to be acquired justifies a payment in excess of the fair market value; and

"(B) a description of the military value to be obtained.".

SEC. 2817. REQUIREMENTS FOR WINDOW FALL PREVENTION DEVICES IN MILITARY FAMILY HOUSING.

(a) REQUIREMENT.—

(1) IN GENERAL.—Chapter 169 of title 10, United States Code, is amended by inserting after section 2878 the following new section:

"§ 2879. Window fall prevention devices in military family housing units

10 USC 2879.

"(a) REQUIRING USE OF DEVICES ON CERTAIN WINDOWS.—

"(1) REQUIREMENT.—The Secretary concerned shall ensure that if a window in any military family housing unit acquired or constructed under this chapter is described in subsection (b), including a window designed for emergency escape or rescue, the window is equipped with fall prevention devices that protect against unintentional window falls by young children and that are in compliance with applicable International Building Code (IBC) standards.

"(2) EFFECTIVE DATE.—Paragraph (1) shall apply with respect to the following military family housing units:

"(A) A unit for which the contract for the construction of the unit is first entered into on or after the date of the enactment of this section.

"(B) Any other unit which is subject to a whole-house renovation project for which the contract is entered into on or after September 1, 2018.

"(b) WINDOWS DESCRIBED.—A window is described in this subsection if the bottom sill of the window is within 24 inches of the floor, as measured in the interior of the unit, and is more than 72 inches above the ground, as measured on the exterior grade of the building.

"(c) RECORD OF INCIDENTS; ANNUAL REPORT.—The Secretary concerned shall keep a record of each incident (as defined in Department of Defense Instruction 6055.7 series) in which a minor child

is injured or killed as the result of an unintentional window fall in a military family housing unit. Not later than 90 days after the end of each calendar year (beginning with 2017), the Secretary of Defense shall submit a report to the Committees on Armed Services of the House of Representatives and Senate on all such window falls occurring in the previous year.".

10 USC prec. 2871.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 169 of such title is amended by inserting after the item relating to section 2878 the following new item:

"2879. Window fall prevention devices in military family housing units.".

(b) INDEPENDENT ASSESSMENT OF CHILD SAFETY IN MILITARY FAMILY HOUSING UNITS.—

(1) ASSESSMENT.—The Secretary of Defense shall enter into an agreement with an independent entity with experience in performing technical evaluations of the compliance of housing units with the codes and standards of the International Code Council and other relevant codes and standards to conduct and to submit to the Secretary and the congressional defense committees an assessment of child safety issues in military family housing units, with an emphasis on assessing hazards that may result in falls.

(2) RECOMMENDATIONS.—The independent entity conducting the assessment under paragraph (1) shall include in the assessment such recommendations for modifications to military family housing unit standards as the entity considers appropriate for ensuring the safety of minor children in such units.

(3) DEADLINE.—Under the agreement entered into under paragraph (1), the independent entity conducting the assessment under such paragraph shall submit the assessment to the Secretary and the congressional defense committees not later than 1 year after the date of the enactment of this Act.

SEC. 2818. PROHIBITING USE OF UPDATED ASSESSMENT OF PUBLIC SCHOOLS ON DEPARTMENT OF DEFENSE INSTALLATIONS TO SUPERSEDE FUNDING OF CERTAIN PROJECTS.

(a) PROHIBITING USE OF UPDATED ASSESSMENT TO SUPERSEDE FUNDING OF CERTAIN PUBLIC SCHOOL PROJECTS.—Subsection (a) of section 2814 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2717) is amended by adding at the end the following new paragraph:

"(3) PROHIBITING USE OF UPDATED ASSESSMENT TO SUPERSEDE FUNDING OF CERTAIN REMAINING PROJECTS.—In determining which projects will be funded under the programs described in paragraph (2), the Secretary may not, on the basis of the updated assessment described in paragraph (1), supersede the funding of any of the remaining projects which were included among the 33 projects for which Secretary assigned the highest priority for receiving funds under the assessment of the capacity and facility condition deficiencies of elementary and secondary public schools on military installations conducted by the Secretary in July 2011 under section 8109 of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10; 125 Stat. 82).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2017.

SEC. 2819. ACCESS TO MILITARY INSTALLATIONS BY TRANSPORTATION NETWORK COMPANIES.

Section 346 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended— 10 USC 113 note.

(1) in the section heading, by inserting "**AND TRANSPORTATION NETWORK COMPANIES**" after "**TRANSPORTATION COMPANIES**";

(2) in subsections (b), (c), and (d), by inserting "or transportation network company" after "transportation company" each places it appears;

(3) in subsection (b)(7), by inserting "and transportation network companies" after "transportation companies"; and

(4) in subsection (d)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by striking paragraph (1) and inserting the following new paragraphs:

"(1) TRANSPORTATION COMPANY.—The term 'transportation company' means a corporation, partnership, sole proprietorship, or other entity outside of the Department of Defense that provides a commercial transportation service to a rider.

"(2) TRANSPORTATION NETWORK COMPANY.—The term 'transportation network company'—

"(A) means a corporation, partnership, sole proprietorship, or other entity, that uses a digital network to connect riders to covered drivers in order for the driver to transport the rider using a vehicle owned, leased, or otherwise authorized for use by the driver to a point chosen by the rider; and

"(B) does not include a shared-expense carpool or vanpool arrangement that is not intended to generate profit for the driver."; and

(C) in subparagraph (A)(i) of paragraph (3), as redesignated by subparagraph (A) of this paragraph, by inserting "or transportation network company" after "transportation company".

Subtitle C—Project Management and Oversight Reforms

SEC. 2821. NOTIFICATION REQUIREMENT FOR CERTAIN COST INCREASES.

Section 2853 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g);

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

"(f)(1) In addition to the notification sent under paragraph (1) of subsection (c) of a cost increase with respect to a project, the Secretary concerned shall provide an additional report notifying the congressional defense committees and the Comptroller General of the United States of any military construction project or military family housing project with a total authorized cost greater than $40,000,000 that has a cost increase of 25 percent or more.

"(2) The report under paragraph (1) shall include the following—

"(A) A description of the specific reasons for the cost increase and the specific organizations and individuals responsible.

"(B) A description of any ongoing or completed proceedings or investigation into a government employee, prime contractor, subcontractor, or non-governmental organization that may be responsible for the cost increase, and the status of such proceeding or investigation.

"(C) If any proceeding or investigation identified in subparagraph (B) resulted in final judicial or administrative action, the following:

"(i) In the case of a judicial or administrative action taken against a government employee, the report shall identify the individual's organization, position within the organization, and the action taken against the individual, but shall exclude personally identifiable information about the individual.

"(ii) In the case of a judicial or administrative action taken against a prime contractor, subcontractor, or non-governmental organization, the report shall identify the prime contractor, subcontractor, or non-governmental organization and the action taken against the prime contractor, subcontractor, or non-governmental organization.

"(D) A summary of any changes the Secretary concerned believes may be required to the organizational structure, project management and oversight practices, policy, or authorities of a government organization involved in military construction projects as a result of problems identified and lessons learned from the project.

"(3) If any proceeding or investigation described in paragraph (2)(C) is still ongoing at the time the Secretary concerned submits the report under paragraph (1), the Secretary shall provide a supplemental report to the congressional defense committees and the Comptroller General of the United States not later than 30 days after such proceeding or investigation has been completed. If such proceeding or investigation resulted in final judicial or administrative action against a government employee, prime contractor, subcontractor, or non-governmental organization, the Secretary shall include in the supplemental report the information required by paragraph (2)(C).

"(4) Each report under this subsection shall be cosigned by the senior engineer authorized to supervise military construction projects and military family housing projects under section 2851(a).

"(5) The Secretary shall send the report required under paragraph (1) with respect to a project not later than 180 days after the Secretary sends to the appropriate committees of Congress the notification under paragraph (1) of subsection (c) of a cost increase with respect to the project.

"(6) The Comptroller General of the United States shall review each report submitted under this subsection and validate or correct as necessary the information provided."; and

(3) in subsection (g), as redesignated by paragraph (1), by striking "subsections (a) through (e)" and inserting "subsections (a) through (f)".

SEC. 2822. ANNUAL REPORT ON SCHEDULE DELAYS.

Section 2851 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) ANNUAL REPORT ON SCHEDULE DELAYS.—Not later than March 1 of each year (beginning with 2018), the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and Senate a report on each military construction project or military family housing project for which, as of the end of the most recent fiscal year, the estimated completion date is more than 1 year later than the completion date proposed at the time the contract for the project was awarded.".

SEC. 2823. REPORT ON DESIGN ERRORS AND OMISSIONS RELATED TO FORT BLISS HOSPITAL REPLACEMENT PROJECT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to the congressional defense committees a report on design errors and omissions related to the hospital replacement project at Fort Bliss, Texas.

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

(1) A detailed description of the specific "design errors" and "omissions" that resulted in the cost increase for the hospital replacement project.

(2) A description of the specific actions taken to prevent further schedule delays and cost increases on this project as well as lessons learned that will be applied to future hospital projects.

(3) A description of any ongoing or completed proceedings or investigation into a government employee, prime contractor, subcontractor, or non-governmental organization that may be responsible for the delay and cost increases, and the status of such proceeding or investigation.

(4) If any proceeding or investigation identified in paragraph (3) resulted in final judicial or administrative action, the following:

(A) In the case of a judicial or administrative action taken against a government employee, the report shall identify the individual's organization, name, position within the organization, and the action taken against the individual.

(B) In the case of a judicial or administrative action taken against a prime contractor, subcontractor, or non-governmental organization, the report shall identify the prime contractor, subcontractor, or non-governmental organization and the action taken against the prime contractor, subcontractor, or non-governmental organization.

(5) A summary of any changes the Inspector General believes may be required to the organizational structure, project management and oversight practices, policy, or authorities of a government organization involved in military construction projects as a result of problems identified and lessons learned from this project.

(c) SUPPLEMENTAL REPORT ON ONGOING PROCEEDINGS AND INVESTIGATIONS.—If any proceeding or investigation described in subsection (b)(3) is still ongoing at the time the Inspector General submits the report required by subsection (a), the Inspector General

shall provide a supplemental report to the congressional defense committees not later than 30 days after such proceeding or investigation has been completed. If such proceeding or investigation resulted in final judicial or administrative action against a government employee, prime contractor, subcontractor, or non-governmental organization, the Inspector General shall include in the supplemental report the information required by subsection (b)(4).

SEC. 2824. REPORT ON COST INCREASE AND DELAY RELATED TO USSTRATCOM COMMAND AND CONTROL FACILITY PROJECT AT OFFUTT AIR FORCE BASE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to the congressional defense committees a report on design errors and omissions related to the construction of the USSTRATCOM command and control facility project at Offutt Air Force Base.

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

(1) The identification of the specific reasons that have been used to explain the 16-month schedule delay and 10 percent cost increase for the project.

(2) A description of the specific actions taken to prevent further schedule delays and cost increases on this project as well as lessons learned that will be applied to future projects.

(3) A description of any ongoing or completed proceedings or investigation into a government employee, prime contractor, subcontractor, or non-governmental organization that may be responsible for the delay and cost increases, and the status of such proceeding or investigation.

(4) If any proceeding or investigation identified in paragraph (3) resulted in final judicial or administrative action, the following:

(A) In the case of a judicial or administrative action taken against a government employee, the report shall identify the individual's organization, name, position within the organization, and the action taken against the individual.

(B) In the case of a judicial or administrative action taken against a prime contractor, subcontractor, or non-governmental organization, the report shall identify the prime contractor, subcontractor, or non-governmental organization and the action taken against the prime contractor, subcontractor, or non-governmental organization.

(5) A summary of any changes the Inspector General believes may be required to the organizational structure, project management and oversight practices, policy, or authorities of a government organization involved in military construction projects as a result of problems identified and lessons learned from this project.

(c) SUPPLEMENTAL REPORT ON ONGOING PROCEEDINGS AND INVESTIGATIONS.—If any proceeding or investigation described in subsection (b)(3) is still ongoing at the time the Inspector General submits the report required by subsection (a), the Inspector General shall provide a supplemental report to the congressional defense committees not later than 30 days after such proceeding or investigation has been completed. If such proceeding or investigation

resulted in final judicial or administrative action against a government employee, prime contractor, subcontractor, or non-governmental organization, the Inspector General shall include in the supplemental report the information required by subsection (b)(4).

Subtitle D—Energy Resilience

SEC. 2831. ENERGY RESILIENCE.

(a) IN GENERAL.—Section 2911 of title 10, United States Code, is amended—

(1) in the section heading, by striking "**performance goals and master plan for**" and inserting "**policy of**";

(2) by redesignating subsections (a), (b), (c), (d), and (e) as subsections (c), (d), (e), (f), and (g) respectively;

(3) by inserting before subsection (c), as redesignated by paragraph (2), the following new subsections:

"(a) GENERAL ENERGY POLICY.—The Secretary of Defense shall ensure the readiness of the armed forces for their military missions by pursuing energy security and energy resilience.

"(b) AUTHORITIES.—In order to achieve the policy set forth in subsection (a), the Secretary of Defense may—

"(1) require the Secretary of a military department to establish and maintain an energy resilience master plan for an installation;

"(2) authorize the use of energy security and energy resilience, including the benefits of on-site generation resources that reduce or avoid the cost of backup power, as factors in the cost-benefit analysis for procurement of energy; and

"(3) in selecting facility energy projects that will use renewable energy sources, pursue energy security and energy resilience by giving favorable consideration to projects that provide power directly to a military facility or into the installation electrical distribution network.";

(4) in subsection (e), as redesignated by paragraph (2)—

(A) in paragraph (1), by inserting ", the future demand for energy, and the requirement for the use of energy" after "energy";

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

"(2) Opportunities to enhance energy resilience to ensure the Department of Defense has the ability to prepare for and recover from energy disruptions that impact mission assurance on military installations."; and

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

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

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 173 is amended by striking the item relating to section 2911 and inserting the following new item:

10 USC prec. 2911.

"2911. Energy policy of the Department of Defense.".

(c) CONFORMING AMENDMENTS.—Chapter 173 of title 10, United States Code, is amended—

(1) in section 2914, by striking "energy resiliency" each place it appears and inserting "energy resilience";

(2) in section 2915—

(A) by striking "subsection (c)" each place it appears and inserting "subsection (e)"; and

(B) in subsection (e)(2)(C), by striking "2911(b)(2)" and inserting "2911(d)(2)";

(3) in section 2916(b)(2), by striking "2911(b)" and inserting "2911(c)";

(4) in section 2922b(a), by striking "subsection (c)" and inserting "subsection (e)";

(5) in section 2922f(a), by striking "subsection (c)" and inserting "subsection (e)";

(6) in section 2924—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (3), (4), (5), and (6), respectively; and

(7) in section 2925(a)—

(A) in the heading, by striking "RESILIENCY" and inserting "ENERGY RESILIENCE"; and

(B) in paragraph (1), by striking "2911(e)" and inserting "2911(g)".

(d) DEFINITIONS FOR ENERGY RESILIENCE AND ENERGY SECURITY.—Section 101(e) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(6) ENERGY RESILIENCE.—The term 'energy resilience' means the ability to avoid, prepare for, minimize, adapt to, and recover from anticipated and unanticipated energy disruptions in order to ensure energy availability and reliability sufficient to provide for mission assurance and readiness, including task critical assets and other mission essential operations related to readiness, and to execute or rapidly reestablish mission essential requirements.

"(7) ENERGY SECURITY.—The term 'energy security' means having assured access to reliable supplies of energy and the ability to protect and deliver sufficient energy to meet mission essential requirements.".

SEC. 2832. AUTHORITY TO USE ENERGY COST SAVINGS FOR ENERGY RESILIENCE, MISSION ASSURANCE, AND WEATHER DAMAGE REPAIR AND PREVENTION MEASURES.

Section 2912(b)(1) of title 10, United States Code, is amended by striking "energy conservation and" and inserting "energy resilience, mission assurance, weather damage repair and prevention, energy conservation, and".

SEC. 2833. CONSIDERATION OF ENERGY SECURITY AND ENERGY RESILIENCE IN AWARDING ENERGY AND FUEL CONTRACTS FOR MILITARY INSTALLATIONS.

Section 2922a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) The Secretary concerned shall prioritize energy security and resilience.".

SEC. 2834. REQUIREMENT TO ADDRESS ENERGY RESILIENCE IN EXERCISING UTILITY SYSTEM CONVEYANCE AUTHORITY.

Section 2688(g) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(3) The Secretary concerned may require in any contract for the conveyance of a utility system (or part of a utility system) under subsection (a) that the conveyee manage and operate the

utility system in a manner consistent with energy resilience requirements and metrics provided to the conveyee to ensure that the reliability of the utility system meets mission requirements.

"(4) The Secretary of Defense, in consultation with the Secretaries of the military departments, shall include in the installation energy report submitted under section 2925(a) of this title a description of progress in meeting energy resilience metrics for all conveyance contracts entered into pursuant to this section.".

SEC. 2835. IN-KIND LEASE PAYMENTS; PRIORITIZATION OF UTILITY SERVICES THAT PROMOTE ENERGY RESILIENCE.

Section 2667(c)(1)(D) of title 10, United States Code, is amended by inserting ", which shall prioritize energy resilience in the event of commercial grid outages" after "Secretary concerned".

SEC. 2836. ANNUAL DEPARTMENT OF DEFENSE ENERGY MANAGEMENT REPORTS.

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

(1) in paragraph (1), by inserting before the period at the end the following: ", including progress on energy resilience at military installations according to metrics developed by the Secretary";

(2) by amending paragraph (3) to read as follows:

"(3) Details of all utility outages impacting energy resilience at military installations (excluding planned outages for maintenance reasons), whether caused by on- or off-installation disruptions, including the total number and location of outage, the duration of the outage, the financial impact of the outage, whether or not the mission was impacted, the mission requirements associated with disruption tolerances based on risk to mission, the responsible authority managing the utility, and measure taken to mitigate the outage by the responsible authority.";

(3) by redesignating paragraph (4) as paragraph (5); and

(4) by inserting after paragraph (3) the following new paragraph:

"(4) Details of a military installation's total energy requirements and critical energy requirements, and the current energy resilience and emergency backup systems servicing critical energy requirements, including, at a minimum—

"(A) energy resilience and emergency backup system power requirements;

"(B) the critical missions, facility, or facilities serviced;

"(C) system service life;

"(D) capital, operations, maintenance, and testing costs; and

"(E) other information the Secretary determines necessary.".

SEC. 2837. AGGREGATION OF ENERGY EFFICIENCY AND ENERGY RESILIENCE PROJECTS IN LIFE CYCLE COST ANALYSES.

10 USC 2911 note.

The Secretary of Defense or the Secretary of a military department, when conducting life cycle cost analyses with respect to investments designed to lower costs and reduce energy and water consumption, shall aggregate energy efficiency projects and energy resilience improvements as appropriate.

Subtitle E—Land Conveyances

SEC. 2841. LAND EXCHANGE, NAVAL INDUSTRIAL RESERVE ORDNANCE PLANT, SUNNYVALE, CALIFORNIA.

(a) LAND EXCHANGE AUTHORIZED.—The Secretary of the Navy may convey to an entity (in this section referred to as the "Exchange Entity") all right, title, and interest of the United States in and to the parcel of real property, including improvements thereon, comprising the Naval Industrial Reserve Ordnance Plant (NIROP) located in Sunnyvale, California in exchange for—

(1) real property, including improvements thereon, that will replace the NIROP and meet the readiness requirements of the Department of the Navy, as determined by the Secretary; and

(2) relocation of contractor and Government personnel and equipment from the NIROP to the replacement facilities.

(b) LAND EXCHANGE AGREEMENT.—

(1) IN GENERAL.—The exchange authorized under subsection (a) shall be governed by a land exchange agreement that identifies the property to be exchanged (including improvements thereon), the time period in which the exchange will occur, and the roles and responsibilities of the Secretary and the Exchange Entity in carrying out the exchange.

(2) COMPLIANCE WITH ENVIRONMENTAL LAWS.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(c) VALUATION; CASH EQUALIZATION PAYMENT IF NIROP VALUE EXCEEDS VALUE OF EXCHANGED PROPERTY.—

(1) VALUATION.—The values of the properties to be exchanged by the Secretary and the Exchange Entity under subsection (a) (including improvements thereon) shall be determined by an independent appraiser selected by the Secretary, and in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(2) CASH EQUALIZATION PAYMENT.—If, as determined in accordance with paragraph (1), the value of the NIROP is greater than the combination of the value of the property to be conveyed by the Exchange Entity under subsection (a) and the relocation costs covered by the Exchange Entity under such subsection, the Exchange Entity shall make a cash equalization payment to the Secretary to equalize the values. Nothing in this paragraph may be construed to require the Secretary to make a cash equalization payment to the Exchange Entity if the value of the property to be conveyed by the Exchange Entity and the relocation costs covered by the Exchange Entity are greater than the value of the NIROP.

(d) PAYMENT OF COSTS OF CONVEYANCE.—The Secretary shall require the Exchange Entity to pay costs incurred by the Department of the Navy to carry out the exchange authorized under subsection (a), including costs incurred for land surveys, environmental documentation, the review of replacement facilities design, real estate due diligence (including appraisals), preparing and executing the agreement described in subsection (b), and any other

administrative costs related to the exchange. If amounts are collected from the Exchange Entity in advance of the Secretary incurring the actual costs and the amount collected exceeds the costs actually incurred by the Secretary to carry out the exchange under subsection (a), the Secretary shall refund the excess amount to the Exchange Entity.

(e) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under subsections (a), (c)(2), and (d) shall be used in accordance with section 2695(c) of title 10, United States Code.

(f) DESCRIPTION OF PROPERTY.—The exact legal description of the property, including acreage, to be exchanged under subsection (a) shall be determined by surveys satisfactory to the Secretary.

(g) RELATION TO OTHER MILITARY CONSTRUCTION REQUIREMENTS.—

(1) EXCLUSION FROM TREATMENT AS MILITARY CONSTRUCTION PROJECT.—The acquisition or disposition of any property pursuant to the exchange authorized under subsection (a) shall not be treated as a military construction project for which an authorization is required by section 2802 of title 10, United States Code, or for which reporting is required by section 2662 of such title.

(2) EXCLUSION OF REQUIREMENT FOR PRIOR SCREENING BY GENERAL SERVICES ADMINISTRATION FOR ADDITIONAL FEDERAL USE.—Section 2696(b) of title 10, United States Code, does not apply to the conveyance of any real property pursuant to the exchange authorized under subsection (a).

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the exchange authorized under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(i) SUNSET.—The authority provided to the Secretary to carry out the exchange under subsection (a) shall expire on October 1, 2023.

SEC. 2842. LAND CONVEYANCE, MOUNTAIN HOME AIR FORCE BASE, IDAHO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the City of Mountain Home, Idaho (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4.25 miles of railroad spur located near Mountain Home Air Force Base, Idaho, as further described in subsection (c), for the purpose of economic development.

(b) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—As consideration for the land conveyed under subsection (a), the City shall pay to the Secretary an amount equal to the fair market value of the land, as determined by an appraisal approved by the Secretary. The City shall provide an amount that is acceptable to the Secretary, whether by cash payment, in-kind consideration as described under paragraph (2), or a combination thereof.

(2) IN-KIND CONSIDERATION.—In-kind consideration provided by the City under paragraph (1) may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facility or infrastructure under the jurisdiction of the Secretary.

(3) TREATMENT OF CONSIDERATION RECEIVED.—Consideration in the form of cash payment received by the Secretary under paragraph (1) shall be deposited in the separate fund in the Treasury described in section 572(a)(1) of title 40, United States Code.

(c) MAP AND LEGAL DESCRIPTION.—

(1) FINALIZING LEGAL DESCRIPTIONS.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Air Force shall finalize a map and the legal description of the property to be conveyed under subsection (a).

(2) MINOR ERRORS.—The Secretary of the Air Force may correct any minor errors in the map or the legal description.

(3) AVAILABILITY.—The map and legal description shall be on file and available for public inspection.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary may require the City to cover all costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under this section, including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance, or to an appropriate fund or account currently available to the Secretary for the purposes for which the costs were paid. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) USE RESERVATION.—The Secretary may reserve a right to temporarily use, for urgent reasons of national defense and at no cost to the United States, all or a portion of the railroad spur conveyed under subsection (a).

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2843. LEASE OF REAL PROPERTY TO THE UNITED STATES NAVAL ACADEMY ALUMNI ASSOCIATION AND NAVAL ACADEMY FOUNDATION AT UNITED STATES NAVAL ACADEMY, ANNAPOLIS, MARYLAND.

(a) AUTHORITY.—The Secretary of the Navy may lease approximately 3 acres at the United States Naval Academy in Annapolis, Maryland to the United States Naval Academy Alumni Association Inc. and the United States Naval Academy Foundation Inc. (hereafter referred to as the "lessees"), for the purpose of enabling the lessees to construct, operate, and maintain the Alumni Association and Foundation Center.

(b) DURATION OF LEASE.—At the option of the Secretary of the Navy, the lease entered into under this section shall be in effect for 50 years. Upon the expiration of the lease, the Secretary may extend the lease for such additional period as the Secretary may determine.

(c) PAYMENTS UNDER LEASE.—

(1) AMOUNT OF PAYMENTS BASED ON FAIR MARKET VALUE.—The Secretary of the Navy shall require the lessees to make payments under the lease entered into under this section, in cash or in the form of in-kind consideration, in an amount and form that reflects the fair market value of the lease as determined by the Secretary.

(2) PAYMENTS IN THE FORM OF IN-KIND CONSIDERATION.—

(A) TIMING.—To the extent that the lessees make payments under the lease in the form of in-kind consideration, such consideration may be paid as a lump-sum payment for the entire lease term, or any part thereof, or in annual installments.

(B) DESCRIPTION OF IN-KIND CONSIDERATION.—The in-kind consideration paid under the lease—

(i) shall include the relocation of any Naval Support Activity Annapolis functions presently located on the land to be leased to alternate locations deemed sufficient by the Secretary; and

(ii) may include annual support (including cash, real property, or personal property) provided by the lessees after the date the lease is executed, to be used for the benefit of, or for use in connection with, the Naval Academy.

(d) RETENTION AND USE OF FUNDS.—Funds received under the lease entered into under this section may be retained for use in support of the Naval Academy and to cover expenses incurred by the Secretary of the Navy in managing the lease.

(e) LEASEBACK PROHIBITED.—During the period in which the lease entered into under this section is in effect, the Secretary of the Navy may not lease any of the space constructed by the lessees on the property leased under this section.

(f) PAYMENT OF COSTS OF ENTERING INTO AND MANAGING LEASE.—

(1) PAYMENT REQUIRED.—The Secretary of the Navy shall require the lessees to cover the costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, in entering into and managing the lease under this section, including survey costs, costs for environmental documentation, and any other administrative costs related to the lease (as defined in section 2667 of title 10, United States Code). Any expenses incurred by the lessees pursuant to this provision may be considered in-kind consideration for purposes of subsection (c)(2) and may be credited against any payments due during the term of the lease.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in entering into and managing the lease. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts

in such fund or account. If amounts are collected from the lessees in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary in entering into and managing the lease, the Secretary may refund the excess amount to the lessees.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be leased under this section shall be determined by a survey satisfactory to the Secretary of the Navy, and may include property currently used for public purposes.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the lease entered into under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2844. LAND CONVEYANCE, NATICK SOLDIER SYSTEMS CENTER, MASSACHUSETTS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may sell and convey all right, title, and interest of the United States in and to parcels of real property, consisting of approximately 98 acres and improvements thereon, located in the vicinity of Hudson, Wayland, and Needham, Massachusetts, that are the sites of military family housing supporting military personnel assigned to the United States (U.S.) Army Natick Soldier Systems Center.

(b) COMPETITIVE SALE REQUIREMENT.—The Secretary shall use competitive procedures for the sale authorized by subsection (a).

(c) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—The Secretary shall require as consideration for conveyance under subsection (a), tendered by cash payment, an amount equal to no less than the fair market value, as determined by the Secretary, of the real property and any improvements thereon.

(2) CASH PAYMENTS.—

(A) CASH PAYMENTS DEPOSITED IN A SPECIAL ACCOUNT.—Cash payments provided as consideration under this subsection shall be deposited in a special account in the Treasury established for the Secretary.

(B) USE OF FUNDS IN SPECIAL ACCOUNT.—The Secretary is authorized to use funds deposited in the special account established under subparagraph (A) for—

(i) demolition of existing military family housing on the U.S. Army Natick Soldier Systems Center (other than housing on property conveyed under subsection (a)) that the Secretary determines necessary to accommodate construction of military family housing or unaccompanied soldier housing to support military personnel assigned to the U.S. Army Natick Soldier Systems Center;

(ii) construction or rehabilitation of military family housing or unaccompanied soldier housing to support military personnel assigned to the U.S. Army Natick Soldier Systems Center; or

(iii) construction of ancillary supporting facilities (as that term is defined in section 2871(1) of title 10, United States Code) to support military personnel assigned to the U.S. Army Natick Soldier Systems Center.

(C) CASH CONSIDERATION NOT USED PRIOR TO OCTOBER 1, 2025.—Cash payments provided as consideration under this subsection that are received by the Secretary and not used by the Secretary for purposes authorized by subparagraph (B) prior to October 1, 2025, shall be transferred to an account in the Treasury established pursuant to section 2883 of title 10, United States Code.

(d) DESCRIPTION OF PARCELS.—The exact acreage and legal description of the parcels to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the parcels.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(f) INAPPLICABILITY OF CERTAIN PROVISIONS OF LAW.—The conveyance of property under this section shall not be subject to section 2696 of title 10, United States Code.

(g) DEFINITION OF SECRETARY.—In this section the term "Secretary" means the Secretary of the Army.

SEC. 2845. LAND EXCHANGE, NAVAL AIR STATION CORPUS CHRISTI, TEXAS.

(a) LAND EXCHANGE AUTHORIZED.—The Secretary of the Navy (in this section referred to as the "Secretary") may convey to the City of Corpus Christi, Texas (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 44 acres known as the Peary Place Transmitter Site in Nueces County associated with Naval Air Station Corpus Christi, Texas.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall convey to the Secretary its real property interests either adjacent or proximate, and causing an encroachment concern as determined by the Secretary, to Naval Air Station Corpus Christi, Naval Outlying Landing Field Waldron and Naval Outlying Landing Field Cabaniss.

(c) LAND EXCHANGE AGREEMENT.—The Secretary and the City may enter into a land exchange agreement to implement this section.

(d) VALUATION.—The value of each property interest to be exchanged by the Secretary and the City described in subsections (a) and (b) shall be determined—

(1) by an independent appraiser selected by the Secretary; and

(2) in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(e) CASH EQUALIZATION PAYMENTS.—

(1) TO THE SECRETARY.—If the value of the property interests described in subsection (a) is greater than the value of the property interests described in subsection (b), the values shall be equalized through a cash equalization payment from the City to the Department of the Navy.

(2) NO EQUALIZATION.—If the value of the property interests described in subsection (b) is greater than the value of the

property interests described in subsection (a), the Secretary shall not make a cash equalization payment to equalize the values.

(f) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to pay costs to be incurred by the Secretary to carry out the exchange of property interests under this section, including those costs related to land survey, environmental documentation, real estate due diligence such as appraisals, and any other administrative costs related to the exchange of property interests to include costs incurred preparing and executing the land exchange agreement authorized under subsection (c). If amounts are collected from the City in advance of the Secretary incurring the actual costs and the amount collected exceeds the costs actually incurred by the Secretary to carry out the exchange of property interests, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) above shall be used in accordance with section 2695(c) of title 10, United States Code.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property interests to be exchanged under this section shall be determined by surveys satisfactory to the Secretary.

(h) CONVEYANCE AGREEMENT.—The exchange of real property interests under this section shall be accomplished using an appropriate legal instrument and upon terms and conditions mutually satisfactory to the Secretary and the City, including such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(i) EXEMPTION FROM SCREENING REQUIREMENTS FOR ADDITIONAL FEDERAL USE.—The authority under this section is exempt from the screening process required under section 2696(b) of title 10, United States Code.

(j) SUNSET PROVISION.—The authority under this section shall expire on October 1, 2019, unless the Secretary and the City have signed a land exchange agreement described in subsection (c).

SEC. 2846. IMPOSITION OF ADDITIONAL CONDITIONS ON FUTURE USE OF CASTNER RANGE, FORT BLISS, TEXAS.

Section 2844 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2157) is amended by adding at the end the following new subsection:

"(e) ADDITIONAL CONDITIONS ON FUTURE USE OF CASTNER RANGE.—

"(1) CONDITIONS.—To protect and conserve ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources within the real property described in subsection (a), subject to rights and improvements in existence as of December 31, 2017, there shall be no commercial enterprise, no permanent road, no temporary road, no use of motor vehicles or motorized equipment, no landing of aircraft, no other form of mechanical transport, and no structure, building or installation of any kind, except measures required to protect the health and safety of persons.

"(2) APPLICABILITY OF CONDITIONS.—

"(A) Paragraph (1) applies to use of the real property by the Secretary or any successor in interest including the head of another federal agency or a non-federal entity.

"(B) The Secretary, or head of any other federal agency, shall include the conditions set forth in paragraph (1) in the conveyance authorized by subsection (a), or any conveyance of the property described in subsection (a), or any portion thereof, to any other non-federal entity.

"(3) NONCOMPLIANCE.—Subsection (b) shall apply to a determination by the Secretary, or head of any other federal agency, that a non-federal entity to whom the property described in subsection (a) or any portion thereof has been conveyed, or any successor in interest, has not complied with paragraph (1).

"(4) MILITARY MUNITIONS.—The Secretary shall conduct military munitions response actions on the real property described in subsection (a) in accordance with the Comprehensive Environmental Response Compensation and Liability Act of 1980 and consistent with the limited recreational, non-residential, non-commercial conditions on future use set forth in paragraph (1). These munitions response actions shall also minimize disturbance of natural and cultural resources present on the real property described in subsection (a).".

SEC. 2847. LAND CONVEYANCE, FORMER MISSILE ALERT FACILITY KNOWN AS QUEBEC-01, LARAMIE COUNTY, WYOMING.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the State of Wyoming (in this section referred to as the "State"), all right, title, and interest of the United States in and to the real property, including any improvements thereon, consisting of the former Missile Alert Facility (MAF) known as "Quebec-01," located in Laramie County, Wyoming, for the purpose of operating a historical site, interpretive center, or museum.

(b) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force may require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the State in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the State.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance, or if such fund or account has expired at the time of credit, to an appropriate appropriation, fund, or account currently available to the Secretary for the purposes for which the costs were paid. Amounts so credited shall be merged with amounts in such appropriation, fund, or account, and shall be available for the same purpose, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force.

(d) REVERSIONARY INTEREST.—If the Secretary of the Air Force determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in subsection (a), all right, title, and interest in and to such real property, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(e) ADDITIONAL TERMS.—The Secretary of the Air Force may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

Subtitle F—Military Memorials, Monuments, and Museums

SEC. 2861. RECOGNITION OF THE NATIONAL MUSEUM OF WORLD WAR II AVIATION.

(a) RECOGNITION.—The National Museum of World War II Aviation in Colorado Springs, Colorado, is recognized as America's National World War II Aviation Museum.

(b) EFFECT OF RECOGNITION.—The National Museum recognized by this section is not a unit of the National Park System, and the recognition of the National Museum shall not be construed to require or permit Federal funds to be expended for any purpose related to the National Museum.

SEC. 2862. PRINCIPAL OFFICE OF AVIATION HALL OF FAME.

Section 23107 of title 36, United States Code, is amended by striking "Dayton," and all that follows through "trustees" and inserting "Ohio".

SEC. 2863. ESTABLISHMENT OF A VISITOR SERVICES FACILITY ON THE ARLINGTON RIDGE TRACT.

(a) ARLINGTON RIDGE TRACT DEFINED.—In this section, the term "Arlington Ridge tract" means the parcel of Federal land located in Arlington County, Virginia, known as the "Nevius Tract" and transferred to the Department of the Interior in 1953, that is bounded generally by—

(1) Arlington Boulevard (United States Route 50) to the north;

(2) Jefferson Davis Highway (Virginia Route 110) to the east;

(3) Marshall Drive to the south; and

(4) North Meade Street to the west.

(b) ESTABLISHMENT OF VISITOR SERVICES FACILITY.—Notwithstanding section 2863(g) of the Military Construction Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1332), the Secretary of the Interior may construct a structure for visitor

services, including a public restroom facility, on the Arlington Ridge tract in the area of the United States Marine Corps War Memorial.

SEC. 2864. MODIFICATION OF PROHIBITION ON TRANSFER OF VETERANS MEMORIAL OBJECTS TO FOREIGN GOVERNMENTS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) DESCRIPTION OF OBJECTS.—Paragraph (2)(B)(iii) of section 2572(e) of title 10, United States Code, is amended by striking "from abroad" and inserting "from abroad before 1907".

(b) EXTENSION OF PROHIBITION.—Paragraph (3)(B) of section 2572(e) of such title is amended by striking "September 30, 2017" and inserting "September 30, 2022".

(c) PERMITTING TRANSFER OF BELLS OF BALANGIGA.—

(1) IN GENERAL.—Notwithstanding section 2572(e) of title 10, United States Code, the President may transfer the veterans memorial object known as the "Bells of Balangiga" to the Republic of the Philippines if the Secretary of Defense certifies to Congress that—

(A) the transfer of the object is in the national security interests of the United States; and

(B) appropriate steps have been taken to preserve the history of the veterans associated with the object, including consultation with associated veterans organizations and government officials in the State of Wyoming, as appropriate.

(2) TIMING OF TRANSFER.—The President may not carry out the transfer described in this subsection until at least 90 days after the Secretary of Defense provides Congress with the certification required under paragraph (1).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 2017. 10 USC 2572 note.

Subtitle G—Other Matters

SEC. 2871. AUTHORITY OF THE SECRETARY OF THE AIR FORCE TO ACCEPT LESSEE IMPROVEMENTS AT AIR FORCE PLANT 42.

(a) ACCEPTANCE OF LESSEE IMPROVEMENTS AT AIR FORCE PLANT 42.—A lease of Air Force Plant 42, in whole or part, may permit the lessee, with the approval of the Secretary of the Air Force, to alter, expand, or otherwise improve the plant or facility as necessary for the development or production of military weapons systems, munitions, components, or supplies. Such lease may provide, notwithstanding section 2802 of title 10, United States Code, that such alteration, expansion or other improvement shall, upon completion, become the property of the Federal Government, regardless of whether such alteration, expansion, or other improvement constitutes all or part of the consideration for the lease pursuant to section 2667(b)(5) of such title or represents a reimbursable cost allocable to any contract, cooperative agreement, grant, or other instrument with respect to activity undertaken at Air Force Plant 42.

(b) CONGRESSIONAL NOTIFICATION.—When a decision is made to approve a project to which subsection (a) applies costing more than the threshold specified under section 2805(c) of such title, the Secretary of the Air Force shall notify the congressional defense

committees in writing of that decision, the justification for the project, and the estimated cost of the project. The Secretary may not carry out the project until the end of the 21-day period beginning on the date the congressional defense committees receive such notification or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of such title.

SEC. 2872. MODIFICATION OF DEPARTMENT OF DEFENSE GUIDANCE ON USE OF AIRFIELD PAVEMENT MARKINGS.

(a) MODIFICATION REQUIRED.—Except as provided in subsection (b), the Secretary of Defense shall require such modifications of Unified Facilities Guide Specifications for pavement markings (UFGS 32 17 23.00 20 Pavement Markings, UFGS 32 17 24.00 10 Pavement Markings), Air Force Engineering Technical Letter ETL 97–18 (Guide Specification for Airfield and Roadway Marking), and any other Department of Defense guidance on airfield pavement markings as may be necessary to prohibit the use of Type I glass beads or any glass beads with a 1.6 refractive index or less from use on airfield markings on airfields under the control of the Secretary.

(b) EXCEPTION.—Subsection (a) shall not apply if the Secretary of the Air Force submits a certification to the congressional defense committees that, whenever a proposed contract for airfield pavement markings includes the use of Type I and Type III glass beads, the assessment of the life-cycle costs associated with the use of such beads appropriately considers the local site conditions, life-cycle cost maintenance, environmental impact, operational requirements, and the safety of flight.

(c) EFFECTIVE DATE.—The modifications required under subsection (a) shall apply with respect to procurements occurring after September 30, 2018.

SEC. 2873. AUTHORITY OF CHIEF OPERATING OFFICER OF ARMED FORCES RETIREMENT HOME TO ACQUIRE AND LEASE PROPERTY.

(a) ACQUISITION OF PROPERTY.—Section 1511(e) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411(e)) is amended—

(1) in paragraph (2)—

(A) by striking "Secretary of Defense may acquire," and inserting "Chief Operating Officer may acquire,"; and

(B) by striking "Secretary may acquire" and inserting "Chief Operating Officer may acquire"; and

(2) in paragraph (3)—

(A) by striking "Secretary of Defense determines" and inserting "Chief Operating Officer determines"; and

(B) by striking "Secretary shall dispose" and inserting "Chief Operating Officer shall dispose".

(b) LEASING OF NON-EXCESS PROPERTY.—Subsection (i) of section 1511 of such Act (24 U.S.C. 411(i)) is amended—

(1) in paragraph (1)—

(A) by striking "Whenever" and inserting "Subject to the approval of the Secretary of Defense, whenever";

(B) by striking "Secretary of Defense (acting on behalf of the Chief Operating Officer)" and inserting "Chief Operating Officer"; and

(C) by striking "Secretary considers" and inserting "Chief Operating Officer considers";

(2) in paragraph (5), by striking "the Secretary of Defense may not enter into the lease on behalf of the Chief Operating Officer" and inserting "the Chief Operating Officer may not enter into the lease"; and

(3) in subparagraph (A) of paragraph (6), by striking "Secretary of Defense" and inserting "Chief Operating Officer".

SEC. 2874. RESTRICTIONS ON REHABILITATION OF OVER-THE-HORIZON BACKSCATTER RADAR STATION.

(a) RESTRICTIONS.—Except as provided in subsection (b), the Secretary of the Air Force may not use any funds or resources to carry out the rehabilitation of the Over-the-Horizon Backscatter Radar Station on Modoc National Forest land in Modoc County, California.

(b) EXCEPTION FOR REMOVAL OF PERIMETER FENCE.—Notwithstanding subsection (a), the Secretary may use funds and resources to remove the perimeter fence surrounding the Over-the-Horizon Backscatter Radar Station and to carry out the mitigation of soil contamination associated with such fence.

(c) SUNSET.—Subsection (a) shall terminate on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2019.

SEC. 2875. PERMITTING MACHINE ROOM-LESS ELEVATORS IN DEPARTMENT OF DEFENSE FACILITIES.

10 USC 2801 note.

(a) IN GENERAL.—The Secretary of Defense shall issue modifications to all relevant construction and facilities specifications to ensure that machine room-less elevators (MRLs) are not prohibited in buildings and facilities throughout the Department of Defense, including modifications to the Unified Facilities Guide Specifications (UFGS), the Naval Facilities Engineering Command Interim Technical Guidance, and the Army Corps of Engineers Engineering and Construction Bulletin.

(b) CONFORMING TO BEST PRACTICES.—In addition to the modifications required under subsection (a), the Secretary may issue further modifications to conform generally with commercial best practices as reflected in the safety code for elevators and escalators as issued by the American Society of Mechanical Engineers.

(c) DEADLINES.—The Secretary shall promulgate interim MRL standards not later than 180 days after the date of the enactment of this Act, and shall issue final and formal MRL specifications not later than 1 year after the date of the enactment of this Act.

(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall issue a report to the congressional defense committees on the integration and utilization of MRLs, including information on quantity, location, problems, and successes.

SEC. 2876. DISCLOSURE OF BENEFICIAL OWNERSHIP BY FOREIGN PERSONS OF HIGH SECURITY SPACE LEASED BY THE DEPARTMENT OF DEFENSE.

10 USC 2661 note.

(a) IDENTIFICATION OF BENEFICIAL OWNERSHIP.—Before entering into a lease agreement with a covered entity for accommodation of a military department or Defense Agency in a building (or other improvement) that will be used for high-security leased

space, the Department of Defense shall require the covered entity to—

(1) identify each beneficial owner of the covered entity by—

(A) name;

(B) current residential or business street address; and

(C) in the case of a United States person, a unique identifying number from a nonexpired passport issued by the United States or a nonexpired drivers license issued by a State; and

(2) disclose to the Department of Defense any beneficial owner of the covered entity that is a foreign person.

(b) REQUIRED DISCLOSURE.—

(1) INITIAL DISCLOSURE.—The Secretary of Defense shall require a covered entity to provide the information required under subsection (a), when first submitting a proposal in response to a solicitation for offers issued by the Department.

(2) UPDATES.—The Secretary of Defense shall require a covered entity to update a submission of information required under subsection (a) not later than 60 days after the date of any change in—

(A) the list of beneficial owners of the covered entity; or

(B) the information required to be provided relating to each such beneficial owner.

(c) PRECAUTIONS.—If a covered entity discloses a foreign person as a beneficial owner of a building (or other improvement) from which the Department of Defense is leasing high-security leased space, the Department of Defense shall notify the tenant of the space to take appropriate security precautions.

(d) DEFINITIONS.—

(1) BENEFICIAL OWNER.—

(A) IN GENERAL.—The term beneficial owner—

(i) means, with respect to a covered entity, each natural person who, directly or indirectly—

(I) exercises control over the covered entity through ownership interests, voting rights, agreements, or otherwise; or

(II) has an interest in or receives substantial economic benefits from the assets of the covered entity; and

(ii) does not include, with respect to a covered entity—

(I) a minor child;

(II) a person acting as a nominee, intermediary, custodian, or agent on behalf of another person;

(III) a person acting solely as an employee of the covered entity and whose control over or economic benefits from the covered entity derives solely from the employment status of the person;

(IV) a person whose only interest in the covered entity is through a right of inheritance, unless the person otherwise meets the definition of "beneficial owner" under this paragraph; and

(V) a creditor of the covered entity, unless the creditor otherwise meets the requirements of "beneficial owner" described above.

(B) ANTI-ABUSE RULE.—The exceptions under subparagraph (A)(ii) shall not apply if used for the purpose of evading, circumventing, or abusing the requirements of this section.

(2) COVERED ENTITY.—The term "covered entity" means a person, copartnership, corporation, or other public or private entity.

(3) FOREIGN PERSON.—The term "foreign person" means an individual who is not a United States person or an alien lawfully admitted for permanent residence into the United States.

(4) HIGH-SECURITY LEASED SPACE.—The term "high-security leased space" means a space leased by the Department of Defense that has a security level of III, IV, or V, as determined in accordance with the Interagency Security Committee Risk Management Process.

(5) UNITED STATES PERSON.—The term "United States person" means a natural person who is a citizen of the United States or who owes permanent allegiance to the United States.

SEC. 2877. JOINT USE OF DOBBINS AIR RESERVE BASE, MARIETTA, GEORGIA, WITH CIVIL AVIATION.

(a) IN GENERAL.—The Secretary of the Air Force may enter into an agreement that would provide or permit the joint use of Dobbins Air Reserve Base, Marietta, Georgia, by the Air Force and civil aircraft.

(b) CONFORMING REPEAL.—Section 312 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 1950) is hereby repealed.

SEC. 2878. REPORT ON HURRICANE DAMAGE TO DEPARTMENT OF DEFENSE ASSETS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on damage to Department of Defense assets and installations from hurricanes during 2017.

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

(1) The results of a storm damage assessment.

(2) A description of affected military installations and assets.

(3) A request for funding to initiate the repair and replacement of damaged facilities and assets, including necessary upgrades to existing facilities to make them compliant with current hurricane standards, and to cover any unfunded requirements for military construction at affected military installations.

(4) An adaptation plan to ensure military installations funded with taxpayer dollars are constructed to better withstand flooding and extreme weather events.

SEC. 2879. SPECIAL RULES FOR CERTAIN PROJECTS.

(a) CONDITIONS ON USE OF FUNDS FOR KWAJALEIN PROJECT.—

(1) CONDITIONS DESCRIBED.—The military family housing replacement project at Kwajalein Atoll (as included under title XXI) shall be subject to the following conditions:

(A) The project shall provide for the construction of at least 26 family housing units.

(B) The housing units may be used to house only military personnel, other Federal employees, and their dependents.

(C) If the costs of the project exceed the amount authorized for the project under title XXI, in addition to meeting the requirements of section 2853 of title 10, United States Code (as amended by this Act), the Secretary of the Army shall submit a separate report to the congressional defense committees which contains the following:

(i) A detailed explanation of why the costs of the project exceeded such authorized amount.

(ii) A description of the specific actions taken to prevent further cost increases on this project and lessons learned that will be applied to future projects at this location.

(iii) A summary of alternatives considered to keep the cost of the project from exceeding such authorized amount.

(2) REPORT ON ALTERNATIVES FOR FUNDING CONTRACTOR WORKFORCE.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Army shall submit a report to the congressional defense committees detailing options under consideration to meet the requirements for a housing contractor workforce at Kwajalein Atoll which do not rely on the use of military construction funds for the costs of such a workforce.

(b) LIMITATION ON CERTAIN GUAM PROJECT.—The Secretary of the Navy may not carry out any construction activity on the project on Guam known as the "Replace Andersen Housing Phase II" project (as included under title XXII) until the expiration of the 30-day period which begins on the date the Secretary submits to the congressional defense committees a report certifying the following:

(1) Either a sufficient workforce of contractors or subcontractors is in place on Guam, or the Secretary has a plan in place to ensure that a sufficient workforce of contractors or subcontractors will be in place on Guam, to perform the work required by the scope of the project.

(2) A contract has been awarded for each of the following military construction projects authorized by this Act, either as a separate contract or as a joint contract with the Replace Andersen House Phase II project:

(A) Corrosion Control Hangar, Joint Region Marianas.

(B) Aircraft Maintenance Hanger #2, Joint Region Marianas.

(C) MALS Facilities, Joint Region Marianas.

(D) Water Well Field, Joint Region Marianas.

(E) Navy-Commercial Tie-In Hardening, Joint Region Marianas.

SEC. 2880. ENERGY SECURITY FOR MILITARY INSTALLATIONS IN EUROPE.

10 USC 2911 note.

(a) AUTHORITY.—The Secretary of Defense shall take appropriate measures, to the extent practicable, to—

(1) reduce the dependency of all United States military installations in Europe on energy sourced inside Russia; and

(2) ensure that all United States military installations in Europe are able to sustain operations in the event of a supply disruption.

(b) CERTIFICATION REQUIREMENT.—Not later than December 31, 2021, the Secretary of Defense shall certify to the congressional defense committees whether or not at United States military installations in Europe the Department of Defense—

(1) has taken significant steps to minimize to the extent practicable the dependency on energy sourced inside the Russian Federation at such installations; and

(2) has the ability to sustain mission critical operations during an energy supply disruption.

(c) DEFINITION OF ENERGY SOURCES INSIDE RUSSIA.—In this section, the term "energy sourced inside Russia" means energy that is produced, owned, or facilitated by companies that are located in the Russian Federation or owned or controlled by the Government of the Russian Federation.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Army may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Location	Amount
Cuba	Guantanamo	$115,000,000
Turkey	Various Locations	$6,400,000

SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECT.

The Secretary of the Navy may acquire real property and carry out the military construction projects for the installation outside the United States, and in the amount, set forth in the following table:

Navy: Outside the United States

Country	Location	Amount
Djibouti	Camp Lemonnier	$13,390,000

SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECT.

The Secretary of the Air Force may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Location	Amount
Estonia	Amari Air Base	$13,900,000
Hungary	Kecskemet Air Base	$55,400,000
Iceland	Keflavik	$14,400,000
Italy	Aviano Air Base	$27,325,000
Jordan	Azraq	$143,000,000
Latvia	Lielvarde Air Base	$3,850,000
Luxembourg	Sanem	$67,400,000
Norway	Rygge	$10,300,000
Qatar	Al Udeid	$15,000,000
Romania	Campia Turzii	$2,950,000
Slovakia	Silac Airport	$22,000,000
	Malacky	$24,000,000
Turkey	Incirlik Air Base	$48,697,000

SEC. 2904. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECT.

The Secretary of Defense may acquire real property and carry out the military construction project for the installation outside the United States, and in the amount, set forth in the following table:

Defense Agencies: Outside the United States

Country	Location	Amount
Italy	Sigonella	$22,400,000

SEC. 2905. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2017, for the military construction projects outside the United States authorized by this title as specified in the funding table in section 4602.

SEC. 2906. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2015 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3669), the authorizations set forth in the table in subsection (b), as provided in section 2902 of that Act (128 Stat. 3717), shall remain in effect until October

1, 2018, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2019, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Extension of 2015 Air Force OCO Project Authorizations

Country	Installation	Project	Amount
Italy	Camp Darby	ERI: Improve Weapons Storage Facility.	$44,500,000
Poland	Lask Air Base	ERI: Improve Support Infrastructure.	$22,400,000

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs and Authorizations

Subtitle B—Program Authorizations, Restrictions, and Limitations

Subtitle C—Plans and Reports

Subtitle A—National Security Programs and Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2018 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in division D.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 18–D–150, Surplus Plutonium Disposition, Savannah River Site, Aiken, South Carolina, $9,000,000.

Project 18–D–620, Exascale Computing Facility Modernization Project, Lawrence Livermore National Laboratory, Livermore, California, $3,000,000.

Project 18–D–650, Tritium Production Capability, Savannah River Site, Aiken, South Carolina, $6,800,000.

Project 18–D–660, Fire Station, Y–12 National Security Complex, Oak Ridge, Tennessee, $28,000,000.

Project 18–D–670, Exascale Class Computer Cooling Equipment, Los Alamos National Laboratory, Los Alamos, New Mexico, $22,000,000.

Project 18–D–680, Material Staging Facility, Pantex Plant, Amarillo, Texas, $5,200,000.

(c) MODIFICATION OF AUTHORITY TO CARRY OUT ALBUQUERQUE COMPLEX UPGRADES CONSTRUCTION PROJECT.—

(1) IN GENERAL.—The Administrator for Nuclear Security may enter into an incrementally funded contract for Project 16–D–515, the Albuquerque Complex upgrades construction project, Albuquerque, New Mexico.

(2) LIMITATION.—The total cost for the Albuquerque Complex upgrades construction project may not exceed $174,700,000.

(3) FUNDING OF INCREMENTS.—

(A) INCREMENT 1.—The amount authorized to be appropriated by section 3101 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2754) for fiscal year 2017 and available for Project 16–D–515 as specified in the funding table in section 4701 of that Act (Public Law 114–328; 130 Stat. 2890) shall

be deemed to be an amount authorized to be appropriated for increment 1 of the Albuquerque Complex upgrades construction project.

(B) INCREMENT 2.—The amount authorized to be appropriated by this section for fiscal year 2018 and available for Project 16–D–515 as specified in the funding table in division D shall be available for increment 2 of the Albuquerque Complex upgrades construction project.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2018 for defense environmental cleanup activities in carrying out programs as specified in the funding table in division D.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 18–D–401, Saltstone Disposal Units #8 and #9, Savannah River Site, Aiken, South Carolina, $500,000.

Project 18–D–402, Emergency Operations Center Replacement, Savannah River Site, Aiken, South Carolina, $500,000.

Project 18–D–404, Modification of Waste Encapsulation and Storage Facility, Hanford Site, Richland, Washington, $6,500,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2018 for other defense activities in carrying out programs as specified in the funding table in division D.

SEC. 3104. NUCLEAR ENERGY.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2018 for nuclear energy as specified in the funding table in division D.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. NUCLEAR SECURITY ENTERPRISE INFRASTRUCTURE MODERNIZATION INITIATIVE.

(a) FINDINGS.—Congress finds the following:

(1) On September 7, 2016, during testimony before the Subcommittee on Strategic Forces of the Committee on Armed Services of the House of Representatives—

(A) the Administrator for Nuclear Security, Frank Klotz, said—

(i) "Our infrastructure is extensive, complex, and, in many critical areas, several decades old. More than half of NNSA's approximately 6,000 real property assets are over 40 years old, and nearly 30 percent date back to the Manhattan Project era. Many of the enterprise's critical utility, safety, and support systems are failing at an increasing and unpredictable rate, which poses both programmatic and safety risk."; and

(ii) "I can think of no greater threat to the nuclear security enterprise than the state of NNSA's infrastructure.";

(B) the President and Chief Executive Officer of Consolidated Nuclear Security, Morgan Smith, said, "Many key facilities at both [Pantex and Y–12] were constructed in the 1940s and were intended to operate for as little as one decade. Many facilities and their supporting infrastructure have exceeded or far exceeded their expected life, and major systems within the facilities are beginning to fail."; and

(C) the Director of Los Alamos National Laboratory, Dr. Charlie McMillan, said, "One of the things that keeps me up at night is the realization that essential capabilities are held at risk by the possibility of such failures; in many cases, our enterprise has a single point of failure.".

(2) In a letter sent on December 23, 2015, by the Secretary of Energy, Ernest Moniz, to the Director of the Office of Management and Budget, Shaun Donovan, the Secretary said, "A majority of the National Nuclear Security Administration's (NNSA) facilities and systems are well beyond end-of-life.... Infrastructure problems such as falling ceilings are increasing in frequency and severity, unacceptably risking the safety and security of both personnel and material at NNSA facilities, as well as in some instances, potential offsite risks. The entire complex could be placed at risk if there is a single failure where a single point would disrupt a critical link in infrastructure.".

(3) The Nuclear Posture Review published in April 2010 stated that "In order to sustain a safe, secure, and effective U.S. nuclear stockpile as long as nuclear weapons exist, the United States must possess a modern physical infrastructure.... Today's nuclear complex, however, has fallen into neglect. Although substantial science, technology, and engineering investments were made over the last decade under the auspices of the Stockpile Stewardship Program, the complex still includes many oversized and costly-to maintain facilities built during the 1940s and 1950s. Some facilities needed for working with plutonium and uranium date back to the Manhattan Project. Safety, security, and environmental issues associated with these aging facilities are mounting, as are the costs of addressing them.".

(4) In 2009, the bipartisan Congressional Commission on the Strategic Posture of the United States established by section 1062 of the National Defense Authorization for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 319) stated, with regards to key production facilities, that "existing facilities are genuinely decrepit and are maintained in a safe and secure manner only at high cost".

(5) Previous efforts to address the deferred maintenance and repair challenges within the nuclear security enterprise, such as the Facilities Infrastructure and Recapitalization Program and the recent halt in the growth of backlog metrics, are laudable but insufficient for the magnitude of the problem.

(6) Recent figures provided by the Administrator for Nuclear Security estimate the backlog of deferred maintenance

and repair needs of the nuclear security enterprise to be approximately $3,700,000,000.

(b) INFRASTRUCTURE MODERNIZATION INITIATIVE.— 50 USC 2402 note.

(1) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall establish and carry out a program, to be known as the "Infrastructure Modernization Initiative", to reduce the backlog of deferred maintenance and repair needs of the nuclear security enterprise (as defined in section 4002(6) of the Atomic Energy Defense Act (50 U.S.C. 2501(6))). In carrying out that program, the Administrator shall establish and execute infrastructure modernization milestones that reduce the deferred maintenance and repair needs of the nuclear security enterprise by not less than 30 percent by 2025.

(2) AUTHORITIES.—

(A) PROCESS.—

(i) IN GENERAL.—The Secretary of Energy shall provide to the Administrator a process that will enhance or streamline the ability of the Administrator to carry out the program under paragraph (1) in an efficient and effective manner, including with respect to—

(I) the demolition or construction of non-nuclear facilities of the Administration that have a total estimated project cost of less than $100,000,000; and

(II) the decontamination, decommissioning, and demolition (to be performed in accordance with applicable health and safety standards used by the Defense Environmental Cleanup Program) of process-contaminated facilities of the Administration that have a total estimated project cost of less than $50,000,000.

(ii) FUNDING.—Clause (i) may be carried out using amounts authorized to be appropriated for fiscal year 2018 or any subsequent fiscal year.

(B) APPLICATION OF CERTAIN REQUIREMENTS.—For purposes of the Management Procedures Memorandum 2015–01 of the Office of Management and Budget, or a successor memorandum, in carrying out the program under paragraph (1), the Administrator may—

(i) perform new construction during a fiscal year that differs from the fiscal year of corresponding facility demolition;

(ii) perform demolition of different facility category codes and have that demolition credit count towards the construction of new facilities with a different facility category code; and

(iii) have the net reduction in infrastructure footprint for the five fiscal years prior to the date of the enactment of this Act, and the demolition during the five fiscal years following such date of enactment, considered as a factor for the purpose of meeting the intent of such memorandum.

(3) INITIAL PLAN.—Not later than March 1, 2018, the Administrator shall submit to the congressional defense committees an initial plan to carry out the program under

paragraph (1) to achieve the goal specified in such paragraph. Such plan shall include—

(A) the funding required to carry out the program during the period covered by the future-years nuclear security program under section 3253 of the National Nuclear Security Administration Act (50 U.S.C. 2453);

(B) the criteria for selecting and prioritizing projects within the program under paragraph (1);

(C) mechanisms for ensuring the robust management and oversight of such projects;

(D) a description of the process provided to the Administrator to carry out the program pursuant to paragraph (2)(A); and

(E) a description of any legislative actions the Administrator recommends to further enhance or streamline authorities or processes relating to the program.

(4) REASSESSMENT.—Not later than February 1, 2024, the Administrator shall reassess the program under paragraph (1) and, as appropriate, develop and establish goals for the program beyond 2025.

(c) INCLUSION IN BIENNIAL DETAILED REPORT.—Section 4203(d)(4) of the Atomic Energy Defense Act (50 U.S.C. 2523(d)(4)) is amended—

(1) in subparagraph (B), by striking "; and" and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

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

"(D)(i) a description of—

"(I) the metrics (based on industry best practices) used by the Administrator to determine the infrastructure deferred maintenance and repair needs of the nuclear security enterprise; and

"(II) the percentage of replacement plant value being spent on maintenance and repair needs of the nuclear security enterprise; and

"(ii) an explanation of whether the annual spending on such needs complies with the recommendation of the National Research Council of the National Academies of Sciences, Engineering, and Medicine that such spending be in an amount equal to four percent of the replacement plant value, and, if not, the reasons for such noncompliance and a plan for how the Administrator will ensure facilities of the nuclear security enterprise are being properly sustained.".

(d) REQUIREMENTS RELATING TO CRITICAL DECISIONS.—

(1) IN GENERAL.—Subtitle A of title XLVII of the Atomic Energy Defense Act (50 U.S.C. 2741 et seq.) is amended by adding at the end the following new section:

50 USC 2755.

"SEC. 4715. MATTERS RELATING TO CRITICAL DECISIONS.

"(a) POST-CRITICAL DECISION 2 CHANGES.—After the date on which a plant project specifically authorized by law and carried out under Department of Energy Order 413.3B (relating to program management and project management for the acquisition of capital assets), or a successor order, achieves critical decision 2, the Administrator may not change the requirements for such project

if such change increases the cost of such project by more than the lesser of $5,000,000 or 15 percent, unless—

"(1) the Administrator submits to the congressional defense committees—

"(A) a certification that the Administrator, without delegation, authorizes such proposed change; and

"(B) a cost-benefit and risk analysis of such proposed change, including with respect to—

"(i) the effects of such proposed change on the project cost and schedule; and

"(ii) any mission risks and operational risks from making such change or not making such change; and

"(2) a period of 15 days elapses following the date of such submission.

"(b) REVIEW AND APPROVAL.—The Administrator shall ensure that critical decision packages are timely reviewed and either approved or disapproved.".

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to section 4714 the following new item:

"Sec. 4715. Matters relating to critical decisions.".

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

(1) the nuclear security enterprise, comprised of the infrastructure and capabilities of the laboratories and plants coupled with the dedicated and talented scientists, engineers, technicians, and administrators who form the backbone of the enterprise, are a central component of the nuclear deterrent of the United States;

(2) if left unaddressed, the state of the infrastructure within the nuclear security enterprise represents a direct, long-term threat to the credibility of the nuclear deterrent of the United States;

(3) both Congress and the President must take strong, sustained action to recapitalize and repair this infrastructure;

(4) the Administrator must continue to carry out expeditious demolition of old facilities of the Administration to reduce long-term costs and improve safety; and

(5) each budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2019 and each fiscal year thereafter should include funding in an amount sufficient to carry out the program established pursuant to subsection (b)(1) to achieve the goal specified in such subsection.

SEC. 3112. INCORPORATION OF INTEGRATED SURETY ARCHITECTURE IN TRANSPORTATION.

(a) INCORPORATION.—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended by adding at the end the following new section:

"SEC. 4222. INCORPORATION OF INTEGRATED SURETY ARCHITECTURE. 50 USC 2538d.

"(a) SHIPMENTS.—(1) The Administrator shall ensure that shipments described in paragraph (2) incorporate surety technologies relating to transportation and shipping developed by the Integrated Surety Architecture program of the Administration.

"(2) A shipment described in this paragraph is an over-the-road shipment of the Administration that involves any nuclear weapon planned to be in the active stockpile after 2025.

"(b) CERTAIN PROGRAMS.—(1) The Administrator, in coordination with the Chairman of the Nuclear Weapons Council, shall ensure that each program described in paragraph (2) incorporates integrated designs compatible with the Integrated Surety Architecture program.

"(2) A program described in this subsection is a program of the Administration that is a warhead development program, a life extension program, or a warhead major alteration program.

"(c) DETERMINATION.—(1) If, on a case-by-case basis, the Administrator determines that a shipment under subsection (a) will not incorporate some or all of the surety technologies described in such subsection, or that a program under subsection (b) will not incorporate some or all of the integrated designs described in such subsection, the Administrator shall submit such determination to the congressional defense committees, including the results of an analysis conducted pursuant to paragraph (2).

"(2) Each determination made under paragraph (1) shall be based on a documented, system risk analysis that considers security risk reduction, operational impacts, and technical risk.

"(d) TERMINATION.—The requirements of subsections (a) and (b) shall terminate on December 31, 2029.".

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4221 the following new item:

"Sec. 4222. Incorporation of integrated surety architecture.".

SEC. 3113. COST ESTIMATES FOR LIFE EXTENSION PROGRAM AND MAJOR ALTERATION PROJECTS.

Section 4217(b) of the Atomic Energy Defense Act (50 U.S.C. 2537(b)) is amended to read as follows:

"(b) INDEPENDENT COST ESTIMATES AND REVIEWS.—(1) The Secretary, acting through the Administrator, shall submit to the congressional defense committees and the Nuclear Weapons Council the following:

"(A) An independent cost estimate of the following:

"(i) Each nuclear weapon system undergoing life extension at the completion of phase 6.2A, relating to design definition and cost study.

"(ii) Each nuclear weapon system undergoing life extension at the completion of phase 6.3, relating to development engineering.

"(iii) Each nuclear weapon system undergoing life extension at the completion of phase 6.4, relating to production engineering, and before the initiation of phase 6.5, relating to first production.

"(iv) Each new nuclear facility within the nuclear security enterprise that is estimated to cost more than $500,000,000 before such facility achieves critical decision 1 and before such facility achieves critical decision 2 in the acquisition process.

"(v) Each nuclear weapons system undergoing a major alteration project (as defined in section 4713(a)(2)).

"(B) An independent cost review of each nuclear weapon system undergoing life extension at the completion of phase 6.2, relating to study of feasibility and down-select.

"(2) Each independent cost estimate and independent cost review under paragraph (1) shall include—

"(A) whether the cost baseline or the budget estimate for the period covered by the future-years nuclear security program has changed, and the rationale for any such change; and

"(B) any views of the Secretary or the Administrator regarding such estimate or review.

"(3) The Administrator shall review and consider the results of any independent cost estimate or independent cost review of a nuclear weapon system or a nuclear facility, as the case may be, under this subsection before entering the next phase of the development process of such system or the acquisition process of such facility.

"(4) Except as otherwise specified in paragraph (1), each independent cost estimate or independent cost review of a nuclear weapon system or a nuclear facility under this subsection shall be submitted not later than 30 days after the date on which—

"(A) in the case of a nuclear weapons system, such system completes a phase specified in such paragraph; or

"(B) in the case of a nuclear facility, such facility achieves critical decision 1 as specified in subparagraph (A)(iv) of such paragraph.

"(5) Each independent cost estimate or independent cost review submitted under this subsection shall be submitted in unclassified form, but may include a classified annex if necessary.".

SEC. 3114. IMPROVED INFORMATION RELATING TO CERTAIN DEFENSE NUCLEAR NONPROLIFERATION PROGRAMS.

(a) IMPROVED INFORMATION.—Title XLIII of the Atomic Energy Defense Act (50 U.S.C. 2563 et seq.) is amended by adding at the end the following new section:

"SEC. 4310. INFORMATION RELATING TO CERTAIN DEFENSE NUCLEAR NONPROLIFERATION PROGRAMS. 50 USC 2576.

"(a) TECHNOLOGIES AND CAPABILITIES.—The Administrator shall document, for efforts that are not focused on basic research, the technologies and capabilities of the defense nuclear nonproliferation research and development program that—

"(1) are transitioned to end users for further development or deployment; and

"(2) are deployed.

"(b) ASSESSMENTS OF STATUS.—(1) In assessing projects under the defense nuclear nonproliferation research and development program or the defense nuclear nonproliferation and arms control program, the Administrator shall compare the status of each such project, including with respect to the final results of such project, to the baseline targets and goals established in the initial project plan of such project.

"(2) The Administrator may carry out paragraph (1) using a common template or such other means as the Administrator determines appropriate.".

(b) INCLUSION IN PLAN.—Section 4309(b) of such Act (50 U.S.C. 2575(b)) is amended—

(1) by redesignating paragraph (16) as paragraph (18); and

(2) by inserting after paragraph (15) the following new paragraphs:

"(16) A summary of the technologies and capabilities documented under section 4310(a).

"(17) A summary of the assessments conducted under section 4310(b)(1).".

(c) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4309 the following new item:

"Sec. 4310. Information relating to certain defense nuclear nonproliferation programs.".

SEC. 3115. RESEARCH AND DEVELOPMENT OF ADVANCED NAVAL REACTOR FUEL BASED ON LOW-ENRICHED URANIUM.

(a) PROHIBITION ON AVAILABILITY OF FUNDS FOR FISCAL YEAR 2018.—

(1) RESEARCH AND DEVELOPMENT.—Except as provided by paragraph (2), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the Department of Energy or the Department of Defense may be obligated or expended to plan or carry out research and development of an advanced naval nuclear fuel system based on low-enriched uranium.

(2) EXCEPTION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for defense nuclear nonproliferation, as specified in the funding table in division D—

(A) $5,000,000 shall be made available to the Deputy Administrator for Naval Reactors of the National Nuclear Security Administration for low-enriched uranium activities (including downblending of high-enriched uranium fuel into low-enriched uranium fuel, research and development using low-enriched uranium fuel, or the modification or procurement of equipment and infrastructure related to such activities) to develop an advanced naval nuclear fuel system based on low-enriched uranium; and

(B) if the Secretary of Energy and the Secretary of the Navy determine under section 3118(c)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1196) that such low-enriched uranium activities and research and development should continue, an additional $30,000,000 may be made available to the Deputy Administrator for such purpose.

(b) PROHIBITION ON AVAILABILITY OF FUNDS REGARDING CERTAIN ACCOUNTS AND PURPOSES.—

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

10 USC 7319.

"§ 7319. Requirements for availability of funds relating to advanced naval nuclear fuel systems based on low-enriched uranium

"(a) AUTHORIZATION.—Low-enriched uranium activities may only be carried out using funds authorized to be appropriated or otherwise made available for the Department of Energy for atomic energy defense activities for defense nuclear nonproliferation.

"(b) PROHIBITION REGARDING CERTAIN ACCOUNTS.—(1) None of the funds described in paragraph (2) may be obligated or expended to carry out low-enriched uranium activities.

"(2) The funds described in this paragraph are funds authorized to be appropriated or otherwise made available for any fiscal year for any of the following accounts:

"(A) Shipbuilding and conversion, Navy, or any other account of the Department of Defense.

"(B) Any account within the atomic energy defense activities of the Department of Energy other than defense nuclear nonproliferation, as specified in subsection (a).

"(3) The prohibition in paragraph (1) may not be superseded except by a provision of law that specifically supersedes, repeals, or modifies this section. A provision of law, including a table incorporated into an Act, that appropriates funds described in paragraph (2) for low-enriched uranium activities may not be treated as specifically superseding this section unless such provision specifically cites to this section.

"(c) LOW-ENRICHED URANIUM ACTIVITIES DEFINED.—In this section, the term 'low-enriched uranium activities' means the following:

"(1) Planning or carrying out research and development of an advanced naval nuclear fuel system based on low-enriched uranium.

"(2) Procuring ships that use low-enriched uranium in naval nuclear propulsion reactors.".

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

10 USC prec. 7291.

"7319. Requirements for availability of funds relating to advanced naval nuclear fuel systems based on low-enriched uranium.".

(c) REPORTS.—

(1) SSN(X) SUBMARINE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy and the Deputy Administrator for Naval Reactors shall jointly submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the cost and timeline required to assess the feasibility, costs, and requirements for a design of the Virginia-class replacement nuclear attack submarine that would allow for the use of a low-enriched uranium fueled reactor, if technically feasible, without changing the diameter of the submarine.

(2) RESEARCH AND DEVELOPMENT.—Not later than 60 days after the date of the enactment of this Act, the Deputy Administrator for Naval Reactors shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on—

(A) the planned research and development activities on low-enriched uranium and highly enriched uranium fuel that could apply to the development of a low-enriched uranium fuel or an advanced highly enriched uranium fuel; and

(B) with respect to such activities for each such fuel—

(i) the costs associated with such activities; and

(ii) a detailed proposal for funding such activities.

50 USC note prec. 2441.

SEC. 3116. NATIONAL NUCLEAR SECURITY ADMINISTRATION PAY AND PERFORMANCE SYSTEM.

(a) PAY ADJUSTMENT DEMONSTRATION PROJECT.—

(1) EXTENSION.—The Administrator for Nuclear Security shall carry out the pay banding and performance-based pay adjustment demonstration project of the National Nuclear Security Administration authorized under section 4703 of title 5, United States Code, until the date that is 10 years after the date of the enactment of this Act.

(2) MODIFICATIONS.—In carrying out the demonstration project described in paragraph (1), the Administrator—

(A) may, subject to subparagraph (B), revise the requirements and limitations of the demonstration project to the extent necessary; and

(B) shall—

(i) ensure that the demonstration project is carried out in a manner consistent with the plan for the demonstration project published in the Federal Register on December 21, 2007 (72 Fed. Reg. 72776);

(ii) ensure that significant changes in the demonstration project not take effect until revisions, as necessary and applicable, to the plan for the demonstration project are approved by the Office of Personnel Management and published in the Federal Register;

(iii) ensure that procedural modifications or clarifications to the plan for the demonstration project be made through local notification processes;

(iv) authorize, and establish incentives for, employees of the National Nuclear Security Administration to have rotational assignments among different programs of the Administration, the headquarters and field offices of the Administration, and the management and operating contractors of the Administration; and

(v) establish requirements for employees of the Administration who are in the demonstration project described in paragraph (1) to be promoted to senior-level positions in the Administration, including requirements with respect to—

(I) professional training and continuing education; and

(II) a certain number and types of rotational assignments under clause (iv), as determined by the Administrator.

(3) APPLICATION TO NAVAL NUCLEAR PROPULSION PROGRAM.—The Director of the Naval Nuclear Propulsion Program established pursuant to section 4101 of the Atomic Energy Defense Act (50 U.S.C. 2511) and section 3216 of the National Nuclear Security Administration Act (50 U.S.C. 2406) may, with the concurrence of the Secretary of the Navy, apply the demonstration project described in paragraph (1) to—

(A) all employees of the Naval Nuclear Propulsion Program in the competitive service (as defined in section 2102 of title 5, United States Code); and

(B) all employees of the Department of Navy who are assigned to the Naval Nuclear Propulsion Program and

are in the excepted service (as defined in section 2103 of title 5, United States Code) (other than such employees in statutory excepted service systems).

(b) ROTATIONS FOR CERTAIN CONTRACTORS.—

(1) INCREASED USE.—The Administrator for Nuclear Security shall increase the use of rotational assignments of employees of the management and operating contractors of the National Nuclear Security Administration to the headquarters of the Administration, the Department of Defense and the military departments, the intelligence community, and other departments and agencies of the Federal Government.

(2) METHODS.—The Administrator shall carry out paragraph (1) by—

(A) establishing incentives for—

(i) the management and operating contractors of the Administration and the employees of such contractors to participate in rotational assignments; and

(ii) the departments and agencies of the Federal Government specified in such paragraph to facilitate such assignments;

(B) providing professional and leadership development opportunities during such assignments;

(C) using details and other applicable authorities and programs, including the mobility program under subchapter VI of chapter 33 of title 5, United States Code (commonly referred to as the "Intergovernmental Personnel Act Mobility Program"); and

(D) taking such other actions as the Administrator determines appropriate to increase the use of such rotational assignments.

(c) RED-TEAM ANALYSIS.—

(1) ANALYSIS.—The Director for Cost Estimating and Program Evaluation of the National Nuclear Security Administration shall carry out a red-team analysis of the Federal employee staffing structure of the Administration with respect to the Administrator for Nuclear Security meeting the authorized personnel levels under section 3241A of the National Nuclear Security Administration Act (50 U.S.C. 2441a).

(2) MATTERS INCLUDED.—The analysis under paragraph (1) shall include assessments of—

(A) the number of Federal employees within each program of the Administration, and whether such numbers are appropriately balanced with respect to the size, scope, functions, budgets, and risks, of the program; and

(B) the number of Senior Executive Service positions (as defined in section 3132(a) of title 5, United States Code) within the Administration, including a comparison of such number to other comparable departments and agencies of the Federal Government, and whether such number is appropriate.

(d) BRIEFINGS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act—

(A) the Administrator shall provide a briefing to the appropriate congressional committees on the implementation of—

(i) section 3248 of the National Nuclear Security Administration Act, as added by subsection (a); and

(ii) subsection (b); and

(B) the Director for Cost Estimating and Program Evaluation shall provide to such committees a briefing on the analysis under subsection (c).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the congressional defense committees;

(B) the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate; and

(C) the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 3117. BUDGET REQUESTS AND CERTIFICATION REGARDING NUCLEAR WEAPONS DISMANTLEMENT.

Section 3125 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2766) is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

"(d) BUDGET REQUESTS.—The Administrator for Nuclear Security shall ensure that the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for each of fiscal years 2019 through 2021 includes amounts for the nuclear weapons dismantlement and disposition activities of the National Nuclear Security Administration in accordance with the limitation in subsection (a).

"(e) CERTIFICATION.—Not later than February 1, 2018, the Administrator shall certify to the congressional defense committees that the Administrator is carrying out the nuclear weapons dismantlement and disposition activities of the Administration in accordance with the limitations in subsections (a) and (b).".

50 USC 2521 note.

SEC. 3118. NUCLEAR WARHEAD DESIGN COMPETITION.

(a) FINDINGS.—Congress finds the following:

(1) In January 2016, the co-chairs of a congressionally mandated study panel from the National Academies of Science testified to the following before the Committee on Armed Services of the House of Representatives:

(A) "The National Nuclear Security Administration (NNSA) complex must engage in robust design competitions in order to exercise the design and production skills that underpin stockpile stewardship and are necessary to meet evolving threats.".

(B) "To exercise the full set of design skills necessary for an effective nuclear deterrent, the NNSA should develop and conduct the first in what the committee envisions to be a series of design competitions that integrate the full end-to-end process from novel design conception through engineering, building, and non-nuclear testing of a prototype.".

(2) In March 2016 testimony before the Committee on Armed Services of the House of Representatives regarding a

December 2016 Defense Science Board report entitled, "Seven Defense Priorities for the New Administration", members of that Board said the following:

(A) "A key contributor to nuclear deterrence is the continuous, adaptable exercise of the development, design, and production functions for nuclear weapons in both the DOD and DOE.... Yet the DOE laboratories and DOD contractor community have done little integrated design and development work outside of life extension for 25 years, let alone concept development that could serve as a hedge to surprise.".

(B) "The Defense Science Board believes that the triad's complementary features remain robust tenets for the design of a future force. Replacing our current, aging force is essential, but not sufficient in the more complex nuclear environment we now face to provide the adaptability or flexibility to confidently hold at risk what adversaries value. In particular, if the threat evolves in ways that favorably change the cost/benefit calculus in the view of an adversary's leadership, then we should be in a position to quickly restore a credible deterrence posture.".

(3) In a memorandum dated May 9, 2014, then-Secretary of Energy Ernie Moniz said the following:

(A) "If nuclear military capabilities are to provide deterrence for the nation they need to be relevant to the emerging global strategic environment. The current stockpile was designed to meet the needs of a bipolar world with roots in the Cold War era. A more complex, chaotic, and dynamic security environment is emerging. In order to uphold the Department's mission to ensure an effective nuclear deterrent.... we must ensure our nuclear capabilities meet the challenges of known and potential geopolitical and technological trends. Therefore we must look ahead, using the expertise of our laboratories, to how the capabilities that may be employed by other nations could impact deterrence over the next several decades.".

(B) "We must challenge our thinking about our programs of record in order to permit foresighted actions that may reduce, in the coming decades, the chances for surprise and that buttress deterrence.".

(b) DESIGN COMPETITION.—

(1) IN GENERAL.—In accordance with paragraph (2), the Administrator for Nuclear Security, in coordination with the Chairman of the Nuclear Weapons Council, shall carry out a new and comprehensive design competition for a nuclear warhead that could be employed on ballistic missiles of the United States by 2030. Such competition shall—

(A) examine options for warhead design and related delivery system requirements in the 2030s, including—

(i) life extension of existing weapons;

(ii) new capabilities; and

(iii) such other concepts as the Administrator and the Chairman determine necessary to fully exercise and create responsive design capabilities in the enterprise and ensure a robust nuclear deterrent into the 2030s;

(B) assess how the capabilities and defenses that may be employed by other countries could impact deterrence in 2030 and beyond and how such threats could be addressed or mitigated in the warhead and related delivery systems;

(C) exercise the full set of design skills necessary for an effective nuclear deterrent and responsive enterprise through production of conceptual designs and, as the Administrator determines appropriate, production of non-nuclear prototypes of components or subsystems; and

(D) examine and recommend actions for significantly shortening timelines and significantly reducing costs associated with design, development, certification, and production of the warhead, without reducing worker or public health and safety.

(2) TIMING.—The Administrator shall—

(A) during fiscal year 2018, develop a plan to carry out paragraph (1); and

(B) during fiscal year 2019, implement such plan.

(c) BRIEFING.—Not later than March 1, 2018, the Administrator, in coordination with the Chairman, shall provide a briefing to the congressional defense committees on the plan of the Administrator to carry out the warhead design competition under subsection (b). Such briefing shall include an assessment of the costs, benefits, risks, and opportunities of such plan, particularly impacts to ongoing life extension programs and infrastructure projects.

SEC. 3119. MODIFICATION OF MINOR CONSTRUCTION THRESHOLD FOR PLANT PROJECTS.

Section 4701(2) of the Atomic Energy Defense Act (50 U.S.C. 2741(2)) is amended by striking "$10,000,000" and inserting "$20,000,000".

SEC. 3120. EXTENSION OF AUTHORIZATION OF ADVISORY BOARD ON TOXIC SUBSTANCES AND WORKER HEALTH.

Section 3687(i) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–16(i)) is amended by striking "5 years" and inserting "10 years".

SEC. 3121. USE OF FUNDS FOR CONSTRUCTION AND PROJECT SUPPORT ACTIVITIES RELATING TO MOX FACILITY.

(a) IN GENERAL.—Except as provided by subsection (b), the Secretary of Energy shall carry out construction and project support activities relating to the MOX facility using funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the National Nuclear Security Administration for the MOX facility.

(b) WAIVER.—

(1) IN GENERAL.—The Secretary may waive the requirement under subsection (a) to carry out construction and project support activities relating to the MOX facility if the Secretary submits to the congressional defense committees—

(A) the commitment of the Secretary to remove plutonium intended to be disposed of in the MOX facility from South Carolina and ensure a sustainable future for the Savannah River Site;

(B) a certification that—

(i) an alternative option for carrying out the plutonium disposition program for the same amount of plutonium as the amount of plutonium intended to be disposed of in the MOX facility exists, meeting the requirements of the Business Operating Procedure of the National Nuclear Security Administration entitled "Analysis of Alternatives" and dated March 14, 2016 (BOP–03.07); and

(ii) the remaining lifecycle cost, determined in a manner comparable to the cost estimating and assessment best practices of the Government Accountability Office, as found in the document of the Government Accountability Office entitled "GAO Cost Estimating and Assessment Guide" (GAO–09–3SP), for the alternative option would be less than approximately half of the estimated remaining lifecycle cost of the mixed-oxide fuel program; and

(C) the details of any statutory or regulatory changes necessary to complete the alternative option.

(2) ESTIMATES.—The Secretary shall ensure that the estimates used by the Secretary for purposes of the certification under paragraph (1)(B) are of comparable accuracy.

(c) DEFINITIONS.—In this section:

(1) MOX FACILITY.—The term "MOX facility" means the mixed-oxide fuel fabrication facility at the Savannah River Site, Aiken, South Carolina.

(2) PROJECT SUPPORT ACTIVITIES.—The term "project support activities" means activities that support the design, long-lead equipment procurement, and site preparation of the MOX facility.

SEC. 3122. PROHIBITION ON AVAILABILITY OF FUNDS FOR PROGRAMS IN RUSSIAN FEDERATION.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for atomic energy defense activities may be obligated or expended to enter into a contract with, or otherwise provide assistance to, the Russian Federation.

(b) WAIVER.—The Secretary of Energy, without delegation, may waive the prohibition in subsection (a) only if—

(1) the Secretary determines, in writing, that a nuclear-related threat arising in the Russian Federation must be addressed urgently and it is necessary to waive the prohibition to address that threat;

(2) the Secretary of State and the Secretary of Defense concur in the determination under paragraph (1);

(3) the Secretary of Energy submits to the appropriate congressional committees a report containing—

(A) a notification that the waiver is in the national security interest of the United States;

(B) justification for the waiver, including the determination under paragraph (1); and

(C) a description of the activities to be carried out pursuant to the waiver, including the expected cost and timeframe for such activities; and

(4) a period of seven days elapses following the date on which the Secretary submits the report under paragraph (3).

(c) EXCEPTION.—The prohibition under subsection (a) and the requirements under subsection (b) to waive that prohibition shall not apply to an amount, not to exceed $3,000,000, that the Secretary may make available for the Department of Energy Russian Health Studies Program.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

Subtitle C—Plans and Reports

SEC. 3131. ANNUAL SELECTED ACQUISITION REPORTS ON CERTAIN HARDWARE RELATING TO DEFENSE NUCLEAR NONPROLIFERATION.

(a) IN GENERAL.—Title XLIII of the Atomic Energy Defense Act (50 U.S.C. 2563 et seq.), as amended by section 3114, is further amended by adding at the end the following new section:

50 USC 2577.

"SEC. 4311. ANNUAL SELECTED ACQUISITION REPORTS ON CERTAIN HARDWARE RELATING TO DEFENSE NUCLEAR NONPROLIFERATION.

"(a) ANNUAL SELECTED ACQUISITION REPORTS.—

"(1) IN GENERAL.—At the end of each fiscal year, the Administrator shall submit to the congressional defense committees a report on each covered hardware project. The reports shall be known as Selected Acquisition Reports for the covered hardware project concerned.

"(2) MATTERS INCLUDED.—The information contained in the Selected Acquisition Report for a fiscal year for a covered hardware project shall be the information contained in the Selected Acquisition Report for such fiscal year for a major defense acquisition program under section 2432 of title 10, United States Code, expressed in terms of the covered hardware project.

"(b) COVERED HARDWARE PROJECT DEFINED.—In this section, the term 'covered hardware project' means a project carried out under the defense nuclear nonproliferation research and development program that—

"(1) is focused on the production and deployment of hardware, including with respect to the development and deployment of satellites or satellite payloads; and

"(2) exceeds $500,000,000 in total program cost over the course of five years.".

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item

relating to section 4310, as added by section 3114, the following new item:

"Sec. 4311. Annual Selected Acquisition Reports on certain hardware relating to defense nuclear nonproliferation.".

SEC. 3132. ANNUAL REPORTS ON UNFUNDED PRIORITIES OF NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) IN GENERAL.—Subtitle A of title XLVII of the Atomic Energy Defense Act (50 U.S.C. 2741 et seq.), as amended by section 3111(d), is further amended by adding at the end the following new section:

"SEC. 4716. UNFUNDED PRIORITIES OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION. 50 USC 2756.

"(a) ANNUAL REPORT.—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Administrator shall submit to the Secretary of Energy and the congressional defense committees a report on the unfunded priorities of the Administration.

"(b) ELEMENTS.—

"(1) IN GENERAL.—Each report required by subsection (a) shall specify, for each unfunded priority covered by the report, the following:

"(A) A summary description of that priority, including the objectives to be achieved if that priority is funded (whether in whole or in part).

"(B) The additional amount of funds recommended in connection with the objectives under subparagraph (A).

"(C) Account information with respect to that priority.

"(2) PRIORITIZATION OF PRIORITIES.—Each report required by subsection (a) shall present the unfunded priorities covered by the report in order of urgency of priority.

"(c) UNFUNDED PRIORITY DEFINED.—In this section, the term 'unfunded priority', in the case of a fiscal year, means a program, activity, or mission requirement that—

"(1) is not funded in the budget of the President for that fiscal year as submitted to Congress pursuant to section 1105(a) of title 31, United States Code;

"(2) is necessary to fulfill a requirement associated with the mission of the Administration; and

"(3) would have been recommended for funding through the budget referred to in paragraph (1) by the Administrator—

"(A) if additional resources were available for the budget to fund the program, activity, or mission requirement; or

"(B) in the case of a program, activity, or mission requirement that emerged after the budget was formulated, if the program, activity, or mission requirement had emerged before the budget was formulated.".

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4715, as added by section 3111(d), the following new item:

"Sec. 4716. Unfunded priorities of the National Nuclear Security Administration.".

SEC. 3133. MODIFICATION OF CERTAIN REPORTING REQUIREMENTS.

(a) STATUS OF NUCLEAR MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM.—

(1) REPEAL.—Section 4303 of the Atomic Energy Defense Act (50 U.S.C. 2563) is repealed.

(2) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4303.

(b) STATUS OF SECURITY OF ATOMIC ENERGY DEFENSE FACILITIES.—Section 4506 of the Atomic Energy Defense Act (50 U.S.C. 2657) is amended by striking "of each year" each place it appears and inserting "of each even-numbered year".

(c) SECURITY RISKS POSED TO NUCLEAR WEAPONS COMPLEX.—

(1) INCLUDED IN STOCKPILE STEWARDSHIP AND MANAGEMENT PLAN.—Section 4203 of the Atomic Energy Defense Act (50 U.S.C. 2523) is amended—

(A) in subsection (c)—

(i) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(ii) by inserting after paragraph (5) the following new paragraph:

"(6) A summary of the plan regarding the research and development, deployment, and lifecycle sustainment of technologies described in subsection (d)(7)."; and

(B) in subsection (d)—

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

(ii) by inserting after paragraph (6) the following new paragraph (7):

"(7) A plan for the research and development, deployment, and lifecycle sustainment of the technologies employed within the nuclear security enterprise to address physical and cyber security threats during the five fiscal years following the date of the report, together with—

"(A) for each site in the nuclear security enterprise, a description of the technologies deployed to address the physical and cybersecurity threats posed to that site;

"(B) for each site and for the nuclear security enterprise, the methods used by the Administration to establish priorities among investments in physical and cybersecurity technologies; and

"(C) a detailed description of how the funds identified for each program element specified pursuant to paragraph (1) in the budget for the Administration for each fiscal year during that five-fiscal-year period will help carry out that plan.".

(2) CONFORMING AMENDMENT.—Section 3253(b) of the National Nuclear Security Administration Act (50 U.S.C. 2453) is amended by striking paragraph (5).

(d) MODIFICATION OF SUBMISSION OF SELECTED ACQUISITION REPORTS.—Section 4217(a) of the Atomic Energy Defense Act (50 U.S.C. 2537(a)) is amended—

(1) in paragraph (1)—

(A) by striking "each fiscal-year quarter" and inserting "the first quarter of each fiscal year";

(B) by striking "or a major" and inserting "and each major"; and

(C) by inserting "during the preceding fiscal year" after "4713(a)(2))"; and

(2) in paragraph (2)—

(A) by striking "a fiscal-year quarter" and inserting "a fiscal year"; and

(B) by striking "such fiscal-year quarter" and inserting "each fiscal-year quarter in that fiscal year".

(e) LONG-TERM PLAN FOR MEETING NATIONAL SECURITY REQUIREMENTS FOR UNENCUMBERED URANIUM.—Section 4221(a) of the Atomic Energy Defense Act (50 U.S.C. 2538c(a)) is amended by striking "Concurrent with" and all that follows through "2026" and inserting "Not later than December 31 of each even-numbered year through 2026".

(f) DEFENSE NUCLEAR NONPROLIFERATION MANAGEMENT PLAN.—

(1) MODIFICATION OF SUBMISSION.—Section 4309 of the Atomic Energy Defense Act (50 U.S.C. 2575) is amended—

(A) by striking subsection (c);

(B) by redesignating subsection (b) as subsection (c); and

(C) by striking subsection (a) and inserting the following new subsections:

"(a) PLAN REQUIRED.—The Administrator shall develop and annually update a five-year management plan for activities associated with the defense nuclear nonproliferation programs of the Administration to prevent and counter the proliferation of materials, technology, equipment, and expertise related to nuclear and radiological weapons in order to minimize and address the risk of nuclear terrorism and the proliferation of such weapons.

"(b) SUBMISSION TO CONGRESS.—(1) Not later than March 15 of each even-numbered year, the Administrator shall submit to the congressional defense committees a summary of the plan developed under subsection (a).

"(2) Not later than March 15 of each odd-numbered year, the Administrator shall submit to the congressional defense committees a detailed report on the plan developed under subsection (a).

"(3) Each summary submitted under paragraph (1) and each report submitted under paragraph (2) shall be submitted in unclassified form, but may include a classified annex if necessary.".

(2) ELIMINATION OF IDENTIFICATION OF FUTURE INTERNATIONAL CONTRIBUTIONS.—Subsection (c) of such section, as redesignated by paragraph (1)(B), is further amended—

(A) by striking paragraph (14); and

(B) by redesignating paragraphs (15) and (16) as paragraphs (14) and (15), respectively.

(3) CONFORMING AMENDMENTS.—Subsection (c) of such section, as redesignated by paragraph (1)(B) and amended by paragraph (2), is further amended—

(A) in paragraph (2), by striking "the plan required by subsection (a)" and inserting "the summary required by paragraph (1) of subsection (b) or the report required by paragraph (2) of that subsection, as the case may be";

(B) in paragraph (6), by striking "the plan required by subsection (a)" and inserting "the summary required by paragraph (1) of subsection (b) or the report required by paragraph (2) of that subsection, as the case may be";

(C) in paragraph (7), by striking "the plan required by subsection (a)" and inserting "the summary required by paragraph (1) of subsection (b) or the report required by paragraph (2) of that subsection, as the case may be,";

(D) in paragraph (9), by striking "the plan required by subsection (a)" and inserting "the summary required by paragraph (1) of subsection (b) or the report required by paragraph (2) of that subsection, as the case may be,"; and

(E) in paragraph (10), by striking "the plan required by subsection (a)" and inserting "the summary required by paragraph (1) of subsection (b) or the report required by paragraph (2) of that subsection, as the case may be,".

SEC. 3134. MODIFICATION TO STOCKPILE STEWARDSHIP, MANAGEMENT, AND RESPONSIVENESS PLAN.

Section 4203 of the Atomic Energy Defense Act (50 U.S.C. 2523), as amended by section 3133(c), is further amended—

(1) in subsection (c)—

(A) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(B) by inserting after paragraph (6) the following new paragraph (7):

"(7) A summary of the assessment under subsection (d)(8) regarding the execution of programs with current and projected budgets and any associated risks."; and

(2) in subsection (d)—

(A) by redesignating paragraph (8) as paragraph (9); and

(B) by inserting after paragraph (7) the following new paragraph (8):

"(8) An assessment of whether the programs described by the report can be executed with current and projected budgets and any associated risks.".

SEC. 3135. ASSESSMENT AND DEVELOPMENT OF PROTOTYPE NUCLEAR WEAPONS OF FOREIGN COUNTRIES.

(a) STOCKPILE STEWARDSHIP, MANAGEMENT, AND RESPONSIVENESS PLAN.—Section 4203(d)(1) of the Atomic Energy Defense Act (50 U.S.C. 2523(d)(1)) is amended—

(1) in subparagraph (M), by striking "; and" and inserting a semicolon;

(2) in subparagraph (N), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(O) as required, when assessing and developing prototype nuclear weapons of foreign countries, a report from the directors of the national security laboratories on the need and plan for such assessment and development that includes separate comments on the plan from the Secretary of Energy and the Director of National Intelligence.".

(b) STOCKPILE RESPONSIVENESS PROGRAM.—Section 4220(c) of the Atomic Energy Defense Act (50 U.S.C. 2538b(c)) is amended by adding at the end the following:

"(6) The retention of the ability, in consultation with the Director of National Intelligence, to assess and develop prototype nuclear weapons of foreign countries and, if necessary, to conduct no-yield testing of those prototypes.".

(c) CONFORMING REPEAL.—

(1) IN GENERAL.—Section 4509 of the Atomic Energy Defense Act (50 U.S.C. 2660) is repealed.

(2) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the items relating to sections 4508 and 4509.

SEC. 3136. PLAN FOR VERIFICATION, DETECTION, AND MONITORING OF NUCLEAR WEAPONS AND FISSILE MATERIAL.

(a) FINDINGS AND SENSE OF CONGRESS.—

(1) FINDINGS.—Congress finds the following:

(A) A January 2014 Defense Science Board report found that "The nuclear future will not be a linear extrapolation of the past... [and] [t]he technologies and processes designed for current treaty verification and inspections are inadequate to future monitoring realities.".

(B) Section 3133 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 127 Stat. 3896) required an interagency plan for monitoring of nuclear weapons and fissile material, and section 3132 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2768) required an update of such plan. In both instances, the reports submitted failed to answer the congressional requirements, and instead provided only a brief summary of the National Security Council structure and processes.

(2) SENSE OF CONGRESS.—It is the sense of Congress that verification, detection, and monitoring of nuclear weapons and fissile material should be a priority for national security, and that the reports submitted to date do not reflect this priority, or the current and planned initiatives related to nuclear verification and detection.

(b) PLAN.—The President, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Energy, the Secretary of Homeland Security, and the Director of National Intelligence, shall develop a plan for verification and monitoring relating to the potential proliferation of nuclear weapons, components of such weapons, and fissile material.

(c) ELEMENTS.—The plan developed under subsection (b) shall include the following:

(1) A plan and road map for verification, detection, and monitoring, with respect to policy, operations, and research, development, testing, and evaluation, including—

(A) identifying requirements for such verification, detection, and monitoring;

(B) costs and funding requirements over 10 years for such verification, detection, and monitoring; and

(C) identifying and integrating roles, responsibilities, and planning for such verification, detection, and monitoring.

(2) A detailed international engagement plan for building cooperation and transparency, including bilateral and multilateral efforts, to improve inspections, detection, and monitoring.

(3) A detailed description of—

(A) current and planned research and development efforts to improve monitoring, detection, and in-field inspection and analysis capabilities, including persistent surveillance, remote monitoring, and rapid analysis of large data sets, including open-source data; and

(B) measures to coordinate technical and operational requirements early in the process.

(4) Engagement of relevant departments and agencies of the Federal Government and the military departments (including the Open Source Center and the United States Atomic Energy Detection System), national laboratories, industry, and academia.

(d) DESIGNATION OF DOE.—The President shall designate the Department of Energy as the lead agency for development of the plan under subsection (b).

(e) BRIEFING.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy, acting through the Administrator for Nuclear Security, shall provide to the appropriate congressional committees an interim briefing on the plan under subsection (b).

(f) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the Department of Defense for supporting the Executive Office of the President, $10,000,000 may not be obligated or expended until the date on which the President submits to the appropriate congressional committees the plan under subsection (g)(1).

(g) SUBMISSION.—

(1) DEADLINE.—Not later than April 15, 2018, the President shall submit to the appropriate congressional committees the plan developed under subsection (b).

(2) FORM.—The plan under subsection (b) shall be submitted in unclassified form, but, consistent with the protection of intelligence sources and methods, may include a classified annex.

(h) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(4) The Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

(5) The Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

SEC. 3137. REVIEW OF UNITED STATES NUCLEAR AND RADIOLOGICAL TERRORISM PREVENTION STRATEGY.

(a) IN GENERAL.—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall enter into an arrangement with the private scientific advisory group known as JASON to assess and recommend improvements to the strategies of the United

States for preventing, countering, and responding to nuclear and radiological terrorism, specifically terrorism involving the use of nuclear weapons, improvised nuclear devices, or radiological dispersal or exposure devices, or the sabotage of nuclear facilities.

(b) REVIEW.—The assessment conducted under subsection (a) shall address the adequacy of the strategies of the United States described in that subsection and identify technical, policy, and resource gaps with respect to—

(1) identifying national and international nuclear and radiological terrorism risks and critical emerging threats;

(2) preventing state-sponsored actors and non-state actors from acquiring the technologies, materials, and critical expertise needed to mount nuclear or radiological attacks, including dual-use technologies, materials, and expertise;

(3) countering efforts by state-sponsored actors and non-state actors to mount such attacks;

(4) responding to nuclear and radiological terrorism incidents to attribute their origin and help manage their consequences; and

(5) other important matters identified by JASON that are directly relevant to those strategies.

(c) RECOMMENDATIONS.—The assessment conducted under subsection (a) shall include recommendations to the Secretary of Energy, Congress, and such other Federal entities as JASON considers appropriate, for preventing, countering, and responding to nuclear and radiological terrorism, including recommendations for—

(1) closing technical, policy, or resource gaps;

(2) improving cooperation and appropriate integration among Federal entities and Federal, State, and tribal governments;

(3) improving cooperation between the United States and other countries and international organizations; and

(4) other important matters identified by JASON that are directly relevant to the strategies of the United States described in subsection (a).

(d) LIAISONS.—The Secretary of Energy, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, and the Director of National Intelligence shall appoint appropriate liaisons to JASON with respect to supporting the timely conduct of the assessment required by subsection (a).

(e) MATERIALS.—The Secretary of Energy, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, and the Director of National Intelligence shall provide access to JASON to materials relevant to the assessment required by subsection (a), consistent with the protection of sources and methods and other critically sensitive information.

(f) CLEARANCES.—The Secretary of Energy and the Director of National Intelligence shall ensure that appropriate members and staff of JASON have the necessary clearances, obtained in an expedited manner, to conduct the assessment required by subsection (a).

SEC. 3138. ASSESSMENT OF MANAGEMENT AND OPERATING CONTRACTS OF NATIONAL SECURITY LABORATORIES.

(a) ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall seek to enter into a contract with a federally funded research

and development center to conduct an assessment of the benefits, costs, challenges, risks, efficiency, and effectiveness of the strategy of the Administrator with respect to management and operating contracts for national security laboratories. The Administrator may not award such contract to a federally funded research and development center for which the Department of Energy or the National Nuclear Security Administration is the primary sponsor.

(b) COOPERATION.—The Administrator, and the director of each national security laboratory, shall provide to the federally funded research and development center conducting the assessment under subsection (a) the information the center requires to conduct such assessment.

(c) SUBMISSION.—

(1) NNSA.—Not later than 90 days after the date on which the Administrator and a federally funded research and development center enter into the contract under subsection (a), the center shall submit to the Administrator a report on the assessment conducted under such subsection. Such report shall include the following:

(A) An assessment of the acquisition strategy and the contract oversight process of the Administrator, and of the use of for-profit management and operating contractors at national security laboratories, and whether such strategy, process, and contractors provide the best outcomes to the Federal Government with respect to performance, cost, efficiency, and effectiveness.

(B) An assessment of the total costs, for each national security laboratory, that are incurred because of using a for-profit model for the management and operating contract that would not be incurred under a nonprofit model, and whether performance, costs, efficiency, and effectiveness would be expected to increase or decrease under a nonprofit model.

(C) An assessment of whether the Administrator is appropriately using, managing, and overseeing the national security laboratories with respect to the nature of the laboratories as federally funded research and development centers.

(2) CONGRESS.—Not later than 30 days after the date on which the Administrator receives the report under paragraph (1), the Administrator shall submit to the congressional defense committees such report, without change, together with any comments the Administrator determines appropriate.

(3) LIMITATION.—

(A) AWARD OR EXTENSION OF CONTRACT.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the National Nuclear Security Administration may be obligated or expended to issue a final award, or issue a decision to extend, a management and operating contract for a national security laboratory until the date on which the Administrator submits to the congressional defense committees the report under paragraph (2).

(B) WAIVER FOR EXTENSION.—The Secretary of Energy may waive the limitation in subparagraph (A) with respect to the extension of a management and operating contract for a national security laboratory if the Secretary—

(i) determines such waiver is required in the interest of national security; and

(ii) notifies the Committees on Armed Services of the House of Representatives and the Senate of such determination.

(d) SENSE OF CONGRESS.—It is the sense of Congress that nothing in this section should be construed to mandate or encourage an extension of an existing management and operating contract for a national security laboratory.

(e) NATIONAL SECURITY LABORATORY DEFINED.—In this section, the term "national security laboratory" has the meaning given that term in section 4002(7) of the Atomic Energy Defense Act (50 U.S.C. 2501(7)).

SEC. 3139. EVALUATION OF CLASSIFICATION OF CERTAIN DEFENSE NUCLEAR WASTE.

(a) EVALUATION.—The Secretary of Energy shall conduct an evaluation of the feasibility, costs, and cost savings of classifying covered defense nuclear waste as other than high-level radioactive waste, without decreasing environmental, health, or public safety requirements.

(b) MATTERS INCLUDED.—In conducting the evaluation under subsection (a), the Secretary shall consider—

(1) the estimated quantities and locations of covered defense nuclear waste;

(2) the potential disposal paths for such waste;

(3) the estimated disposal timeline for such waste;

(4) the estimated costs for disposal of such waste, and potential cost savings;

(5) the potential effect on existing consent orders, permits, and agreements;

(6) the basis by which the Secretary would make a decision on reclassification of such waste; and

(7) any such other matters relating to defense nuclear waste or other reprocessing waste that the Secretary determines appropriate.

(c) REPORT.—Not later than February 1, 2018, the Secretary shall submit to the appropriate congressional committees a report on the evaluation under subsection (a), including a description of—

(1) the consideration by the Secretary of the matters under subsection (b);

(2) any actions the Secretary has taken or plans to take to change the processes, rules, regulations, orders, or directives, relating to defense nuclear waste, as appropriate;

(3) any recommendations for legislative action the Secretary determines appropriate; and

(4) the assessment of the Secretary regarding the benefits and risks of the actions and recommendations of the Secretary under paragraphs (1) and (2).

(d) DIFFERENTIATION OF WASTE.—In conducting the evaluation under subsection (a) and preparing the report required by subsection (c), the Secretary shall distinguish between covered nuclear waste described in subparagraph (A) of subsection (e)(2) and covered nuclear waste described in subparagraph (B) of that subsection.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the following:

(A) The congressional defense committees.

(B) The Committee on Energy and Commerce of the House of Representatives.

(C) The Committee on Energy and Natural Resources of the Senate.

(2) COVERED DEFENSE NUCLEAR WASTE.—The term "covered defense nuclear waste" means radioactive waste that resulted from the reprocessing of spent nuclear fuel that was generated from atomic energy defense activities and that—

(A) contains more than 100 nCi/g of alpha-emitting transuranic isotopes with half-lives greater than 20 years; or

(B) may be classified, managed, treated, and disposed of, regardless of origin or previous classification, as other than high-level radioactive waste.

SEC. 3140. IMPROVED REPORTING FOR ANTI-SMUGGLING RADIATION DETECTION SYSTEMS.

(a) ANNUAL REPORT.—Together with the submission to Congress of the budget of the President under section 1105(a) of title 31, United States Code, for each of fiscal years 2019 through 2021, the Administrator for Nuclear Security shall submit to the congressional defense committees a report regarding any anti-smuggling radiation detection systems that the Administrator proposes to deploy during the fiscal year covered by the budget.

(b) MATTERS INCLUDED.—Each report under subsection (a) shall include the following:

(1) The probability of detection for the anti-smuggling radiation detection systems covered by the report against realistic potential smuggling threats, including shielded and unshielded uranium, plutonium, and other special nuclear material.

(2) The costs associated with the deployments of such systems, including costs to the United States and costs to any host country.

(3) Options for technological advances that would make radiation detection less expensive or more effective.

(4) The benefits to the national security of the United States resulting from the deployments of such systems.

SEC. 3141. PLUTONIUM CAPABILITIES.

(a) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees and the Secretary of Defense a report on the recommended alternative endorsed by the Administrator for recapitalization of plutonium science and production capabilities of the nuclear security enterprise. The report shall identify the recommended alternative endorsed by the Administrator and contain the analysis of alternatives, including costs, upon which the Administrator relied in making such endorsement.

(b) CERTIFICATION.—Not later than 60 days after the date on which the Secretary of Defense receives the report required by subsection (a), the Chairman of the Nuclear Weapons Council shall submit to the congressional defense committees the written certification of the Chairman regarding whether—

(1) the recommended alternative described in subsection (a)—

(A) is acceptable to the Secretary of Defense and the Nuclear Weapons Council and meets the requirements of the Secretary for plutonium pit production capacity and capability;

(B) is likely to meet the pit production timelines and milestones required by section 4219 of the Atomic Energy Defense Act (50 U.S.C. 2538a);

(C) is likely to meet pit production timelines and requirements responsive to military requirements;

(D) is cost effective and has reasonable near-term and lifecycle costs that are minimized, to the extent practicable, as compared to other alternatives;

(E) contains minimized and manageable risks as compared to other alternatives; and

(F) can be acceptably reconciled with any differences in the conclusions made by the Office of Cost Assessment and Program Evaluation of the Department of Defense in the business case analysis of plutonium pit production capability issued in 2013; and

(2) the Administrator has—

(A) documented the assumptions and constraints used in the analysis of alternatives described in subsection (a); and

(B) tested and documented the sensitivity of the cost estimates for each alternative to risks and changes in key assumptions.

(c) ASSESSMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director for Cost Estimating and Program Evaluation of the National Nuclear Security Administration shall provide to the congressional defense committees a briefing containing the assessment of the Director of the analysis of alternatives described in subsection (a).

(2) ELEMENTS.—The briefing required by paragraph (1) shall include—

(A) descriptions of the scope, risks, and costs for alternatives not considered in the analysis of alternatives that the Director deems viable; and

(B) any views of the Administrator regarding such alternatives.

(d) EFFECT OF FAILURE TO IDENTIFY RECOMMENDED ALTERNATIVE.—The Administrator shall carry out the modular building strategy (as defined in section 3114(c)(3) of the National Defense Authorization Act for Fiscal Year 2013 (50 U.S.C. 2535 note)) at Los Alamos National Laboratory, Los Alamos, New Mexico, if, by the date that is 150 days after the date of the enactment of this Act—

(1) the Administrator has not identified, in the report required by subsection (a), the recommended alternative proposed by the Administrator for recapitalization of plutonium science and production capabilities of the nuclear security enterprise; or

(2) the Chairman of the Nuclear Weapons Council has not certified under subsection (b) that the recommended alternative proposed by the Administrator meets the criteria

described in subparagraphs (A) through (F) of paragraph (1) of that subsection.

(e) NUCLEAR SECURITY ENTERPRISE DEFINED.—In this section, the term "nuclear security enterprise" has the meaning given that term in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501).

SEC. 3142. REPORT ON CRITICAL DECISION 1 ON MATERIAL STAGING FACILITY PROJECT.

Not later than 30 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a report containing the following:

(1) The decision memorandum of the Administrator with respect to critical decision 1 in the acquisition process for the Material Staging Facility project at the Pantex Plant, Amarillo, Texas.

(2) The preferred alternative approved by the Administrator for such critical decision 1.

(3) The cost-range estimates for such critical decision 1, including a description of the costs saved or avoided from not carrying out recapitalization and sustainment of Area 4 at the Pantex Plant.

(4) The schedule-range estimates for such critical decision 1 that include completion of the Material Staging Facility by 2024.

(5) The risk factors and risk mitigation and management options relating to the Material Staging Facility.

(6) The expected improvements to operations and security provided by the Material Staging Facility, once operational, including the potential annual cost savings.

(7) Such other matters as the Administrator considers appropriate.

SEC. 3143. PLAN TO FURTHER MINIMIZE THE USE OF HIGHLY ENRICHED URANIUM FOR MEDICAL ISOTOPES.

(a) PLAN.—The Secretary of Energy, in consultation with the Secretary of State, shall develop and assess a plan, including with respect to the benefits, risks, costs, and opportunities of the plan, to—

(1) take additional actions to promote the wider utilization of molybdenum-99 and technetium-99m produced without the use of highly enriched uranium targets, such as, at a minimum, by—

(A) eliminating the availability of highly enriched uranium for molybdenum-99 by buying back United States-origin highly enriched uranium in raw or target form from global molybdenum-99 suppliers; and

(B) restricting or placing financial penalties on the import of molybdenum-99 produced with highly enriched uranium targets;

(2) work with global molybdenum suppliers and regulators to reduce the proliferation hazard from reprocessing waste from medical isotope production containing United States-origin highly enriched uranium; and

(3) ensure an adequate supply of molybdenum-99 and technetium-99 at all times, and both assess and mitigate any risks

to such supply during a transition to production without the use of highly enriched uranium.

(b) SUBMISSION.—

(1) IN GENERAL.—Not later than April 1, 2018, the Secretary of Energy shall submit to the appropriate congressional committees a report containing the plan and assessment under subsection (a).

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

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the congressional defense committees;

(B) the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives; and

(C) the Committee on Foreign Relations and the Committee on Energy and Natural Resources of the Senate.

Subtitle D—Other Matters

SEC. 3151. SENSE OF CONGRESS REGARDING COMPENSATION OF INDIVIDUALS RELATING TO URANIUM MINING AND NUCLEAR TESTING.

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

(1) The Radiation Exposure Compensation Act (42 U.S.C. 2210 note) was enacted in 1990 to provide monetary compensation to individuals who contracted certain cancers and other serious diseases following their exposure to radiation released during atmospheric nuclear weapons testing during the Cold War or following exposure to radiation as a result of employment in the uranium industry during the Cold War.

(2) The Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) formally acknowledged the dangers to which some employees of sites of the Department of Energy and its vendors during the Cold War were exposed. That Act also acknowledged that, although establishing the link between occupational hazards and specific diseases can be difficult, scientific evidence exists to support the conclusion that some activities related to Cold War nuclear weapons production have resulted in increased risk of illness and death to workers. That Act established a formal process for the submission of claims for medical expenses and lump sum compensation for former employees and contractors and survivors of those former employees and contractors.

(3) As of the date of the enactment of this Act, more than 145,775 claims have been paid out under the Radiation Exposure Compensation Act and the Energy Employees Occupational Illness Compensation Program Act of 2000, for a total of at least $16,400,000,000 in lump sum compensation and medical expenses.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should appropriately compensate and recognize the employees, contractors, and other individuals described in subsection (a).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

(a) AUTHORIZATION.—There are authorized to be appropriated for fiscal year 2018, $30,600,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

42 USC 2286e note.

(b) CERTIFICATION.—Not later than 10 days after the date on which the budget of the President for fiscal year 2019 or any fiscal year thereafter is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Defense Nuclear Facilities Safety Board shall submit to the congressional defense committees a letter certifying that the requested budget is sufficient to carry out the mission of the Defense Nuclear Facilities Safety Board during the fiscal year covered by the budget request.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $4,900,000 for fiscal year 2018 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME MATTERS

SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of Transportation for fiscal year 2018, to be available without fiscal year limitation if so provided in appropriations Acts, for programs associated with maintaining the United States merchant marine, the following amounts:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $87,000,000, of which—

(A) $69,000,000 shall be for Academy operations including—

(i) the implementation of section 3514(b) of the National Defense Authorization Act for Fiscal Year 2017, as added by section 3513; and

(ii) staffing, training, and other actions necessary to prevent and respond to sexual harassment and sexual assault; and

(B) $18,000,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, $29,550,000, of which—

(A) $2,400,000 shall remain available until September 30, 2019, for the Student Incentive Program;

(B) $3,000,000 shall remain available until expended for direct payments to such academies;

(C) $22,000,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels;

(D) $1,800,000 shall remain available until expended for training ship fuel assistance; and

(E) $350,000 shall remain available until expended for expenses to improve the monitoring of the service obligations of graduates.

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, $50,000,000, which shall remain available until expended.

(4) For expenses necessary to support Maritime Administration operations and programs, $60,020,000.

(5) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $9,000,000, which shall remain available until expended.

(6) For expenses necessary to maintain and preserve a United States flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $300,000,000.

(7) For expenses necessary for the loan guarantee program authorized under chapter 537 of title 46, United States Code, $33,000,000, of which—

(A) $30,000,000 may be used for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $3,000,000 may be used for administrative expenses relating to loan guarantee commitments under the program.

(b) ASSISTANCE FOR SMALL SHIPYARDS AND MARITIME COMMUNITIES.—Section 54101(i) of title 46, United States Code, is amended by striking "2015" and all that follows before the period and

inserting "2018, 2019, and 2020 to carry out this section $35,000,000".

SEC. 3502. MERCHANT SHIP SALES ACT OF 1946.

(a) AMENDMENTS.—The Merchant Ship Sales Act of 1946 (50 U.S.C. 4401 et seq.) is amended by—

50 USC 4401 and note, 4402, 4403, 4406.

(1) repealing the first section and sections 2, 3, 5, 12, and 14;

50 USC 4404.

(2) in section 8, redesignating subsection (d) as section 56308 of title 46, United States Code, and transferring it to appear after section 56307 of such title; and

50 USC 4405.

(3) redesignating section 11 as section 57100 of title 46, United States Code, and transferring it to appear before section 57101 of such title.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) Section 2218 of title 10, United States Code, is amended by striking "section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744)" each place it appears and inserting "section 57100 of title 46".

(2) Section 3134 of title 40, United States Code, is amended—

(A) by striking "31," and inserting "31 or"; and

(B) by striking "or the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1735 et seq.),".

(3) Section 3703a(b)(6) of title 46, United States Code, is amended by striking "section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744)" and inserting "section 57100".

(4) Section 52101(c)(1)(A)(i) of title 46, United States Code, is amended by striking "section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744)" and inserting "section 57100".

(5) Section 56308 of title 46, United States Code, as redesignated and transferred by subsection (a)(2) of this section, is amended—

(A) by striking so much as precedes "vessel constructed" and inserting the following:

"§ 56308. Transfer of substitute vessels

"In the case of any";

(B) by inserting "of Transportation" after "Secretary"; and

(C) by striking "adjustments with respect to the retained vessels as provided for in section 9, and".

(6) Section 57100 of title 46, United States Code, as redesignated and transferred by subsection (a)(3) of this section, is amended—

(A) by striking so much as precedes the text of subsection (a) and inserting the following:

"§ 57100. National Defense Reserve Fleet

"(a) FLEET COMPONENTS.—";

(B) in subsection (b), by inserting before the first sentence the following: "PERMITTED USES.—"; and

(C) in subsection (e)—

(i) by inserting before the first sentence the following: "EXEMPTION FROM TANK VESSEL CONSTRUCTION STANDARDS.—"; and

(ii) by striking "of title 46, United States Code".

(7) Section 57101 of title 46, United States Code, is amended by striking "maintained under section 11 of the Merchant Ship Sales Act of 1946 (50 App. 1744)".

(8) The analysis for chapter 563 of title 46, United States Code, is amended by inserting after the item relating to section 56307 the following:

46 USC prec. 56301.

"56308. Transfer of substitute vessels.".

(9) The analysis for chapter 571 of title 46, United States Code, is amended by inserting before the item relating to section 57101 the following:

46 USC prec. 57100.

"57100. National Defense Reserve Fleet.".

SEC. 3503. MARITIME SECURITY FLEET PROGRAM; RESTRICTION ON OPERATION FOR NEW ENTRANTS.

(a) RESTRICTION.—Section 53105(a) of title 46, United States Code, is amended—

(1) in paragraph (1)(A), by inserting ", except as provided in paragraph (2)," after "in the foreign commerce or";

(2) in paragraph (1)(B), by striking "and" after the semicolon at the end;

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

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

"(2) in the case of a vessel, other than a replacement vessel under subsection (f), first covered by an operating agreement after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018, the vessel shall not be operated in the transportation of cargo between points in the United States and its territories either directly or via a foreign port; and".

(b) CONFORMING AMENDMENTS.—Section 53106 of title 46, United States Code, is amended—

(1) in subsection (b), by striking "section 53105(a)(1)" and inserting "paragraph (1) and (2) of section 53105(a), as otherwise applicable with respect to such vessel,"; and

(2) in subsection (d)(3), by striking "section 53105(a)(1)" and inserting "paragraph (1) and (2) of section 53105(a), as otherwise applicable with respect to such vessel".

SEC. 3504. CODIFICATION OF SECTIONS RELATING TO ACQUISITION, CHARTER, AND REQUISITION OF VESSELS.

(a) EMERGENCY FOREIGN VESSEL ACQUISITION; PURCHASE OR REQUISITION OF VESSELS LYING IDLE IN UNITED STATES WATERS.—The first section of the Act of August 9, 1954 (ch. 659; 50 U.S.C. 196)—

(1) is redesignated as section 56309 of title 46, United States Code, and transferred to appear at the end of chapter 563 of such title, as otherwise amended by this title; and

(2) is amended—

(A) by striking "That during" and inserting the following:

"§ 56309. Emergency foreign vessel acquisition; purchase or requisition of vessels lying idle in United States waters

"During";

(B) by striking "section 902 of the Merchant Marine Act, 1936, as amended" each place it appears and inserting "this chapter"; and

(C) by striking "the second paragraph of subsection (d) of such section 902, as amended" and inserting "section 56305".

(b) VOLUNTARY PURCHASE OR CHARTER AGREEMENTS.—Section 2 of such Act (50 U.S.C. 197)—

(1) is redesignated as section 56310 of title 46, United States Code, and transferred to appear after section 56309 of such title (as amended by subsection (a)); and

(2) is amended—

(A) by striking so much as proceeds "During" and inserting the following:

"§ 56310. Voluntary purchase or charter agreements"; and

(B) by striking "section 902 of the Merchant Marine Act, 1936," and inserting "this chapter".

(c) REQUISITIONED VESSELS.—Section 3 of such Act (50 U.S.C. 198)—

(1) is redesignated as section 56311 of title 46, United States Code, and transferred to appear after section 56310 of such title (as amended by subsections (a) and (b));

(2) is amended by striking so much as precedes subsection (a) and inserting the following:

"§ 56311. Requisitioned vessels"; and

(3) is amended—

(A) except as provided in subparagraphs (B) and (C), by striking "this Act" each place it appears and inserting "section 56309 or 56310, as applicable";

(B) in subsection (c)—

(i) in the first sentence, by striking "this Act" and inserting "section 56309 or 56310, as applicable,"; and

(ii) by striking "The second paragraph of section 9 of the Shipping Act, 1916, as amended," and inserting "Section 57109"; and

(C) in subsection (d)—

(i) in the first sentence by striking "provisions of section 3709 of the Revised Statutes" and inserting "section 6101 of title 41";

(ii) in the second sentence—

(I) by striking "this Act" and inserting "section 56309 or 56310, as applicable,"; and

(II) by striking "said section 3709" and inserting "section 6101 of title 41";

(iii) by striking "title VII of the Merchant Marine Act, 1936" and inserting "chapter 575"; and

(iv) by striking subsection (f).

(d) DOCUMENTED DEFINED.—Chapter 563 of title 46, United States Code, as amended by this section, is further amended by adding at the end the following:

"§ 56312. Documented defined

46 USC 56312.

"In sections 56309 through 56311, the term 'documented' means, with respect to a vessel, that a certificate of documentation has been issued for the vessel under chapter 121.".

(e) CLERICAL AMENDMENT.—The analysis for chapter 563 of title 46, United States Code, as otherwise amended by this title, is further amended by adding at the end the following:

46 USC prec. 56301.

"56309. Emergency foreign vessel acquisition; purchase or requisition of vessels lying idle in United States waters
"56310. Voluntary purchase or charter agreements
"56311. Requisitioned vessels
"56312. Documented defined".

(f) REFERENCES.—Any reference in a law, regulation, document, paper, or other record of the United States to a section that is redesignated and transferred by this section is deemed to refer to such section as so redesignated and transferred.

46 USC 56309 note.

SEC. 3505. ASSISTANCE FOR SMALL SHIPYARDS.

(a) IN GENERAL.—Section 54101 of title 46, United States Code, is amended—

(1) in the section heading, by striking "**and maritime communities**";

(2) in subsection (a)(2), by striking "in communities" and all that follows through the period and inserting "relating to shipbuilding, ship repair, and associated industries.";

(3) by amending subsection (b) to read as follows:

"(b) AWARDS.—

"(1) IN GENERAL.—In providing assistance under the program, the Administrator shall consider projects that foster—

"(A) efficiency, competitive operations, and quality ship construction, repair, and reconfiguration; and

"(B) employee skills and enhanced productivity related to shipbuilding, ship repair, and associated industries.

"(2) TIMING OF GRANTS.—The Administrator shall award grants under this section not later than 120 days after the date of the enactment of the appropriations Act for the fiscal year concerned.

"(3) REUSE OF UNEXPENDED GRANT FUNDS.—Notwithstanding paragraph (2), amounts awarded as a grant under this section that are not expended by the grantee shall remain available to the Administrator for use for grants under this section.";

(4) in subsection (c)(1)—

(A) by inserting "to" after "may be used"; and

(B) by striking subparagraphs (A), (B), and (C) and inserting the following:

"(A) make capital and related improvements in small shipyards; and

"(B) provide training for workers in shipbuilding, ship repair, and associated industries.";

(5) in subsection (d), by striking "unless" and all that follows before the period; and

(6) in subsection (e)—

(A) by striking paragraph (2);

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

(C) in paragraph (1) by striking "Except as provided in paragraph (2),".

(b) CLERICAL AMENDMENT.—The analysis for chapter 541 of title 46, United States Code, is amended by striking the item relating to section 54101 and inserting the following:

46 USC prec. 54101.

"54101. Assistance for small shipyards.".

SEC. 3506. REPORT ON SEXUAL ASSAULT VICTIM RECOVERY IN THE COAST GUARD.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on sexual assault prevention and response policies of the Coast Guard and strategic goals related to sexual assault victim recovery.

(b) CONTENTS.—The report shall—

(1) describe Coast Guard strategic goals relating to sexual assault climate, prevention, response, and accountability, and actions taken by the Coast Guard to promote sexual assault victim recovery;

(2) explain how victim recovery is being incorporated into Coast Guard strategic and programmatic guidance related to sexual assault prevention and response;

(3) examine current Coast Guard sexual assault prevention and response policy with respect to—

(A) Coast Guard criteria for what comprises sexual assault victim recovery;

(B) alignment of Coast Guard personnel policies to enhance—

(i) an approach to sexual assault response that gives priority to victim recovery;

(ii) upholding individual privacy and dignity; and

(iii) the opportunity for the continuation of Coast Guard service by sexual assault victims; and

(C) sexual harassment response, including a description of the circumstances under which sexual harassment is considered a criminal offense; and

(4) to ensure victims and supervisors understand the full scope of resources available to aid in long-term recovery, explain how the Coast Guard informs its workforce about changes to sexual assault prevention and response policies related to victim recovery.

SEC. 3507. CENTERS OF EXCELLENCE.

(a) IN GENERAL.—Chapter 541 of title 46, United States Code, is amended by adding at the end the following:

46 USC 54102.

"§ 54102. Centers of excellence for domestic maritime workforce training and education

"(a) DESIGNATION.—The Secretary of Transportation may designate as a center of excellence for domestic maritime workforce training and education a covered training entity located in a State that borders on the—

"(1) Gulf of Mexico;

"(2) Atlantic Ocean;

"(3) Long Island Sound;

"(4) Pacific Ocean;
"(5) Great Lakes;
"(6) Mississippi River System;
"(7) Arctic; or
"(8) Gulf of Alaska.

"(b) ASSISTANCE.—The Secretary may enter into a cooperative agreement (as that term is used in section 6305 of title 31) with a center of excellence designated under subsection (a) to support maritime workforce training and education at the center of excellence, including efforts of the center of excellence to—

"(1) admit additional students;
"(2) recruit and train faculty;
"(3) expand facilities;
"(4) create new maritime career pathways; or
"(5) award students credit for prior experience, including military service.

"(c) DEFINITIONS.—In this section,

"(1) COVERED TRAINING ENTITY.—the term 'covered training entity' means an entity that is—

"(A) a community or technical college; or
"(B) a maritime training center—
"(i) operated by, or under the supervision of, a State; and
"(ii) with a maritime training program in operation on the date of enactment of this section.

"(2) ARCTIC.—The term 'Arctic' has the meaning that term has under section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).".

(b) CLERICAL AMENDMENT.—The analysis for chapter 541 of title 46, United States Code, is amended by inserting after the item relating to section 54101 the following:

46 USC prec. 54101.

"54102. Centers of excellence for domestic maritime workforce training and education.".

SEC. 3508. FOREIGN SPILL PROTECTION.

Foreign Spill Protection Act of 2017. 33 USC 1251 note.

(a) SHORT TITLE.—This section may be cited as the "Foreign Spill Protection Act of 2017".

(b) LIABILITY OF OWNERS AND OPERATORS OF FOREIGN FACILITIES.—

(1) OIL POLLUTION CONTROL ACT AMENDMENTS.—

(A) DEFINITIONS.—Section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701) is amended—

(i) in paragraph (26)(A)—

(I) in clause (ii), by striking "onshore or offshore facility, any person" and inserting "onshore facility, offshore facility, or foreign offshore unit or other facility located seaward of the exclusive economic zone, any person or entity"; and

(II) in clause (iii), by striking "offshore facility, the person who" and inserting "offshore facility or foreign offshore unit or other facility located seaward of the exclusive economic zone, the person or entity that"; and

(ii) in paragraph (32)—

(I) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively;

(II) by inserting after subparagraph (C) the following:

"(D) FOREIGN FACILITIES.—In the case of a foreign offshore unit or other facility located seaward of the exclusive economic zone, any person or other entity owning or operating the facility, and any leaseholder, permit holder, assignee, or holder of a right of use and easement granted under applicable foreign law for the area in which the facility is located."; and

(III) in subparagraph (G), as so redesignated, by striking "or offshore facility, the persons who" and inserting ", offshore facility, or foreign offshore unit or other facility located seaward of the exclusive economic zone, the persons or entities that".

(B) ACTIONS ON BEHALF OF FUND.—Section 1015(c) of the Oil Pollution Act of 1990 (33 U.S.C. 2715(c)) is amended, in the third sentence, by adding before the period at the end the following: "or other facility located seaward of the exclusive economic zone".

(2) FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS.—Section 311(a)(11) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)(11)) is amended—

(A) by striking "and any facility" and inserting "any facility"; and

(B) by inserting ", and, for the purposes of applying subsections (b), (c), (e), and (o), any foreign offshore unit (as defined in section 1001 of the Oil Pollution Act) or any other facility located seaward of the exclusive economic zone" after "public vessel".

SEC. 3509. REMOVAL OF ADJUNCT PROFESSOR LIMIT AT UNITED STATES MERCHANT MARINE ACADEMY.

Section 51317 of title 46, United States Code, is amended—

(1) in subsection (b)—

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

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

(2) by striking subsections (c) and (d).

SEC. 3510. ACCEPTANCE OF GUARANTEES IN CONJUNCTION WITH PARTIAL DONATIONS FOR MAJOR PROJECTS OF THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) GUARANTEES.—Chapter 513 of title 46, United States Code, is amended by adding at the end the following:

46 USC 51320.

"§ 51320. Acceptance of guarantees with gifts for major projects

"(a) DEFINITIONS.—In this section:

"(1) MAJOR PROJECT.—The term 'major project' means a project estimated to cost at least $1,000,000 for—

"(A) the purchase or other procurement of real or personal property; or

"(B) the construction, renovation, or repair of real or personal property.

"(2) MAJOR UNITED STATES COMMERCIAL BANK.—The term 'major United States commercial bank' means a commercial bank that—

"(A) is an insured bank (as defined in section 3(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)));

"(B) is headquartered in the United States; and

"(C) has total net assets of an amount considered by the Maritime Administrator to qualify the bank as a major bank.

"(3) MAJOR UNITED STATES INVESTMENT MANAGEMENT FIRM.—The term 'major United States investment management firm' means—

"(A) any broker or dealer (as such terms are defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c));

"(B) any investment adviser or provider of investment supervisory services (as such terms are defined in section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2)); or

"(C) a major United States commercial bank that—

"(i) is headquartered in the United States; and

"(ii) holds for the account of others investment assets in a total amount considered by the Maritime Administrator to qualify the bank as a major investment management firm.

"(4) QUALIFIED GUARANTEE.—The term 'qualified guarantee', with respect to a major project, means a guarantee that—

"(A) is made by 1 or more persons in connection with a donation for the project of a total amount in cash or securities that the Maritime Administrator determines is sufficient to defray a substantial portion of the total cost of the project;

"(B) is made to facilitate or expedite the completion of the project in reasonable anticipation that other donors will contribute sufficient funds or other resources in amounts sufficient to pay for completion of the project;

"(C) is set forth as a written agreement providing that the donor will furnish in cash or securities, in addition to the donor's other gift or gifts for the project, any additional amount that may become necessary for paying the cost of completing the project by reason of a failure to obtain from other donors or sources funds or other resources in amounts sufficient to pay the cost of completing the project; and

"(D) is accompanied by—

"(i) an irrevocable and unconditional standby letter of credit for the benefit of the United States Merchant Marine Academy that is in the amount of the guarantee and is issued by a major United States commercial bank; or

"(ii) a qualified account control agreement.

"(5) QUALIFIED ACCOUNT CONTROL AGREEMENT.—The term 'qualified account control agreement', with respect to a guarantee of a donor, means an agreement among the donor, the Maritime Administrator, and a major United States investment management firm that—

"(A) ensures the availability of sufficient funds or other financial resources to pay the amount guaranteed during the period of the guarantee;

"(B) provides for the perfection of a security interest in the assets of the account for the United States for the benefit of the United States Merchant Marine Academy with the highest priority available for liens and security interests under applicable law;

"(C) requires the donor to maintain in an account with the investment management firm assets having a total value that is not less than 130 percent of the amount guaranteed; and

"(D) requires the investment management firm, whenever the value of the account is less than the value required to be maintained under subparagraph (C), to liquidate any noncash assets in the account and reinvest the proceeds in Treasury bills issued under section 3104 of title 31.

"(b) ACCEPTANCE AUTHORITY.—Subject to subsection (d), the Maritime Administrator may accept a qualified guarantee from a donor or donors for the completion of a major project for the benefit of the United States Merchant Marine Academy.

"(c) OBLIGATION AUTHORITY.—The amount of a qualified guarantee accepted under this section shall be considered as contract authority to provide obligation authority for purposes of Federal fiscal and contractual requirements. Funds available for a project for which such a guarantee has been accepted may be obligated and expended for the project without regard to whether the total amount of funds and other resources available for the project (not taking into account the amount of the guarantee) is sufficient to pay for completion of the project.

"(d) NOTICE.—The Maritime Administrator may not accept a qualified guarantee under this section for the completion of a major project until 30 days after the date on which a report of the facts concerning the proposed guarantee is submitted to Congress.

"(e) PROHIBITION ON COMMINGLING FUNDS.—The Maritime Administrator may not enter into any contract or other transaction involving the use of a qualified guarantee and appropriated funds in the same contract or transaction.".

46 USC prec. 51301.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 513 of title 46, United States Code, is amended by adding at the end the following:

"51320. Acceptance of guarantees with gifts for major projects.".

SEC. 3511. AUTHORITY TO PAY CONVEYANCE OR TRANSFER EXPENSES IN CONNECTION WITH ACCEPTANCE OF A GIFT TO THE UNITED STATES MERCHANT MARINE ACADEMY.

Section 51315 of title 46, United States Code, is amended by inserting at the end the following:

"(f) PAYMENT OF EXPENSES.—The Maritime Administrator may pay all necessary expenses in connection with the conveyance or transfer of a gift, devise, or bequest accepted under this section.".

SEC. 3512. AUTHORITY TO PARTICIPATE IN FEDERAL, STATE OR OTHER RESEARCH GRANTS.

(a) RESEARCH GRANTS.—Chapter 513 of title 46, United States Code, as amended by sections 3510 of this title, is further amended by adding at the end the following:

"§ 51321. Grants for scientific and educational research

46 USC 51321.

"(a) DEFINED TERM.—In this section, the term 'qualifying research grant' is a grant that—

"(1) is awarded on a competitive basis by the Federal Government (except for the Department of Transportation), a State, a corporation, a fund, a foundation, an educational institution, or a similar entity that is organized and operated primarily for scientific or educational purposes; and

"(2) is to be used to carry out a research project with a scientific or educational purpose.

"(b) ACCEPTANCE OF QUALIFYING RESEARCH GRANTS.—The United States Merchant Marine Academy may compete for and accept qualifying research grants if the work under the grant is to be carried out by a professor or instructor of the United States Merchant Marine Academy.

"(c) ADMINISTRATION OF GRANT FUNDS.—

"(1) ESTABLISHMENT OF ACCOUNT.—The Maritime Administrator shall establish a separate account for administering funds received from research grants under this section.

"(2) USE OF GRANT FUNDS.—The Superintendent shall use grant funds deposited into the account established pursuant to paragraph (1) in accordance with applicable regulations and the terms and conditions of the respective grants.

"(d) RELATED EXPENSES.—Subject to such limitations as may be provided in appropriations Acts, appropriations available for the United States Merchant Marine Academy may be used to pay expenses incurred by the Academy in applying for, and otherwise pursuing, a qualifying research grant.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 513 of title 46, United States Code, as amended by section 3510(b), is further amended by adding at the end the following:

46 USC prec. 51301.

"51321. Grants for scientific and educational research.".

SEC. 3513. PROVISION OF SATELLITE COMMUNICATION DEVICES DURING SEA YEAR PROGRAM.

Section 3514 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 46 U.S.C. 51318 note) is amended—

(1) by striking "Not later than" and inserting the following: "(a) VESSEL OPERATOR REQUIREMENTS.—Not later than"; and

(2) by adding at the end the following new subsection: "(b) PROVISION OF SATELLITE PHONE.—

"(1) IN GENERAL.—The Maritime Administrator shall ensure that each cadet from the United States Merchant Marine Academy who is participating in the Sea Year program is provided a functional satellite communication device. A cadet may not be denied from using the device whenever the student determines that use of the device is necessary to prevent or report sexual harassment or sexual assault.

"(2) CHECK-IN.—Not less often than once each week during a cadet's participation in the Sea Year program, the cadet shall check-in with designated personnel at the Academy via the satellite communication device provided under paragraph (1). A text message sent via the satellite device shall meet the requirement for a weekly check-in for purposes of this paragraph.".

SEC. 3514. ACTIONS TO ADDRESS SEXUAL HARASSMENT, DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING AT THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) EXPANSION OF REQUIRED POLICY.—Section 51318(a) of title 46, United States Code, is amended—

(1) in paragraph (1), by striking "harassment and sexual assault" and inserting "harassment, dating violence, domestic violence, sexual assault, and stalking";

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "harassment and sexual assault" and inserting "harassment, dating violence, domestic violence, sexual assault, and stalking";

(B) in subparagraph (A), by inserting "domestic violence, dating violence, stalking," after "acquaintance rape,";

(C) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking "harassment or sexual assault," and inserting "harassment, dating violence, domestic violence, sexual assault, or stalking,";

(ii) in clause (i), by striking "harassment or sexual assault" and inserting "harassment, dating violence, domestic violence, sexual assault, or stalking"; and

(iii) in clause (iii), by striking "criminal sexual assault" and inserting "a criminal sexual offense";

(D) in subparagraph (D), by striking "harassment or sexual assault" and inserting "harassment, dating violence, domestic violence, sexual assault, or stalking";

(E) in subparagraph (E)—

(i) in clause (i), by striking "harassment or sexual assault" and inserting "harassment, dating violence, domestic violence, sexual assault, or stalking";

(ii) in clause (ii), by striking "sexual assault" and inserting "sexual harassment, dating violence, domestic violence, sexual assault, or stalking"; and

(iii) in clause (iii), by striking "harassment and sexual assault" and inserting "harassment, dating violence, domestic violence, sexual assault, or stalking"; and

(F) in subparagraph (F), by striking "harassment or sexual assault" and inserting "harassment, dating violence, domestic violence, sexual assault, or stalking";

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

(4) by inserting after paragraph (2) the following new paragraph:

"(3) MINIMUM TRAINING REQUIREMENTS FOR CERTAIN INDIVIDUALS REGARDING SEXUAL HARASSMENT, DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING.—

"(A) REQUIREMENT.—The Maritime Administrator shall direct the Superintendent of the United States Merchant Marine Academy to develop a mandatory training program at the Academy for each individual who is involved in implementing the Academy's student disciplinary grievance

procedures, including each individual who is responsible for—

"(i) resolving complaints of reported sexual harassment, dating violence, domestic violence, sexual assault, and stalking;

"(ii) resolving complaints of reported violations of the sexual misconduct policy of the Academy; or

"(iii) conducting an interview with a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

"(B) CONSULTATION.—The Superintendent shall develop the training program described in subparagraph (A) in consultation with national, State, or local sexual assault, dating violence, domestic violence, or stalking victim advocacy, victim services, or prevention organizations.

"(C) ELEMENTS.—The training required by subparagraph (A) shall include the following:

"(i) Information on working with and interviewing persons subjected to sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

"(ii) Information on particular types of conduct that would constitute sexual harassment, dating violence, domestic violence, sexual assault, or stalking, regardless of gender, including same-sex sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

"(iii) Information on consent and the effect that drugs or alcohol may have on an individual's ability to consent.

"(iv) Information on the effects of trauma, including the neurobiology of trauma.

"(v) Training regarding the use of trauma-informed interview techniques, which means asking questions of an individual who has been a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking in a manner that is focused on the experience of the victim, does not judge or blame the victim, and is informed by evidence-based research on the neurobiology of trauma.

"(vi) Training on cultural awareness regarding how dating violence, domestic violence, sexual assault, or stalking may impact midshipmen differently depending on their cultural background.

"(vii) Information on sexual assault dynamics, sexual assault perpetrator behavior, and barriers to reporting.

"(D) IMPLEMENTATION.—

"(i) DEVELOPMENT AND APPROVAL SCHEDULE.—The training program required by subparagraph (A) shall be developed not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018.

"(ii) COMPLETION OF TRAINING.—Each individual who is required to complete the training described in subparagraph (A) shall complete such training not later than—

"(I) 270 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018; or

"(II) 180 days after starting a position with responsibilities that include the activities described in clause (i), (ii), or (iii) of subparagraph (A)."; and

(5) by inserting after paragraph (5), as so redesignated, the following new paragraph:

"(6) CONSISTENCY WITH THE HIGHER EDUCATION ACT OF 1965.—The Secretary shall ensure that the policy developed under this subsection meets the requirements set out in section 485(f)(8) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(8))."

(b) MINIMUM PROCEDURES FOR HANDLING REPORTS OF SEXUAL HARASSMENT, DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING.—Subsection (b) of section 51318 of title 46, United States Code, is amended to read as follows:

"(b) DEVELOPMENT PROGRAM.—

"(1) IN GENERAL.—The Maritime Administrator shall ensure that the development program of the Academy includes a section that—

"(A) describes the relationship between honor, respect, and character development and the prevention of sexual harassment, dating violence, domestic violence, sexual assault, and stalking at the Academy;

"(B) includes a brief history of the problem of sexual harassment, dating violence, domestic violence, sexual assault, and stalking in the merchant marine, in the Armed Forces, and at the Academy; and

"(C) includes information relating to reporting sexual harassment, dating violence, domestic violence, sexual assault, and stalking, victims' rights, and dismissal for offenders.

"(2) MINIMUM REQUIREMENTS TO COMBAT RETALIATION.—

"(A) REQUIREMENT FOR PLAN.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018, the Maritime Administrator shall direct the Superintendent of the United States Merchant Marine Academy to implement and maintain a plan to combat retaliation against cadets at the Academy who report sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

"(B) VIOLATION OF CODE OF CONDUCT.—The Superintendent shall consider an act of retaliation against a cadet at the Academy who reports sexual harassment, dating violence, domestic violence, sexual assault, or stalking as a Class I violation of the Midshipman Regulations of the Academy or equivalent code of conduct.

"(C) RETALIATION DEFINITION.—The Superintendent shall work with the sexual assault prevention and response staff of the Academy to define 'retaliation' for purposes of this subsection.

"(3) MINIMUM RESOURCE REQUIREMENTS.—

"(A) IN GENERAL.—The Maritime Administrator shall ensure the staff at the Academy are provided adequate and appropriate sexual harassment, dating violence,

domestic violence, sexual assault, and stalking prevention and response training materials and resources. Such resources shall include staff as follows:

"(i) Sexual assault response coordinator.

"(ii) Prevention educator.

"(iii) Civil rights officer.

"(iv) Staff member to oversee Sea Year.

"(B) COMMUNICATION.—The Director of the Office of Civil Rights of the Maritime Administration shall create and maintain a direct line of communication to the sexual assault response staff of the Academy that is outside of the chain of command of the Academy.

"(4) MINIMUM TRAINING REQUIREMENTS.—The Superintendent shall ensure that all cadets receive training on the sexual harassment, dating violence, domestic violence, sexual assault, and stalking prevention and response sections of the development program of the Academy, as described in paragraph (1), as follows:

"(A) An initial training session, which shall occur not later than 7 days after a cadet's initial arrival at the Academy.

"(B) Additional training sessions, which shall occur biannually following the cadet's initial training session until the cadet graduates or leaves the Academy.".

(c) AGGREGATE REPORTING AND DEFINITIONS.—Section 51318 of title 46, United States Code, is amended by adding at the end the following new subsections:

"(e) DATA FOR AGGREGATE REPORTING.—

"(1) IN GENERAL.—No requirement related to confidentiality in this section or section 51319 of this title may be construed to prevent a sexual assault response coordinator from providing information for any report required by law regarding sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

"(2) IDENTITY PROTECTION.—Any information provided for a report referred to in paragraph (1) shall be provided in a manner that protects the identity of the victim or witness.

"(f) DEFINITIONS.—In this section and section 51319 of this title:

"(1) DATING VIOLENCE; DOMESTIC VIOLENCE; STALKING.—The terms 'dating violence', 'domestic violence', and 'stalking' have the meanings given those terms is section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

"(2) SEXUAL ASSAULT.—The term 'sexual assault' means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.".

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 51318 of title 46, United States Code, is amended to read as follows:

"§ 51318. Policy on sexual harassment, dating violence, domestic violence, sexual assault, and stalking".

(2) TABLE OF SECTIONS.—The table of sections for chapter 513 of title 46, United States Code, is amended by striking

46 USC prec. 51301.

the item relating to section 51318 and inserting the following new item:

"51318. Policy on sexual harassment, dating violence, domestic violence, sexual assault, and stalking.".

SEC. 3515. SEXUAL ASSAULT PREVENTION AND RESPONSE STAFF FOR THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) IN GENERAL.—Section 51319 of title 46, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by striking subsection (a) and inserting the following new subsections:

"(a) SEXUAL ASSAULT RESPONSE COORDINATORS.—

"(1) REQUIREMENT FOR COORDINATORS.—The United States Merchant Marine Academy shall employ or contract with at least 1 full-time sexual assault response coordinator who shall reside at or near the Academy. The Secretary of Transportation may assign additional full-time or part-time sexual assault response coordinators at the Academy as necessary.

"(2) SELECTION CRITERIA.—Each sexual assault response coordinator shall be selected based on—

"(A) experience and a demonstrated ability to effectively provide victim services related to sexual harassment, dating violence, domestic violence, sexual assault, and stalking; and

"(B) protection of the individual under applicable law to provide privileged communication.

"(3) CONFIDENTIALITY.—A sexual assault response coordinator shall, to the extent authorized under applicable law, provide confidential services to a cadet at the Academy who reports being a victim of, or witness to, sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

"(4) TRAINING.—

"(A) VERIFICATION.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018, the Maritime Administrator, in consultation with the Director of the Maritime Administration Office of Civil Rights, shall develop a process to verify that each sexual assault response coordinator has completed proper training.

"(B) TRAINING REQUIREMENTS.—The training referred to in subparagraph (A) shall include training in—

"(i) working with victims of sexual harassment, dating violence, domestic violence, sexual assault, and stalking;

"(ii) the policies, procedures, and resources of the Academy related to responding to sexual harassment, dating violence, domestic violence, sexual assault, and stalking; and

"(iii) national, State, and local victim services and resources available to victims of sexual harassment, dating violence, domestic violence, sexual assault, and stalking.

"(C) COMPLETION OF TRAINING.—A sexual assault response coordinator shall complete the training referred to in subparagraphs (A) and (B) not later than—

"(i) 270 days after enactment of the National Defense Authorization Act for Fiscal Year 2018; or

"(ii) 180 days after starting in the role of sexual assault response coordinator.

"(5) DUTIES.—A sexual assault response coordinator shall—

"(A) confidentially receive a report from a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking;

"(B) inform the victim of—

"(i) the victim's rights under applicable law;

"(ii) options for reporting an incident of sexual harassment, dating violence, domestic violence, sexual assault, or stalking to the Academy and law enforcement;

"(iii) how to access available services, including emergency medical care, medical forensic or evidentiary examinations, legal services, services provided by rape crisis centers and other victim service providers, services provided by the volunteer sexual assault victim advocates at the Academy, and crisis intervention counseling and ongoing counseling;

"(iv) such coordinator's ability to assist in arranging access to such services, with the consent of the victim;

"(v) available accommodations, such as allowing the victim to change living arrangements and obtain accessibility services;

"(vi) such coordinator's ability to assist in arranging such accommodations, with the consent of the victim;

"(vii) the victim's rights and the Academy's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by the Academy or a criminal, civil, or tribal court; and

"(viii) privacy limitations under applicable law;

"(C) represent the interests of any cadet at the Academy who reports being a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking, even if such interests are in conflict with the interests of the Academy;

"(D) advise the victim of, and provide written materials regarding, the information described in subparagraph (B);

"(E) liaise with appropriate staff at the Academy, with the victim's consent, to arrange reasonable accommodations through the Academy to allow the victim to change living arrangements, obtain accessibility services, or access other accommodations;

"(F) maintain the privacy and confidentiality of the victim, and shall not notify the Academy or any other authority of the identity of the victim or the alleged circumstances surrounding the reported incident unless—

"(i) otherwise required by applicable law;

"(ii) requested to do so by the victim who has been fully and accurately informed about what procedures shall occur if the information is shared; or

"(iii) notwithstanding clause (i) or clause (ii), there is risk of imminent harm to other individuals;

"(G) assist the victim in contacting and reporting an incident of sexual harassment, dating violence, domestic violence, sexual assault, or stalking to the Academy or law enforcement, if requested to do so by the victim who has been fully and accurately informed about what procedures shall occur if information is shared; and

"(H) submit to the Director of the Maritime Administration Office of Civil Rights an annual report summarizing how the resources supplied to the coordinator were used during the prior year, including the number of victims assisted by the coordinator.

"(b) OVERSIGHT.—

"(1) IN GENERAL.—

"(A) REPORTING.—Each sexual assault response coordinator shall—

"(i) report directly to the Superintendent; and

"(ii) have concurrent reporting responsibility to the Executive Director of the Maritime Administration on matters related to the Maritime Administration and the Department of Transportation and upon belief that the Academy leadership is acting inappropriately regarding sexual assault prevention and response matters.

"(B) SUPPORT.—The Maritime Administration Office of Civil Rights shall provide support to the sexual assault response coordinator at the Academy on all sexual harassment, dating violence, domestic violence, sexual assault, or stalking prevention matters.

"(2) PROHIBITION ON INVESTIGATION BY THE ACADEMY.—Any request by a victim for an accommodation, as described in subsection (a)(5)(E), made by a sexual assault response coordinator shall not trigger an investigation by the Academy, even if such coordinator deals only with matters relating to sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

"(3) PROHIBITION ON RETALIATION.—A sexual assault response coordinator, victim advocate, or companion may not be disciplined, penalized, or otherwise retaliated against by the Academy for representing the interests of the victim, even if such interests are in conflict with the interests of the Academy.".

46 USC 51318 note.

(b) ACCESS OF ACADEMY CADETS TO DOD SAFE OR EQUIVALENT HELPLINE.—

(1) IN GENERAL.—The Secretary of Transportation shall arrange for cadets at the United States Merchant Marine Academy to have access to, and use of, the Department of Defense SAFE Helpline or an equivalent helpline to report incidents of sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

(2) TRAINING.—The training provided to personnel of the helpline to which cadets at the Academy are given access shall include training on the resources available to cadets at the Academy in connection with sexual assault, sexual harassment, domestic violence, dating violence, and stalking.

(3) DEFINITIONS.—In this section, the terms "dating violence", "domestic violence", "sexual assault", and "stalking" have the meanings given those terms in section 51318 of title 46, United States Code.

(c) REPEAL OF DUPLICATE REQUIREMENT.—Subsection (c) of section 51319 of title 46, United States Code, as redesignated by subsection (a)(1), is amended—

(1) by striking paragraph (5);

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

(3) in paragraph (5), as so redesignated, by striking "(3), (4), and (5)" and inserting "(3) and (4)".

SEC. 3516. PROTECTION OF CADETS AT THE UNITED STATES MERCHANT MARINE ACADEMY FROM SEXUAL ASSAULT ONBOARD COMMERCIAL VESSELS.

(a) IN GENERAL.—Chapter 513 of title 46, United States Code, as amended by section 3512 of this title, is further amended by adding at the end the following new section:

"§ 51322. Protection of cadets from sexual assault onboard vessels

46 USC 51322.

"(a) RIDING GANGS.—

"(1) CERTIFICATION OF COMPLIANCE.—The Maritime Administrator shall require the owner or operator of any commercial vessel that is carrying a cadet from the United States Merchant Marine Academy to certify compliance of the vessel with the International Convention for Safety of Life at Sea, 1974 (32 UST 47) and section 8106 of this title.

"(2) INFORMATION FOR CADETS.—The Maritime Administrator shall ensure that the Academy informs cadets preparing for Sea Year of the obligations that vessel owners and operators have to provide for the security of individuals aboard a vessel under United States law, including chapter 81 and section 70103(c) of this title.

"(b) CHECKS OF COMMERCIAL VESSELS.—

"(1) REQUIREMENT.—Not less frequently than biennially, staff of the Academy or staff of the Maritime Administration shall conduct both random and targeted unannounced checks of not less than 10 percent of the commercial vessels that host a cadet from the Academy.

"(2) REMOVAL OF STUDENTS.—If staff of the Academy or staff of the Maritime Administration determine that a commercial vessel is in violation of the sexual assault policy developed by the Academy through a check conducted under paragraph (1), the staff may—

"(A) remove any cadet of the Academy from the vessel; and

"(B) report the violation to the owner or operator of the vessel.

"(c) MAINTENANCE OF SEXUAL ASSAULT TRAINING RECORDS.—The Maritime Administrator shall require the owner or operator of a commercial vessel, or the seafarer union for a commercial vessel, to maintain records of sexual assault training for the crew and passengers of any vessel hosting a cadet from the Academy.

"(d) SEA YEAR SURVEY.—

"(1) REQUIREMENT.—The Maritime Administrator shall require each cadet from the Academy, upon completion of the

cadet's Sea Year, to complete a survey regarding the environment and conditions during the Sea Year of the vessel to which the cadet was assigned.

"(2) AVAILABILITY.—The Maritime Administrator shall make available to the public for each year—

"(A) the questions used in the survey required by paragraph (1); and

"(B) the aggregated data received from such surveys.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 513 of title 46, United States Code, as amended by section 3512 of this title, is further amended by adding at the end the following new item:

46 USC prec. 51301.

"51322. Protection of cadets from sexual assault onboard vessels.".

SEC. 3517. TRAINING REQUIREMENT FOR SEXUAL ASSAULT INVESTIGATORS.

Each employee of the Office of Inspector General of the Department of Transportation who conducts investigations and who is assigned to the Regional Investigations Office in New York, New York, shall—

(1) participate in specialized training in conducting sexual assault investigations; and

(2) attend at least 1 Federal Law Enforcement Training Center (FLETC) sexual assault investigation course, or equivalent sexual assault investigation training course, as determined by the Inspector General, each year.

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1512 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex that accompanies this Act.

(e) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	FIXED WING		
002	UTILITY F/W AIRCRAFT	75,115	75,115
004	MQ–1 UAV	30,206	90,206
	UFR: ER Improved Gray Eagle Air Vehicles		[60,000]
	ROTARY		
005	HELICOPTER, LIGHT UTILITY (LUH)	108,383	108,383
006	AH–64 APACHE BLOCK IIIA REMAN	725,976	764,976
	UFR: Procures remanufactured AH64Es		[39,000]
007	ADVANCE PROCUREMENT (CY)	170,910	170,910
008	AH–64 APACHE BLOCK IIIB NEW BUILD	374,100	647,800
	UFR: Procures AH–64E		[273,700]
009	ADVANCE PROCUREMENT (CY)	71,900	71,900
010	UH–60 BLACKHAWK M MODEL (MYP)	938,308	1,046,308
	Unfunded requirement—additional 5 for ARNG		[108,000]
011	ADVANCE PROCUREMENT (CY)	86,295	86,295
012	UH–60 BLACK HAWK A AND L MODELS	76,516	93,216
	Unfunded requirement—UH–60Vs		[16,700]
013	CH–47 HELICOPTER	202,576	557,076
	Emergent requirements—additional 4 CH–47F Block I		[108,000]
	Unfunded requirement—additional 4 MH–47Gs		[246,500]
014	ADVANCE PROCUREMENT (CY)	17,820	17,820
	MODIFICATION OF AIRCRAFT		
015	MQ–1 PAYLOAD (MIP)	5,910	21,910
	UFR: Procures of Common Sensor Payloads		[16,000]
016	UNIVERSAL GROUND CONTROL EQUIPMENT (UAS)	15,000	15,000
017	GRAY EAGLE MODS2	74,291	74,291
018	MULTI SENSOR ABN RECON (MIP)	68,812	98,287
	UFR: Procures of Electronic Intelligence (ELINT) upgrades		[29,475]
019	AH–64 MODS	238,141	382,941
	Unfunded requirement		[144,800]
020	CH–47 CARGO HELICOPTER MODS (MYP)	20,166	81,166
	Unfunded requirement		[61,000]
021	GRCS SEMA MODS (MIP)	5,514	5,514
022	ARL SEMA MODS (MIP)	11,650	11,650
023	EMARSS SEMA MODS (MIP)	15,279	15,279
024	UTILITY/CARGO AIRPLANE MODS	57,737	57,737
025	UTILITY HELICOPTER MODS	5,900	40,709
	Unfunded requirement		[34,809]
026	NETWORK AND MISSION PLAN	142,102	142,102
027	COMMS, NAV SURVEILLANCE	166,050	207,630
	Unfunded requirement—ARC–201D encrypted radios		[41,580]
028	GATM ROLLUP	37,403	37,403
029	RQ–7 UAV MODS	83,160	194,160
	UFR: Procures Shadow V2 BLK III systems		[111,000]
030	UAS MODS	26,109	26,429
	UFR: Procures OSRVT systems		[320]
	GROUND SUPPORT AVIONICS		
031	AIRCRAFT SURVIVABILITY EQUIPMENT	70,913	70,913
032	SURVIVABILITY CM	5,884	5,884
033	CMWS	26,825	51,825
	UFR: Limited Interim Missile Warning System (LIMWS) Quick Reaction Capability.		[25,000]

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
034	COMMON INFRARED COUNTERMEASURES (CIRCM)	6,337	31,337
	UFR: CIRCM B-Kits		[25,000]
	OTHER SUPPORT		
035	AVIONICS SUPPORT EQUIPMENT	7,038	7,038
036	COMMON GROUND EQUIPMENT	47,404	56,304
	Unfunded requirement—grow the Army		[1,800]
	Unfunded requirement—Non destructive test equip		[7,100]
037	AIRCREW INTEGRATED SYSTEMS	47,066	47,066
038	AIR TRAFFIC CONTROL	83,790	84,905
	UFR: Airspace Information System shelter and Alternate Workstation.		[1,115]
039	INDUSTRIAL FACILITIES	1,397	1,397
040	LAUNCHER, 2.75 ROCKET	1,911	1,911
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**4,149,894**	**5,500,793**
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
001	LOWER TIER AIR AND MISSILE DEFENSE (AMD)	140,826	140,826
002	MSE MISSILE	1,106,040	1,106,040
003	INDIRECT FIRE PROTECTION CAPABILITY INC 2–I	57,742	57,742
	AIR-TO-SURFACE MISSILE SYSTEM		
005	HELLFIRE SYS SUMMARY	94,790	104,790
	UFR: Procures maximum Hellfire missile		[10,000]
006	JOINT AIR-TO-GROUND MSLS (JAGM)	178,432	160,126
	Excess due to delays		[–18,306]
	ANTI-TANK/ASSAULT MISSILE SYS		
008	JAVELIN (AAWS-M) SYSTEM SUMMARY	110,123	257,423
	UFR: Procures additional Javelin		[147,300]
009	TOW 2 SYSTEM SUMMARY	85,851	85,851
010	ADVANCE PROCUREMENT (CY)	19,949	19,949
011	GUIDED MLRS ROCKET (GMLRS)	595,182	606,882
	Program reduction—unit cost savings		[–2,800]
	UFR: Tooling and practice rounds		[14,500]
012	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	28,321	34,651
	UFR: Funds Reduced Range Practice Rockets		[6,330]
013	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS		435,728
	Unfunded requirement—ERI		[197,000]
	Unfunded requirement—grow the Army		[238,728]
014	LETHAL MINIATURE AERIAL MISSILE SYSTEM (LMAMS		46,600
	Unfunded requirement		[46,600]
	MODIFICATIONS		
015	PATRIOT MODS	496,073	496,527
	UFR: Procures additional ELES		[454]
016	ATACMS MODS	186,040	186,040
017	GMLRS MOD	531	531
018	STINGER MODS	63,090	91,890
	UFR: Maximizes Stinger		[28,800]
019	AVENGER MODS	62,931	62,931
020	ITAS/TOW MODS	3,500	3,500
021	MLRS MODS	138,235	187,035
	UFR: Procures M270A1 MLRS launchers		[48,800]
022	HIMARS MODIFICATIONS	9,566	9,566
	SPARES AND REPAIR PARTS		
023	SPARES AND REPAIR PARTS	18,915	18,915
	SUPPORT EQUIPMENT & FACILITIES		
024	AIR DEFENSE TARGETS	5,728	5,728
026	PRODUCTION BASE SUPPORT	1,189	1,189
	TOTAL MISSILE PROCUREMENT, ARMY	**3,403,054**	**4,120,460**
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
001	BRADLEY PROGRAM		111,000
	UFR: Recap 1 Infantry Battalion Set of M2A4		[111,000]
002	ARMORED MULTI PURPOSE VEHICLE (AMPV)	193,715	193,715
	MODIFICATION OF TRACKED COMBAT VEHICLES		
004	STRYKER (MOD)	97,552	274,552
	UFR: Second SBCT set of 30mm		[177,000]

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
005	STRYKER UPGRADE		348,000
	Unfunded requirement – completes 4th DVH SBCT		[348,000]
006	BRADLEY PROGRAM (MOD)	444,851	444,851
007	M109 FOV MODIFICATIONS	64,230	64,230
008	PALADIN INTEGRATED MANAGEMENT (PIM)	646,413	646,413
009	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	72,402	194,402
	UFR: Procures one ABCT set of HERCULES (M88A2)		[122,000]
010	ASSAULT BRIDGE (MOD)	5,855	5,855
011	ASSAULT BREACHER VEHICLE	34,221	64,221
	UFR: Procures Assault Breacher Vehicles, Combat Dozer Blades, Full Width Mine Plows.		[30,000]
012	M88 FOV MODS	4,826	4,826
013	JOINT ASSAULT BRIDGE	128,350	128,350
014	M1 ABRAMS TANK (MOD)	248,826	419,826
	UFR: Completes the first Brigade set of Trophy (NDI APS) for Abrams w/ ERI OCO (1 APS Set).		[171,000]
015	ABRAMS UPGRADE PROGRAM	275,000	650,000
	UFR: Recapitalization of 29 Abrams tanks to M1A2SEPv3		[375,000]
	WEAPONS & OTHER COMBAT VEHICLES		
018	M240 MEDIUM MACHINE GUN (7.62MM)	1,992	3,292
	UFR: Procures additional		[1,300]
019	MULTI-ROLE ANTI-ARMOR ANTI-PERSONNEL WEAPON S	6,520	26,520
	UFR: Procures M3E1 light weight Carl Gustaf weapon systems.		[20,000]
020	MORTAR SYSTEMS	21,452	34,552
	UFR: Procures M121 120mm Mortars		[13,100]
021	XM320 GRENADE LAUNCHER MODULE (GLM)	4,524	5,323
	UFR: Procures M320A1 40mm Grenade Launchers		[799]
023	CARBINE	43,150	51,150
	UFR: Procures M4A1 carbines		[8,000]
024	COMMON REMOTELY OPERATED WEAPONS STATION	750	10,750
	UFR: Accelerate CROWS modifications		[10,000]
025	HANDGUN	8,326	8,704
	UFR: Procures Modular Handgun Systems		[378]
	MOD OF WEAPONS AND OTHER COMBAT VEH		
026	MK–19 GRENADE MACHINE GUN MODS	2,000	2,000
027	M777 MODS	3,985	89,772
	UFR: Funds M777 lightweight towed howitzers		[85,787]
028	M4 CARBINE MODS	31,315	31,315
029	M2 50 CAL MACHINE GUN MODS	47,414	52,364
	UFR: Procures M2A1 .50cal machine		[2,350]
	UFR: Procures Mk93 MG mounts, M2A1 .50cal MGs, M205 tripods.		[2,600]
030	M249 SAW MACHINE GUN MODS	3,339	3,339
031	M240 MEDIUM MACHINE GUN MODS	4,577	11,159
	UFR: Procures M192 tripods, M240B 7.62mm, M240L 7.62mm, Gun Optics.		[6,582]
032	SNIPER RIFLES MODIFICATIONS	1,488	1,488
033	M119 MODIFICATIONS	12,678	12,678
034	MORTAR MODIFICATION	3,998	3,998
035	MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)	2,219	2,219
	SUPPORT EQUIPMENT & FACILITIES		
036	ITEMS LESS THAN $5.0M (WOCV-WTCV)	5,075	7,775
	UFR: Procures M150 Rifle Combat Optic (RCO); M68 Close Combat Optics (CCO).		[2,700]
037	PRODUCTION BASE SUPPORT (WOCV-WTCV)	992	992
039	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	1,573	1,573
	UNDISTRIBUTED		
042	UNDISTRIBUTED		1,200
	Security Force Assistance Brigade		[1,200]
	TOTAL PROCUREMENT OF W&TCV, ARMY	**2,423,608**	**3,912,404**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
001	CTG, 5.56MM, ALL TYPES	39,767	46,867
	UFR: Additional ammunition		[7,100]
002	CTG, 7.62MM, ALL TYPES	46,804	61,704

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
	UFR: Additional ammunition		[14,900]
003	CTG, HANDGUN, ALL TYPES	10,413	10,503
	UFR: Additional ammunition		[90]
004	CTG, .50 CAL, ALL TYPES	62,837	71,727
	UFR: Additional ammunition		[8,890]
005	CTG, 20MM, ALL TYPES	8,208	8,208
006	CTG, 25MM, ALL TYPES	8,640	40,502
	UFR: Additional ammunition		[31,862]
007	CTG, 30MM, ALL TYPES	76,850	79,000
	UFR: Additional ammunition		[2,150]
008	CTG, 40MM, ALL TYPES	108,189	125,380
	UFR: Additional ammunition		[17,191]
	MORTAR AMMUNITION		
009	60MM MORTAR, ALL TYPES	57,359	59,859
	UFR: Additional ammunition		[2,500]
010	81MM MORTAR, ALL TYPES	49,471	52,580
	Unfunded requirement		[3,109]
011	120MM MORTAR, ALL TYPES	91,528	109,720
	UFR: Additional 120mm		[18,192]
	TANK AMMUNITION		
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	133,500	173,800
	UFR: Additional Tank cartridge		[40,300]
	ARTILLERY AMMUNITION		
013	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES	44,200	44,200
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES	187,149	346,330
	UFR: Additional ammunition		[159,181]
015	PROJ 155MM EXTENDED RANGE M982	49,000	232,500
	UFR: Excalibur		[183,500]
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	83,046	163,768
	UFR: Additional PGK, prop charges, artillery fuzes		[48,601]
	UFR: Required to execute simultaneous OPLAN		[32,121]
	MINES		
017	MINES & CLEARING CHARGES, ALL TYPES	3,942	6,942
	UFR: Additional ammunition		[3,000]
	ROCKETS		
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	5,000	66,881
	UFR: Additional rockets, grenades		[61,881]
020	ROCKET, HYDRA 70, ALL TYPES	161,155	229,155
	UFR: Additional APKWS		[68,000]
	OTHER AMMUNITION		
021	CAD/PAD, ALL TYPES	7,441	7,441
022	DEMOLITION MUNITIONS, ALL TYPES	19,345	21,606
	UFR: Additional munitions		[2,261]
023	GRENADES, ALL TYPES	22,759	48,120
	UFR: Additional ammunition		[25,361]
024	SIGNALS, ALL TYPES	2,583	3,412
	UFR: Additional signal munitions		[829]
025	SIMULATORS, ALL TYPES	13,084	13,534
	UFR: Additional signal munitions		[450]
	MISCELLANEOUS		
026	AMMO COMPONENTS, ALL TYPES	12,237	12,237
027	NON-LETHAL AMMUNITION, ALL TYPES	1,500	1,650
	UFR: Non-Lethal Hand Grenade Munitions		[150]
028	ITEMS LESS THAN $5 MILLION (AMMO)	10,730	14,395
	UFR: Additional ammunition		[3,665]
029	AMMUNITION PECULIAR EQUIPMENT	16,425	16,425
030	FIRST DESTINATION TRANSPORTATION (AMMO)	15,221	15,221
	PRODUCTION BASE SUPPORT		
032	INDUSTRIAL FACILITIES	329,356	429,356
	UFR: Upgrade at GOCO Army ammuntion plants		[100,000]
033	CONVENTIONAL MUNITIONS DEMILITARIZATION	197,825	197,825
034	ARMS INITIATIVE	3,719	3,719
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	**1,879,283**	**2,714,567**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
001	TACTICAL TRAILERS/DOLLY SETS	9,716	9,716

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
002	SEMITRAILERS, FLATBED:	14,151	36,151
	UFR: Procures 100 % of equipment shortage in Europe for M872.		[22,000]
003	AMBULANCE, 4 LITTER, 5/4 TON, 4X4	53,000	68,000
	UFR: Procures HMMWV ambulances		[15,000]
004	GROUND MOBILITY VEHICLES (GMV)	40,935	40,935
006	JOINT LIGHT TACTICAL VEHICLE	804,440	804,440
007	TRUCK, DUMP, 20T (CCE)	967	967
008	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	78,650	241,944
	UFR: Procures vehicles		[154,100]
	Unfunded requirement—trailers		[9,194]
009	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	19,404	19,404
010	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	81,656	88,784
	UFR: Procures Forward Repair Systems (FRS)		[7,128]
011	PLS ESP	7,129	59,729
	UFR: Provides transportion of ammunition and break-bulk cargo.		[52,600]
012	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV		112,250
	Unfunded requirement		[112,250]
013	TACTICAL WHEELED VEHICLE PROTECTION KITS	43,040	43,040
014	MODIFICATION OF IN SVC EQUIP	83,940	157,792
	UFR: Additional Buffalo and MMPV		[73,852]
	NON-TACTICAL VEHICLES		
016	HEAVY ARMORED SEDAN	269	269
017	PASSENGER CARRYING VEHICLES	1,320	1,320
018	NONTACTICAL VEHICLES, OTHER	6,964	6,964
	COMM—JOINT COMMUNICATIONS		
019	WIN-T—GROUND FORCES TACTICAL NETWORK	420,492	420,492
020	SIGNAL MODERNIZATION PROGRAM	92,718	92,718
021	TACTICAL NETWORK TECHNOLOGY MOD IN SVC	150,497	227,997
	Program reduction		[–10,000]
	Unfunded requirement		[87,500]
022	JOINT INCIDENT SITE COMMUNICATIONS CAPABILITY	6,065	6,065
023	JCSE EQUIPMENT (USREDCOM)	5,051	5,051
	COMM—SATELLITE COMMUNICATIONS		
024	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	161,383	161,383
025	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS.	62,600	62,600
026	SHF TERM	11,622	11,622
028	SMART-T (SPACE)	6,799	6,799
029	GLOBAL BRDCST SVC—GBS	7,065	7,065
031	ENROUTE MISSION COMMAND (EMC)	21,667	21,667
	COMM—COMBAT SUPPORT COMM		
033	MOD-IN-SERVICE PROFILER	70	70
	COMM—C3 SYSTEM		
034	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	2,658	2,658
	COMM—COMBAT COMMUNICATIONS		
036	HANDHELD MANPACK SMALL FORM FIT (HMS)	355,351	363,760
	Unfunded requirement		[8,409]
037	MID-TIER NETWORKING VEHICULAR RADIO (MNVR)	25,100	25,100
038	RADIO TERMINAL SET, MIDS LVT(2)	11,160	11,160
040	TRACTOR DESK	2,041	2,041
041	TRACTOR RIDE	5,534	13,734
	UFR: Procurement of Offensive Cyber Operations		[8,200]
042	SPIDER APLA REMOTE CONTROL UNIT	996	996
043	SPIDER FAMILY OF NETWORKED MUNITIONS INCR	4,500	6,858
	UFR: Procures SPIDER INC 1A systems		[2,358]
045	TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM	4,411	4,411
046	UNIFIED COMMAND SUITE	15,275	15,275
047	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE	15,964	15,964
	COMM—INTELLIGENCE COMM		
049	CI AUTOMATION ARCHITECTURE	9,560	9,560
050	DEFENSE MILITARY DECEPTION INITIATIVE	4,030	4,030
	INFORMATION SECURITY		
054	COMMUNICATIONS SECURITY (COMSEC)	107,804	130,667
	UFR: Security Data System and End Cyrptographic Units		[22,863]
055	DEFENSIVE CYBER OPERATIONS	53,436	61,436

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
	UFR: Funds Deployable DCO Systems for COMPO 2&3 Cyber Protection Teams.		[8,000]
056	INSIDER THREAT PROGRAM—UNIT ACTIVITY MONITO	690	690
057	PERSISTENT CYBER TRAINING ENVIRONMENT	4,000	4,000
	COMM—LONG HAUL COMMUNICATIONS		
058	BASE SUPPORT COMMUNICATIONS	43,751	43,751
	COMM—BASE COMMUNICATIONS		
059	INFORMATION SYSTEMS	118,101	118,101
060	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM	4,490	4,490
061	HOME STATION MISSION COMMAND CENTERS (HSMCC)	20,050	20,050
062	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	186,251	186,251
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
065	JTT/CIBS-M	12,154	19,754
	UFR: Procures critical spare parts		[7,600]
068	DCGS-A (MIP)	274,782	274,782
070	TROJAN (MIP)	16,052	29,212
	UFR: Procures TROJAN SPIRIT		[13,160]
071	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	51,034	51,034
072	CI HUMINT AUTO REPRTING AND COLL(CHARCS)	7,815	7,815
073	CLOSE ACCESS TARGET RECONNAISSANCE (CATR)	8,050	8,050
074	MACHINE FOREIGN LANGUAGE TRANSLATION SYSTEM-M	567	567
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
076	LIGHTWEIGHT COUNTER MORTAR RADAR	20,459	20,459
077	EW PLANNING & MANAGEMENT TOOLS (EWPMT)	5,805	5,805
078	AIR VIGILANCE (AV)	5,348	5,348
079	CREW		17,500
	Unfunded requirement—EOD DR SKOs		[17,500]
080	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITIE		5,000
	Unfunded requirement		[5,000]
081	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	469	469
082	CI MODERNIZATION	285	285
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
083	SENTINEL MODS	28,491	100,491
	UFR: Procures additional Sentinal Radars		[72,000]
084	NIGHT VISION DEVICES	166,493	229,389
	UFR: Accelerates fielding of the LTLM		[15,749]
	Unfunded requirement—grow the Army		[47,147]
085	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	13,947	16,097
	UFR: Procures Small Tactical Optical Rifle Mounted laser range finder.		[2,150]
087	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	21,380	598,613
	UFR: IFPC/Avernger Battalions and Warn Suites		[577,233]
088	FAMILY OF WEAPON SIGHTS (FWS)	59,105	59,105
089	ARTILLERY ACCURACY EQUIP	2,129	2,129
091	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	282,549	342,649
	UFR: Replenishes Joint Battle Command- Platform		[60,100]
092	JOINT EFFECTS TARGETING SYSTEM (JETS)	48,664	48,664
093	MOD OF IN-SVC EQUIP (LLDR)	5,198	5,198
094	COMPUTER BALLISTICS: LHMBC XM32	8,117	8,117
095	MORTAR FIRE CONTROL SYSTEM	31,813	47,513
	UFR: Procures Mortar Fire Control systems (M95, M96)		[15,700]
096	COUNTERFIRE RADARS	329,057	393,257
	UFR: Procures AN/TPQ–53 Counterfire Target Acquisition Radar System.		[64,200]
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
097	FIRE SUPPORT C2 FAMILY	8,700	13,458
	UFR: Additional Advanced Field Artillery Tactical Data System (AFATDS).		[4,758]
098	AIR & MSL DEFENSE PLANNING & CONTROL SYS	26,635	123,613
	UFR: Supports fielding (AMD) mission command assets to a Army Corps HQ.		[96,978]
100	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	1,992	1,992
101	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	15,179	15,179
102	MANEUVER CONTROL SYSTEM (MCS)	132,572	137,174
	UFR: Tactical Mission Command Equipment		[4,602]
103	GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A)	37,201	37,201
104	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPP	16,140	16,140

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Line	Item	FY 2018 Request	Conference Authorized
105	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	6,093	20,848
	UFR: Procures Engineer Instrument Set Field Reconnaissance and Survey Kits.		[14,755]
106	MOD OF IN-SVC EQUIPMENT (ENFIRE)	1,134	1,134
	ELECT EQUIP—AUTOMATION		
107	ARMY TRAINING MODERNIZATION	11,575	11,575
108	AUTOMATED DATA PROCESSING EQUIP	91,983	91,983
109	GENERAL FUND ENTERPRISE BUSINESS SYSTEMS FAM	4,465	4,465
110	HIGH PERF COMPUTING MOD PGM (HPCMP)	66,363	66,363
111	CONTRACT WRITING SYSTEM	1,001	1,001
112	RESERVE COMPONENT AUTOMATION SYS (RCAS)	26,183	26,183
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
113	TACTICAL DIGITAL MEDIA	4,441	4,441
114	ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)	3,414	16,414
	UFR: Accelerate procurement of Global Positioning System-Survey.		[3,000]
	UFR: Procures Automated Integrated Survey Instrument (AISI) systems.		[10,000]
	ELECT EQUIP—SUPPORT		
115	PRODUCTION BASE SUPPORT (C-E)	499	499
116	BCT EMERGING TECHNOLOGIES	25,050	25,050
	CLASSIFIED PROGRAMS		
116A	CLASSIFIED PROGRAMS	4,819	4,819
	CHEMICAL DEFENSIVE EQUIPMENT		
117	PROTECTIVE SYSTEMS	1,613	1,613
118	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	9,696	9,696
120	CBRN DEFENSE	11,110	11,110
	BRIDGING EQUIPMENT		
121	TACTICAL BRIDGING	16,610	16,610
122	TACTICAL BRIDGE, FLOAT-RIBBON	21,761	43,761
	UFR: Procures Bridge Erection Boats		[22,000]
124	COMMON BRIDGE TRANSPORTER (CBT) RECAP	21,046	61,446
	UFR: Procure Common Bridge Transporters		[40,400]
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
125	HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST	5,000	10,600
	UFR: Procures hand held mine detectors		[5,600]
126	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS)	32,442	43,242
	UFR: Equipment for 15th and 16th ABCT		[10,800]
127	AREA MINE DETECTION SYSTEM (AMDS)	10,571	10,571
128	HUSKY MOUNTED DETECTION SYSTEM (HMDS)	21,695	24,095
	UFR: Procures Husky Mounted Detection System		[2,400]
129	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	4,516	19,616
	UFR: Procures M160s		[15,100]
130	EOD ROBOTICS SYSTEMS RECAPITALIZATION	10,073	15,073
	UFR: Procures the Talon 5A robot		[5,000]
131	ROBOTICS AND APPLIQUE SYSTEMS	3,000	3,000
133	REMOTE DEMOLITION SYSTEMS	5,847	7,039
	UFR: Procures Radio Frequency Remote Activated Munitions		[1,192]
134	< $5M, COUNTERMINE EQUIPMENT	1,530	1,530
135	FAMILY OF BOATS AND MOTORS	4,302	4,302
	COMBAT SERVICE SUPPORT EQUIPMENT		
136	HEATERS AND ECU'S	7,405	16,461
	UFR: Procures Improved Environmental Control Units		[9,056]
137	SOLDIER ENHANCEMENT	1,095	1,095
138	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	5,390	5,390
139	GROUND SOLDIER SYSTEM	38,219	42,808
	UFR: Procures NETT Warrior		[4,589]
140	MOBILE SOLDIER POWER	10,456	12,018
	UFR: Procures ISPDS-C systems for a Security Forces Assistance Bde.		[1,562]
142	FIELD FEEDING EQUIPMENT	15,340	29,740
	UFR: BCT support equipment		[14,400]
143	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	30,607	30,607
144	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	10,426	18,900
	UFR: Engineering equipment		[8,474]
	PETROLEUM EQUIPMENT		
146	QUALITY SURVEILLANCE EQUIPMENT	6,903	6,903

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Line	Item	FY 2018 Request	Conference Authorized
147	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	47,597	47,597
	MEDICAL EQUIPMENT		
148	COMBAT SUPPORT MEDICAL	43,343	43,343
	MAINTENANCE EQUIPMENT		
149	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	33,774	47,070
	UFR: Shop equipment		[13,296]
150	ITEMS LESS THAN $5.0M (MAINT EQ)	2,728	3,682
	UFR: Additional equipment for growing Army		[954]
	CONSTRUCTION EQUIPMENT		
151	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	989	15,719
	UFR: Procures 48 Graders for the 16th ABCT		[14,730]
152	SCRAPERS, EARTHMOVING	11,180	11,180
154	TRACTOR, FULL TRACKED		48,679
	Unfunded requirement—T9 Dozers		[48,679]
155	ALL TERRAIN CRANES	8,935	11,935
	UFR: Procures cranes to support bridging assets		[3,000]
157	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	64,339	84,899
	UFR: Procures HMEE for the 16th ABCT		[20,560]
158	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPAP	2,563	2,563
160	CONST EQUIP ESP	19,032	26,032
	UFR: Procures Engineer Mission Module—Water Distributors and 31 Vibratory Rollers.		[7,000]
161	ITEMS LESS THAN $5.0M (CONST EQUIP)	6,899	11,911
	UFR: Procures 2 Vibratory Plate Compactors (VPC) for the 16th ABCT.		[5,012]
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
162	ARMY WATERCRAFT ESP	20,110	20,110
163	ITEMS LESS THAN $5.0M (FLOAT/RAIL)	2,877	2,877
	GENERATORS		
164	GENERATORS AND ASSOCIATED EQUIP	115,635	132,845
	UFR: Additional equipment for growing Army		[17,210]
165	TACTICAL ELECTRIC POWER RECAPITALIZATION	7,436	7,436
	MATERIAL HANDLING EQUIPMENT		
166	FAMILY OF FORKLIFTS	9,000	10,635
	UFR: Procures additonal 5K LCRTF		[1,635]
	TRAINING EQUIPMENT		
167	COMBAT TRAINING CENTERS SUPPORT	88,888	126,638
	Unfunded requirement		[37,750]
168	TRAINING DEVICES, NONSYSTEM	285,989	285,989
169	CLOSE COMBAT TACTICAL TRAINER	45,718	45,718
170	AVIATION COMBINED ARMS TACTICAL TRAINER	30,568	30,568
171	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	5,406	5,406
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
172	CALIBRATION SETS EQUIPMENT	5,564	5,564
173	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	30,144	30,144
174	TEST EQUIPMENT MODERNIZATION (TEMOD)	7,771	7,771
	OTHER SUPPORT EQUIPMENT		
175	M25 STABILIZED BINOCULAR	3,956	3,956
176	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	5,000	10,000
	UFR: Support 10 initiatives per year		[5,000]
177	PHYSICAL SECURITY SYSTEMS (OPA3)	60,047	60,047
178	BASE LEVEL COMMON EQUIPMENT	13,239	13,239
179	MODIFICATION OF IN-SVC EQUIPMENT (OPA–3)	60,192	99,432
	UFR: Additional support equipment		[39,240]
180	PRODUCTION BASE SUPPORT (OTH)	2,271	2,271
181	SPECIAL EQUIPMENT FOR USER TESTING	5,319	5,319
182	TRACTOR YARD	5,935	5,935
	OPA2		
184	INITIAL SPARES—C&E	38,269	38,269
	UNDISTRIBUTED		
185	UNDISTRIBUTED		56,000
	Security Force Assistance Brigade		[56,000]
	TOTAL OTHER PROCUREMENT, ARMY	**6,469,331**	**8,485,056**
	JOINT IMPROVISED-THREAT DEFEAT FUND		
	NETWORK ATTACK		
001	RAPID ACQUISITION AND THREAT RESPONSE	14,442	14,442

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Line	Item	FY 2018 Request	Conference Authorized
	TOTAL JOINT IMPROVISED-THREAT DEFEAT FUND.	**14,442**	**14,442**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
002	F/A–18E/F (FIGHTER) HORNET	1,200,146	1,939,146
	UFR: Additional F/A–18 E/F Super Hornets		[739,000]
003	ADVANCE PROCUREMENT (CY)	52,971	52,971
004	JOINT STRIKE FIGHTER CV	582,324	1,382,324
	UFR: Additional F–35C (Navy)		[540,000]
	UFR: Additional F–35C (USMC)		[260,000]
005	ADVANCE PROCUREMENT (CY)	263,112	263,112
006	JSF STOVL	2,398,139	2,923,739
	UFR: Additional F–35B		[525,600]
007	ADVANCE PROCUREMENT (CY)	413,450	413,450
008	CH–53K (HEAVY LIFT)	567,605	567,605
009	ADVANCE PROCUREMENT (CY)	147,046	147,046
010	V–22 (MEDIUM LIFT)	677,404	1,199,404
	UFR: Additional MV–22/V–22		[166,000]
	UFR: Additional MV–22B		[356,000]
011	ADVANCE PROCUREMENT (CY)	27,422	27,422
012	H–1 UPGRADES (UH–1Y/AH–1Z)	678,429	898,929
	UFR: Additional AH–1Z		[220,500]
013	ADVANCE PROCUREMENT (CY)	42,082	42,082
016	P–8A POSEIDON	1,245,251	1,751,751
	UFR: Additional P–8A Poseidon		[506,500]
017	ADVANCE PROCUREMENT (CY)	140,333	140,333
018	E–2D ADV HAWKEYE	733,910	733,910
019	ADVANCE PROCUREMENT (CY)	102,026	102,026
	OTHER AIRCRAFT		
022	KC–130J	129,577	484,877
	UFR: Additional KC–130J		[355,300]
023	ADVANCE PROCUREMENT (CY)	25,497	25,497
024	MQ–4 TRITON	522,126	517,126
	Excess cost growth		[–5,000]
025	ADVANCE PROCUREMENT (CY)	57,266	57,266
026	MQ–8 UAV	49,472	49,472
027	STUASL0 UAV	880	60,080
	UFR: Procure additional aircraft		[59,200]
	MODIFICATION OF AIRCRAFT		
030	AEA SYSTEMS	52,960	52,960
031	AV–8 SERIES	43,555	43,555
032	ADVERSARY	2,565	2,565
033	F–18 SERIES	1,043,661	992,211
	F/A–18 Infrared Search and Track (IRST) Block 1 system		[–100,000]
	UFR: ALQ–214 USMC Retrofit		[32,550]
	UFR: ALR–67 Retrofit A-KITS and Partial B-Kits		[16,000]
034	H–53 SERIES	38,712	38,712
035	SH–60 SERIES	95,333	95,333
036	H–1 SERIES	101,886	101,886
037	EP–3 SERIES	7,231	7,231
038	P–3 SERIES	700	700
039	E–2 SERIES	97,563	97,563
040	TRAINER A/C SERIES	8,184	8,184
041	C–2A	18,673	18,673
042	C–130 SERIES	83,541	83,541
043	FEWSG	630	630
044	CARGO/TRANSPORT A/C SERIES	10,075	10,075
045	E–6 SERIES	223,508	223,508
046	EXECUTIVE HELICOPTERS SERIES	38,787	38,787
047	SPECIAL PROJECT AIRCRAFT	8,304	8,304
048	T–45 SERIES	148,071	148,071
049	POWER PLANT CHANGES	19,827	19,827
050	JPATS SERIES	27,007	27,007
051	COMMON ECM EQUIPMENT	146,642	146,642
052	COMMON AVIONICS CHANGES	123,507	123,507
053	COMMON DEFENSIVE WEAPON SYSTEM	2,317	2,317

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Line	Item	FY 2018 Request	Conference Authorized
054	ID SYSTEMS	49,524	49,524
055	P–8 SERIES	18,665	18,665
056	MAGTF EW FOR AVIATION	10,111	10,111
057	MQ–8 SERIES	32,361	32,361
059	V–22 (TILT/ROTOR ACFT) OSPREY	228,321	228,321
060	F–35 STOVL SERIES	34,963	34,963
061	F–35 CV SERIES	31,689	31,689
062	QRC	24,766	24,766
063	MQ–4 SERIES	39,996	39,996
	AIRCRAFT SPARES AND REPAIR PARTS		
064	SPARES AND REPAIR PARTS	1,681,914	1,882,514
	UFR: F–35B Spares		[32,600]
	UFR: Fund to max executable		[168,000]
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
065	COMMON GROUND EQUIPMENT	388,052	405,552
	UFR: F/A–18C/D Training Systems		[17,500]
066	AIRCRAFT INDUSTRIAL FACILITIES	24,613	24,613
067	WAR CONSUMABLES	39,614	39,614
068	OTHER PRODUCTION CHARGES	1,463	1,463
069	SPECIAL SUPPORT EQUIPMENT	48,500	48,500
070	FIRST DESTINATION TRANSPORTATION	1,976	1,976
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**15,056,235**	**18,945,985**
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
001	TRIDENT II MODS	1,143,595	1,143,595
	SUPPORT EQUIPMENT & FACILITIES		
002	MISSILE INDUSTRIAL FACILITIES	7,086	7,086
	STRATEGIC MISSILES		
003	TOMAHAWK	134,375	134,375
	TACTICAL MISSILES		
004	AMRAAM	197,109	209,109
	UFR: Munitions Wholeness		[12,000]
005	SIDEWINDER	79,692	79,692
006	JSOW	5,487	5,487
007	STANDARD MISSILE	510,875	510,875
008	SMALL DIAMETER BOMB II	20,968	20,968
009	RAM	58,587	106,587
	UFR: Additional RAM BLK II		[48,000]
010	JOINT AIR GROUND MISSILE (JAGM)	3,789	3,789
013	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM)	3,122	12,522
	UFR: AGM–176A Griffin Missile Qualifications		[9,400]
014	AERIAL TARGETS	124,757	124,757
015	OTHER MISSILE SUPPORT	3,420	3,420
016	LRASM	74,733	74,733
	MODIFICATION OF MISSILES		
017	ESSM	74,524	74,524
019	HARPOON MODS	17,300	17,300
020	HARM MODS	183,368	183,368
021	STANDARD MISSILES MODS	11,729	11,729
	SUPPORT EQUIPMENT & FACILITIES		
022	WEAPONS INDUSTRIAL FACILITIES	4,021	4,021
023	FLEET SATELLITE COMM FOLLOW-ON	46,357	46,357
	ORDNANCE SUPPORT EQUIPMENT		
025	ORDNANCE SUPPORT EQUIPMENT	47,159	47,159
	TORPEDOES AND RELATED EQUIP		
026	SSTD	5,240	5,240
027	MK–48 TORPEDO	44,771	70,871
	MK 48 HWT		[26,100]
028	ASW TARGETS	12,399	12,399
	MOD OF TORPEDOES AND RELATED EQUIP		
029	MK–54 TORPEDO MODS	104,044	104,044
030	MK–48 TORPEDO ADCAP MODS	38,954	38,954
031	QUICKSTRIKE MINE	10,337	10,337
	SUPPORT EQUIPMENT		
032	TORPEDO SUPPORT EQUIPMENT	70,383	70,383
033	ASW RANGE SUPPORT	3,864	3,864

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Line	Item	FY 2018 Request	Conference Authorized
	DESTINATION TRANSPORTATION		
034	FIRST DESTINATION TRANSPORTATION	3,961	3,961
	GUNS AND GUN MOUNTS		
035	SMALL ARMS AND WEAPONS	11,332	11,332
	MODIFICATION OF GUNS AND GUN MOUNTS		
036	CIWS MODS	72,698	72,698
037	COAST GUARD WEAPONS	38,931	38,931
038	GUN MOUNT MODS	76,025	76,025
039	LCS MODULE WEAPONS	13,110	13,110
040	CRUISER MODERNIZATION WEAPONS	34,825	34,825
041	AIRBORNE MINE NEUTRALIZATION SYSTEMS	16,925	16,925
	SPARES AND REPAIR PARTS		
043	SPARES AND REPAIR PARTS	110,255	110,255
	TOTAL WEAPONS PROCUREMENT, NAVY	**3,420,107**	**3,515,607**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	34,882	34,882
002	JDAM	57,343	57,343
003	AIRBORNE ROCKETS, ALL TYPES	79,318	79,318
004	MACHINE GUN AMMUNITION	14,112	14,112
005	PRACTICE BOMBS	47,027	47,027
006	CARTRIDGES & CART ACTUATED DEVICES	57,718	57,718
007	AIR EXPENDABLE COUNTERMEASURES	65,908	65,908
008	JATOS	2,895	2,895
010	5 INCH/54 GUN AMMUNITION	22,112	22,112
011	INTERMEDIATE CALIBER GUN AMMUNITION	12,804	12,804
012	OTHER SHIP GUN AMMUNITION	41,594	41,594
013	SMALL ARMS & LANDING PARTY AMMO	49,401	49,401
014	PYROTECHNIC AND DEMOLITION	9,495	9,495
016	AMMUNITION LESS THAN $5 MILLION	3,080	3,080
	MARINE CORPS AMMUNITION		
019	60MM, ALL TYPES		11,000
	Unfunded requirement—Full range practice rounds		[11,000]
020	MORTARS	24,118	24,118
021	81MM, ALL TYPES		14,500
	Unfunded requirement—Full range practice rounds		[14,500]
023	DIRECT SUPPORT MUNITIONS	64,045	64,045
024	INFANTRY WEAPONS AMMUNITION	91,456	91,456
027	ARTILLERY, ALL TYPES		17,000
	Unfunded requirement—HE Training Rounds		[17,000]
029	COMBAT SUPPORT MUNITIONS	11,788	11,788
032	AMMO MODERNIZATION	17,862	17,862
033	ARTILLERY MUNITIONS	79,427	79,427
034	ITEMS LESS THAN $5 MILLION	5,960	5,960
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	**792,345**	**834,845**
	SHIPBUILDING AND CONVERSION, NAVY		
	FLEET BALLISTIC MISSILE SHIPS		
001	ADVANCE PROCUREMENT (CY)	842,853	842,853
	OTHER WARSHIPS		
002	CARRIER REPLACEMENT PROGRAM	4,441,772	4,441,772
004	VIRGINIA CLASS SUBMARINE	3,305,315	3,305,315
005	ADVANCE PROCUREMENT (CY)	1,920,596	2,618,596
	3rd FY20 SSN, EOQ or SIB expansion		[698,000]
006	CVN REFUELING OVERHAULS	1,604,890	1,569,669
	AN/SPN–46 overhaul/upgrade cost growth		[–3,126]
	AN/SPQ–9B radar unjustified request		[–2,746]
	IFF interrogator set unjustified request		[–2,094]
	JPALS cost growth		[–555]
	UCLASS early to need		[–26,700]
007	ADVANCE PROCUREMENT (CY)	75,897	75,897
008	DDG 1000	223,968	173,968
	Unjustified cost growth		[–50,000]
009	DDG–51	3,499,079	5,283,079
	1 additional DDG for FY18–22 MYP contract		[1,750,000]
	Ship Signal Exploitation Equipment		[34,000]

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Line	Item	FY 2018 Request	Conference Authorized
010	ADVANCE PROCUREMENT (CY)	90,336	340,336
	EOQ for FY18–22 MYP contract		[250,000]
011	LITTORAL COMBAT SHIP	636,146	1,536,146
	LCS		[900,000]
	AMPHIBIOUS SHIPS		
013	LPD–17		1,500,000
	LX(R) or LPD–30		[1,500,000]
014	EXPEDITIONARY SEA BASE (ESB)		635,000
	ESB		[635,000]
015	LHA REPLACEMENT	1,710,927	1,710,927
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
018	TAO FLEET OILER	465,988	465,988
019	ADVANCE PROCUREMENT (CY)	75,068	75,068
020	TOWING, SALVAGE, AND RESCUE SHIP (ATS)	76,204	76,204
023	LCU 1700	31,850	31,850
024	OUTFITTING	548,703	542,626
	Virginia class outfitting cost growth		[–1,689]
	Virginia class post-delivery cost growth		[–4,388]
025	SHIP TO SHORE CONNECTOR	212,554	524,554
	UFR: 5 additional Ship-to-Shore Connector		[312,000]
026	SERVICE CRAFT	23,994	62,994
	UFR: Berthing barge		[39,000]
029	COMPLETION OF PY SHIPBUILDING PROGRAMS	117,542	117,542
032	CABLE SHIP		250,000
	Procure cable ship		[250,000]
	TOTAL SHIPBUILDING AND CONVERSION, NAVY	**19,903,682**	**26,180,384**
	OTHER PROCUREMENT, NAVY		
	SHIP PROPULSION EQUIPMENT		
003	SURFACE POWER EQUIPMENT	41,910	41,910
004	HYBRID ELECTRIC DRIVE (HED)	6,331	6,331
	GENERATORS		
005	SURFACE COMBATANT HM&E	27,392	27,392
	NAVIGATION EQUIPMENT		
006	OTHER NAVIGATION EQUIPMENT	65,943	65,943
	PERISCOPES		
007	SUB PERISCOPES & IMAGING EQUIP		29,000
	Submarine Warfare Federated Tactial Systems		[29,000]
	OTHER SHIPBOARD EQUIPMENT		
008	SUB PERISCOPE, IMAGING AND SUPT EQUIP PROG	151,240	151,240
009	DDG MOD	603,355	650,864
	AWS upgrade kits unit cost growth		[–4,526]
	Conjunctive alteration definition and integration previously funded.		[–5,185]
	Destroyer modernization		[65,000]
	DM013 installation insufficient budget justification		[–6,780]
	DVSS and wireless communications equipment insufficient budget justification.		[–1,000]
010	FIREFIGHTING EQUIPMENT	15,887	15,887
011	COMMAND AND CONTROL SWITCHBOARD	2,240	2,240
012	LHA/LHD MIDLIFE	30,287	30,287
014	POLLUTION CONTROL EQUIPMENT	17,293	17,293
015	SUBMARINE SUPPORT EQUIPMENT	27,990	27,990
016	VIRGINIA CLASS SUPPORT EQUIPMENT	46,610	46,610
017	LCS CLASS SUPPORT EQUIPMENT	47,955	47,955
018	SUBMARINE BATTERIES	17,594	17,594
019	LPD CLASS SUPPORT EQUIPMENT	61,908	61,908
021	STRATEGIC PLATFORM SUPPORT EQUIP	15,812	15,812
022	DSSP EQUIPMENT	4,178	4,178
023	CG MODERNIZATION	306,050	306,050
024	LCAC	5,507	5,507
025	UNDERWATER EOD PROGRAMS	55,922	55,922
026	ITEMS LESS THAN $5 MILLION	96,909	96,909
027	CHEMICAL WARFARE DETECTORS	3,036	3,036
028	SUBMARINE LIFE SUPPORT SYSTEM	10,364	10,364
	REACTOR PLANT EQUIPMENT		
029	REACTOR POWER UNITS	324,925	324,925

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Line	Item	FY 2018 Request	Conference Authorized
030	REACTOR COMPONENTS	534,468	534,468
	OCEAN ENGINEERING		
031	DIVING AND SALVAGE EQUIPMENT	10,619	10,619
	SMALL BOATS		
032	STANDARD BOATS	46,094	46,094
	PRODUCTION FACILITIES EQUIPMENT		
034	OPERATING FORCES IPE	191,541	191,541
	OTHER SHIP SUPPORT		
036	LCS COMMON MISSION MODULES EQUIPMENT	34,666	34,666
037	LCS MCM MISSION MODULES	55,870	89,870
	UFR: Additional MCM USV		[34,000]
039	LCS SUW MISSION MODULES	52,960	52,960
040	LCS IN-SERVICE MODERNIZATION	74,426	158,426
	LCS Modernization		[84,000]
	LOGISTIC SUPPORT		
042	LSD MIDLIFE & MODERNIZATION	89,536	49,536
	Contract cost savings		[–40,000]
	SHIP SONARS		
043	SPQ–9B RADAR	30,086	20,086
	Program underexecution		[–10,000]
044	AN/SQQ–89 SURF ASW COMBAT SYSTEM	102,222	102,222
046	SSN ACOUSTIC EQUIPMENT	287,553	287,553
047	UNDERSEA WARFARE SUPPORT EQUIPMENT	13,653	13,653
	ASW ELECTRONIC EQUIPMENT		
049	SUBMARINE ACOUSTIC WARFARE SYSTEM	21,449	21,449
050	SSTD	12,867	12,867
051	FIXED SURVEILLANCE SYSTEM	300,102	300,102
052	SURTASS	30,180	40,180
	UFR: 1 Additional		[10,000]
	ELECTRONIC WARFARE EQUIPMENT		
054	AN/SLQ–32	240,433	240,433
	RECONNAISSANCE EQUIPMENT		
055	SHIPBOARD IW EXPLOIT	187,007	227,007
	UFR: 3 SSEE Increment F and Paragon/Graywing		[40,000]
056	AUTOMATED IDENTIFICATION SYSTEM (AIS)	510	510
	OTHER SHIP ELECTRONIC EQUIPMENT		
058	COOPERATIVE ENGAGEMENT CAPABILITY	23,892	23,892
060	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	10,741	10,741
061	ATDLS	38,016	38,016
062	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	4,512	4,512
063	MINESWEEPING SYSTEM REPLACEMENT	31,531	31,531
064	SHALLOW WATER MCM	8,796	8,796
065	NAVSTAR GPS RECEIVERS (SPACE)	15,923	15,923
066	AMERICAN FORCES RADIO AND TV SERVICE	2,730	2,730
067	STRATEGIC PLATFORM SUPPORT EQUIP	6,889	6,889
	AVIATION ELECTRONIC EQUIPMENT		
070	ASHORE ATC EQUIPMENT	71,882	71,882
071	AFLOAT ATC EQUIPMENT	44,611	44,611
077	ID SYSTEMS	21,239	21,239
078	NAVAL MISSION PLANNING SYSTEMS	11,976	11,976
	OTHER SHORE ELECTRONIC EQUIPMENT		
080	TACTICAL/MOBILE C4I SYSTEMS	32,425	32,425
081	DCGS-N	13,790	13,790
082	CANES	322,754	322,754
083	RADIAC	10,718	10,718
084	CANES-INTELL	48,028	48,028
085	GPETE	6,861	6,861
086	MASF	8,081	8,081
087	INTEG COMBAT SYSTEM TEST FACILITY	5,019	5,019
088	EMI CONTROL INSTRUMENTATION	4,188	4,188
089	ITEMS LESS THAN $5 MILLION	105,292	105,292
	SHIPBOARD COMMUNICATIONS		
090	SHIPBOARD TACTICAL COMMUNICATIONS	23,695	23,695
091	SHIP COMMUNICATIONS AUTOMATION	103,990	103,990
092	COMMUNICATIONS ITEMS UNDER $5M	18,577	18,577
	SUBMARINE COMMUNICATIONS		
093	SUBMARINE BROADCAST SUPPORT	29,669	29,669

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Line	Item	FY 2018 Request	Conference Authorized
094	SUBMARINE COMMUNICATION EQUIPMENT	86,204	86,204
	SATELLITE COMMUNICATIONS		
095	SATELLITE COMMUNICATIONS SYSTEMS	14,654	14,654
096	NAVY MULTIBAND TERMINAL (NMT)	69,764	69,764
	SHORE COMMUNICATIONS		
097	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	4,256	4,256
	CRYPTOGRAPHIC EQUIPMENT		
099	INFO SYSTEMS SECURITY PROGRAM (ISSP)	89,663	89,663
100	MIO INTEL EXPLOITATION TEAM	961	961
	CRYPTOLOGIC EQUIPMENT		
101	CRYPTOLOGIC COMMUNICATIONS EQUIP	11,287	11,287
	OTHER ELECTRONIC SUPPORT		
110	COAST GUARD EQUIPMENT	36,584	36,584
	SONOBUOYS		
112	SONOBUOYS—ALL TYPES	173,616	173,616
	AIRCRAFT SUPPORT EQUIPMENT		
113	WEAPONS RANGE SUPPORT EQUIPMENT	72,110	72,110
114	AIRCRAFT SUPPORT EQUIPMENT	108,482	108,482
115	ADVANCED ARRESTING GEAR (AAG)	10,900	10,900
116	METEOROLOGICAL EQUIPMENT	21,137	21,137
117	DCRS/DPL	660	660
118	AIRBORNE MINE COUNTERMEASURES	20,605	20,605
119	AVIATION SUPPORT EQUIPMENT	34,032	34,032
	SHIP GUN SYSTEM EQUIPMENT		
120	SHIP GUN SYSTEMS EQUIPMENT	5,277	5,277
	SHIP MISSILE SYSTEMS EQUIPMENT		
121	SHIP MISSILE SUPPORT EQUIPMENT	272,359	272,359
122	TOMAHAWK SUPPORT EQUIPMENT	73,184	73,184
	FBM SUPPORT EQUIPMENT		
123	STRATEGIC MISSILE SYSTEMS EQUIP	246,221	246,221
	ASW SUPPORT EQUIPMENT		
124	SSN COMBAT CONTROL SYSTEMS	129,972	129,972
125	ASW SUPPORT EQUIPMENT	23,209	23,209
	OTHER ORDNANCE SUPPORT EQUIPMENT		
126	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	15,596	15,596
127	ITEMS LESS THAN $5 MILLION	5,981	5,981
	OTHER EXPENDABLE ORDNANCE		
128	SUBMARINE TRAINING DEVICE MODS	74,550	74,550
130	SURFACE TRAINING EQUIPMENT	83,022	83,022
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
131	PASSENGER CARRYING VEHICLES	5,299	5,299
132	GENERAL PURPOSE TRUCKS	2,946	2,946
133	CONSTRUCTION & MAINTENANCE EQUIP	34,970	34,970
134	FIRE FIGHTING EQUIPMENT	2,541	2,541
135	TACTICAL VEHICLES	19,699	19,699
136	AMPHIBIOUS EQUIPMENT	12,162	12,162
137	POLLUTION CONTROL EQUIPMENT	2,748	2,748
138	ITEMS UNDER $5 MILLION	18,084	18,084
139	PHYSICAL SECURITY VEHICLES	1,170	1,170
	SUPPLY SUPPORT EQUIPMENT		
141	SUPPLY EQUIPMENT	21,797	21,797
143	FIRST DESTINATION TRANSPORTATION	5,572	5,572
144	SPECIAL PURPOSE SUPPLY SYSTEMS	482,916	482,916
	TRAINING DEVICES		
146	TRAINING AND EDUCATION EQUIPMENT	25,624	25,624
	COMMAND SUPPORT EQUIPMENT		
147	COMMAND SUPPORT EQUIPMENT	59,076	55,765
	Consolidate requirements Navy Enterprise Resource Planning.		[–3,311]
149	MEDICAL SUPPORT EQUIPMENT	4,383	4,383
151	NAVAL MIP SUPPORT EQUIPMENT	2,030	2,030
152	OPERATING FORCES SUPPORT EQUIPMENT	7,500	7,500
153	C4ISR EQUIPMENT	4,010	4,010
154	ENVIRONMENTAL SUPPORT EQUIPMENT	23,644	23,644
155	PHYSICAL SECURITY EQUIPMENT	101,982	101,982
156	ENTERPRISE INFORMATION TECHNOLOGY	19,789	19,789
	OTHER		

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Line	Item	FY 2018 Request	Conference Authorized
160	NEXT GENERATION ENTERPRISE SERVICE	104,584	104,584
	CLASSIFIED PROGRAMS		
161A	CLASSIFIED PROGRAMS	23,707	23,707
	SPARES AND REPAIR PARTS		
161	SPARES AND REPAIR PARTS	278,565	278,565
	UNDISTRIBUTED		
162	UNDISTRIBUTED		50,000
	Classified Project 0428		[50,000]
	TOTAL OTHER PROCUREMENT, NAVY	**8,277,789**	**8,518,987**
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
001	AAV7A1 PIP	107,665	107,665
002	AMPHIBIOUS COMBAT VEHICLE 1.1	161,511	161,511
003	LAV PIP	17,244	17,244
	ARTILLERY AND OTHER WEAPONS		
004	EXPEDITIONARY FIRE SUPPORT SYSTEM	626	626
005	155MM LIGHTWEIGHT TOWED HOWITZER	20,259	20,259
006	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	59,943	59,943
007	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	19,616	19,616
	OTHER SUPPORT		
008	MODIFICATION KITS	17,778	17,778
	GUIDED MISSILES		
010	GROUND BASED AIR DEFENSE	9,432	9,432
011	JAVELIN	41,159	41,159
012	FOLLOW ON TO SMAW	25,125	25,125
013	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H)	51,553	51,553
	COMMAND AND CONTROL SYSTEMS		
016	COMMON AVIATION COMMAND AND CONTROL SYSTEM (C	44,928	44,928
	REPAIR AND TEST EQUIPMENT		
017	REPAIR AND TEST EQUIPMENT	33,056	33,056
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
020	ITEMS UNDER $5 MILLION (COMM & ELEC)	17,644	37,844
	UFR: Night Optics for Sniper Rifle		[20,200]
021	AIR OPERATIONS C2 SYSTEMS	18,393	18,393
	RADAR + EQUIPMENT (NON-TEL)		
022	RADAR SYSTEMS	12,411	12,411
023	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	139,167	139,167
024	RQ–21 UAS	77,841	77,841
	INTELL/COMM EQUIPMENT (NON-TEL)		
025	GCSS-MC	1,990	1,990
026	FIRE SUPPORT SYSTEM	22,260	22,260
027	INTELLIGENCE SUPPORT EQUIPMENT	55,759	55,759
029	UNMANNED AIR SYSTEMS (INTEL)	10,154	23,654
	UFR: Long Endurance Small UAS		[13,500]
030	DCGS-MC	13,462	13,462
031	UAS PAYLOADS	14,193	14,193
	OTHER SUPPORT (NON-TEL)		
035	NEXT GENERATION ENTERPRISE NETWORK (NGEN)	98,511	98,511
036	COMMON COMPUTER RESOURCES	66,894	66,894
037	COMMAND POST SYSTEMS	186,912	206,912
	Additional NOTM-A Systems for emerging operational requirements.		[20,000]
038	RADIO SYSTEMS	34,361	34,361
039	COMM SWITCHING & CONTROL SYSTEMS	54,615	54,615
040	COMM & ELEC INFRASTRUCTURE SUPPORT	44,455	44,455
	CLASSIFIED PROGRAMS		
040A	CLASSIFIED PROGRAMS	4,214	4,214
	ADMINISTRATIVE VEHICLES		
042	COMMERCIAL CARGO VEHICLES	66,951	66,951
	TACTICAL VEHICLES		
043	MOTOR TRANSPORT MODIFICATIONS	21,824	21,824
044	JOINT LIGHT TACTICAL VEHICLE	233,639	233,639
045	FAMILY OF TACTICAL TRAILERS	1,938	1,938
046	TRAILERS	10,282	10,282
	ENGINEER AND OTHER EQUIPMENT		
048	ENVIRONMENTAL CONTROL EQUIP ASSORT	1,405	1,405

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Line	Item	FY 2018 Request	Conference Authorized
050	TACTICAL FUEL SYSTEMS	1,788	1,788
051	POWER EQUIPMENT ASSORTED	9,910	9,910
052	AMPHIBIOUS SUPPORT EQUIPMENT	5,830	5,830
053	EOD SYSTEMS	27,240	27,240
	MATERIALS HANDLING EQUIPMENT		
054	PHYSICAL SECURITY EQUIPMENT	53,477	53,477
	GENERAL PROPERTY		
056	TRAINING DEVICES	76,185	85,064
	UFR: ITESS-II Force on Force Training System		[8,879]
058	FAMILY OF CONSTRUCTION EQUIPMENT	26,286	26,286
059	FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV)	1,583	1,583
	OTHER SUPPORT		
060	ITEMS LESS THAN $5 MILLION	7,716	7,716
	SPARES AND REPAIR PARTS		
062	SPARES AND REPAIR PARTS	35,640	35,640
	TOTAL PROCUREMENT, MARINE CORPS	**2,064,825**	**2,127,404**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	TACTICAL FORCES		
001	F–35	4,544,684	5,634,684
	Additional Tooling in Support of Unfunded Priority		[60,000]
	UFR: Procure additional F–35As		[1,030,000]
002	ADVANCE PROCUREMENT (CY)	780,300	780,300
002A	O/A-X LIGHT ATTACK FIGHTER		400,000
	O/A-X Light Attack Fighter		[400,000]
	TACTICAL AIRLIFT		
003	KC–46A TANKER	2,545,674	2,945,674
	UFR: Procure KC–46		[400,000]
	OTHER AIRLIFT		
004	C–130J	57,708	159,708
	Technical adjustments for Weapon System Trainers		[102,000]
006	HC–130J	198,502	298,502
	UFR: Procure HC–130s		[100,000]
008	MC–130J	379,373	979,373
	UFR: Procures MC–130s		[600,000]
009	ADVANCE PROCUREMENT (CY)	30,000	30,000
	MISSION SUPPORT AIRCRAFT		
012	CIVIL AIR PATROL A/C	2,695	2,695
	OTHER AIRCRAFT		
014	TARGET DRONES	109,841	109,841
017	MQ–9	117,141	117,141
017A	COMPASS CALL		108,173
	Technical adjustment		[108,173]
	STRATEGIC AIRCRAFT		
018	B–2A	96,727	96,727
019	B–1B	155,634	121,634
	Excess funding		[–34,000]
020	B–52	109,295	109,295
021	LARGE AIRCRAFT INFRARED COUNTERMEASURES	4,046	4,046
	TACTICAL AIRCRAFT		
022	A–10	6,010	109,010
	UFR: A–10 Wings		[103,000]
023	F–15	417,193	417,193
024	F–16	203,864	203,864
025	F–22A	161,630	161,630
026	ADVANCE PROCUREMENT (CY)	15,000	15,000
027	F–35 MODIFICATIONS	68,270	68,270
028	INCREMENT 3.2B	105,756	105,756
030	KC–46A TANKER	6,213	6,213
	AIRLIFT AIRCRAFT		
031	C–5	36,592	36,592
032	C–5M	6,817	6,817
033	C–17A	125,522	125,522
034	C–21	13,253	13,253
035	C–32A	79,449	79,449
036	C–37A	15,423	15,423
037	C–130J	10,727	0

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Line	Item	FY 2018 Request	Conference Authorized
	Technical adjustments		[–10,727]
	TRAINER AIRCRAFT		
038	GLIDER MODS	136	136
039	T–6	35,706	35,706
040	T–1	21,477	21,477
041	T–38	51,641	51,641
	OTHER AIRCRAFT		
042	U–2 MODS	36,406	36,406
043	KC–10A (ATCA)	4,243	4,243
044	C–12	5,846	5,846
045	VC–25A MOD	52,107	52,107
046	C–40	31,119	31,119
047	C–130	66,310	195,310
	C–130H NP2000 Prop		[55,000]
	C–130H T56 3.5		[74,000]
048	C–130J MODS	171,230	181,957
	Technical adjustments		[10,727]
049	C–135	69,428	69,428
050	OC–135B	23,091	23,091
051	COMPASS CALL MODS	166,541	102,968
	Technical adjustment		[–108,173]
	UFR: Avionics Viability Program (AVP) upgrades		[10,000]
	UFR: Expected disconnect in air vehicle		[10,000]
	UFR: Mission and support equipment		[24,600]
052	COMBAT FLIGHT INSPECTION (CFIN)	495	495
053	RC–135	201,559	201,559
054	E–3	189,772	189,772
055	E–4	30,493	30,493
056	E–8	13,232	13,232
057	AIRBORNE WARNING AND CONTROL SYSTEM	164,786	164,786
058	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	24,716	24,716
059	H–1	3,730	3,730
060	H–60	75,989	92,089
	Unfunded requirement		[16,100]
061	RQ–4 MODS	43,968	101,868
	HA-ISR Payload Adapters		[18,300]
	UFR: Replace RQ–4 TFT Antennas		[39,600]
062	HC/MC–130 MODIFICATIONS	67,674	67,674
063	OTHER AIRCRAFT	59,068	59,068
065	MQ–9 MODS	264,740	264,740
066	CV–22 MODS	60,990	60,990
	AIRCRAFT SPARES AND REPAIR PARTS		
067	INITIAL SPARES/REPAIR PARTS	1,041,569	1,121,169
	Additional F–35 Initial Spares		[79,600]
	COMMON SUPPORT EQUIPMENT		
068	AIRCRAFT REPLACEMENT SUPPORT EQUIP	75,846	75,846
069	OTHER PRODUCTION CHARGES	8,524	8,524
071	T–53A TRAINER	501	501
	POST PRODUCTION SUPPORT		
072	B–2A	447	447
073	B–2A	38,509	38,509
074	B–52	199	199
075	C–17A	12,028	12,028
078	RC–135	29,700	29,700
079	F–15	20,000	20,000
080	F–15	2,524	2,524
081	F–16	18,051	5,651
	Program reduction		[–12,400]
082	F–22A	119,566	119,566
083	OTHER AIRCRAFT	85,000	85,000
085	RQ–4 POST PRODUCTION CHARGES	86,695	86,695
086	CV–22 MODS	4,500	4,500
	INDUSTRIAL PREPAREDNESS		
087	INDUSTRIAL RESPONSIVENESS	14,739	30,739
	Program increase		[16,000]
088	C–130J	102,000	0
	Technical adjustments for Weapon System Trainers		[–102,000]

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Line	Item	FY 2018 Request	Conference Authorized
	WAR CONSUMABLES		
089	WAR CONSUMABLES	37,647	37,647
	OTHER PRODUCTION CHARGES		
090	OTHER PRODUCTION CHARGES	1,339,160	1,339,160
092	OTHER AIRCRAFT	600	600
	CLASSIFIED PROGRAMS		
092A	CLASSIFIED PROGRAMS	53,212	53,212
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**15,430,849**	**18,420,649**
	MISSILE PROCUREMENT, AIR FORCE		
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC		
001	MISSILE REPLACEMENT EQ-BALLISTIC	99,098	99,098
	TACTICAL		
002	JOINT AIR-SURFACE STANDOFF MISSILE	441,367	441,367
003	LRASM0	44,728	61,728
	UFR: Long Range Anti-Ship Missile (LRASM)		[17,000]
004	SIDEWINDER (AIM–9X)	125,350	125,350
005	AMRAAM	304,327	304,327
006	PREDATOR HELLFIRE MISSILE	34,867	34,867
007	SMALL DIAMETER BOMB	266,030	266,030
	INDUSTRIAL FACILITIES		
008	INDUSTR'L PREPAREDNS/POL PREVENTION	926	926
	CLASS IV		
009	ICBM FUZE MOD	6,334	6,334
010	MM III MODIFICATIONS	80,109	80,109
011	AGM–65D MAVERICK	289	289
013	AIR LAUNCH CRUISE MISSILE (ALCM)	36,425	36,425
014	SMALL DIAMETER BOMB	14,086	14,086
	MISSILE SPARES AND REPAIR PARTS		
015	INITIAL SPARES/REPAIR PARTS	101,153	101,153
	SPECIAL PROGRAMS		
020	SPECIAL UPDATE PROGRAMS	44,917	44,917
	CLASSIFIED PROGRAMS		
020A	CLASSIFIED PROGRAMS	708,176	708,176
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**2,308,182**	**2,325,182**
	SPACE PROCUREMENT, AIR FORCE		
	SPACE PROGRAMS		
001	ADVANCED EHF	56,974	56,974
002	AF SATELLITE COMM SYSTEM	57,516	57,516
003	COUNTERSPACE SYSTEMS	28,798	28,798
004	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	146,972	146,972
005	WIDEBAND GAPFILLER SATELLITES(SPACE)	80,849	80,849
006	GPS III SPACE SEGMENT	85,894	85,894
007	GLOBAL POSTIONING (SPACE)	2,198	2,198
008	SPACEBORNE EQUIP (COMSEC)	25,048	25,048
010	MILSATCOM	33,033	33,033
011	EVOLVED EXPENDABLE LAUNCH CAPABILITY	957,420	957,420
012	EVOLVED EXPENDABLE LAUNCH VEH(SPACE)	606,488	606,488
013	SBIR HIGH (SPACE)	981,009	1,054,809
	UFR: SBIRS equipment		[73,800]
014	ADVANCE PROCUREMENT (CY)	132,420	132,420
015	NUDET DETECTION SYSTEM	6,370	6,370
016	SPACE MODS	37,203	37,203
017	SPACELIFT RANGE SYSTEM SPACE	113,874	113,874
	SSPARES		
018	INITIAL SPARES/REPAIR PARTS	18,709	18,709
	TOTAL SPACE PROCUREMENT, AIR FORCE	**3,370,775**	**3,444,575**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	147,454	147,454
	CARTRIDGES		
002	CARTRIDGES	161,744	161,744
	BOMBS		
003	PRACTICE BOMBS	28,509	28,509
004	GENERAL PURPOSE BOMBS	329,501	329,501

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Line	Item	FY 2018 Request	Conference Authorized
005	MASSIVE ORDNANCE PENETRATOR (MOP)	38,382	38,382
006	JOINT DIRECT ATTACK MUNITION	319,525	319,525
007	B61	77,068	77,068
008	ADVANCE PROCUREMENT (CY)	11,239	11,239
	OTHER ITEMS		
009	CAD/PAD	53,469	53,469
010	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	5,921	5,921
011	SPARES AND REPAIR PARTS	678	678
012	MODIFICATIONS	1,409	1,409
013	ITEMS LESS THAN $5 MILLION	5,047	5,047
	FLARES		
015	FLARES	143,983	143,983
	FUZES		
016	FUZES	24,062	24,062
	SMALL ARMS		
017	SMALL ARMS	28,611	28,611
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE.	**1,376,602**	**1,376,602**
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
001	PASSENGER CARRYING VEHICLES	15,651	15,651
	CARGO AND UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	54,607	67,907
	Unfunded requirement		[13,300]
003	CAP VEHICLES	1,011	1,011
004	CARGO AND UTILITY VEHICLES	28,670	78,020
	Unfunded requirement		[49,350]
	SPECIAL PURPOSE VEHICLES		
005	SECURITY AND TACTICAL VEHICLES	59,398	69,362
	UFR: Set the Theater initiative, PACOM		[9,964]
006	SPECIAL PURPOSE VEHICLES	19,784	30,391
	Unfunded requirement		[10,607]
	FIRE FIGHTING EQUIPMENT		
007	FIRE FIGHTING/CRASH RESCUE VEHICLES	14,768	14,768
	MATERIALS HANDLING EQUIPMENT		
008	MATERIALS HANDLING VEHICLES	13,561	59,089
	UFR: Set the Theater (StT) PACOM		[45,528]
	BASE MAINTENANCE SUPPORT		
009	RUNWAY SNOW REMOV & CLEANING EQUIP	3,429	11,550
	Unfunded requirement		[8,121]
010	BASE MAINTENANCE SUPPORT VEHICLES	60,075	73,305
	UFR: Set the Theater (StT) PACOM		[13,230]
	COMM SECURITY EQUIPMENT(COMSEC)		
011	COMSEC EQUIPMENT	115,000	123,000
	UFR: Cyber Squadron Initiative		[8,000]
	INTELLIGENCE PROGRAMS		
013	INTERNATIONAL INTEL TECH & ARCHITECTURES	22,335	22,335
014	INTELLIGENCE TRAINING EQUIPMENT	5,892	5,892
015	INTELLIGENCE COMM EQUIPMENT	34,072	34,072
	ELECTRONICS PROGRAMS		
016	AIR TRAFFIC CONTROL & LANDING SYS	66,143	104,843
	UFR: Cyber Squadron Initiative (WSCR)		[6,000]
	UFR: Deployable Radar Approach Control		[16,500]
	UFR: D-ILS Procurement		[16,200]
017	NATIONAL AIRSPACE SYSTEM	12,641	12,641
018	BATTLE CONTROL SYSTEM—FIXED	6,415	7,815
	UFR: Battle Control System (BCS) Tech Refresh		[1,400]
019	THEATER AIR CONTROL SYS IMPROVEMENTS	23,233	23,233
020	WEATHER OBSERVATION FORECAST	40,116	40,116
021	STRATEGIC COMMAND AND CONTROL	72,810	72,810
022	CHEYENNE MOUNTAIN COMPLEX	9,864	9,864
023	MISSION PLANNING SYSTEMS	15,486	15,486
025	INTEGRATED STRAT PLAN & ANALY NETWORK (ISPAN)	9,187	9,187
	SPCL COMM-ELECTRONICS PROJECTS		
026	GENERAL INFORMATION TECHNOLOGY	51,826	51,826
027	AF GLOBAL COMMAND & CONTROL SYS	3,634	3,634

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
028	MOBILITY COMMAND AND CONTROL	10,083	10,083
029	AIR FORCE PHYSICAL SECURITY SYSTEM	201,866	219,866
	Unfunded requirement—Intrusion Detection Systems		[18,000]
030	COMBAT TRAINING RANGES	115,198	115,198
031	MINIMUM ESSENTIAL EMERGENCY COMM N	292	292
032	WIDE AREA SURVEILLANCE (WAS)	62,087	62,087
033	C3 COUNTERMEASURES	37,764	37,764
034	GCSS-AF FOS	2,826	2,826
035	DEFENSE ENTERPRISE ACCOUNTING AND MGMT SYSTEM	1,514	1,514
036	THEATER BATTLE MGT C2 SYSTEM	9,646	9,646
037	AIR & SPACE OPERATIONS CTR-WPN SYS	25,533	25,533
	AIR FORCE COMMUNICATIONS		
040	BASE INFORMATION TRANSPT INFRAST (BITI) WIRED	28,159	28,159
041	AFNET	160,820	186,820
	UFR: ARAD Enterprise Software		[26,000]
042	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	5,135	5,135
043	USCENTCOM	18,719	18,719
	ORGANIZATION AND BASE		
044	TACTICAL C-E EQUIPMENT	123,206	123,206
045	COMBAT SURVIVOR EVADER LOCATER	3,004	3,004
046	RADIO EQUIPMENT	15,736	15,736
047	CCTV/AUDIOVISUAL EQUIPMENT	5,480	5,480
048	BASE COMM INFRASTRUCTURE	130,539	130,539
	MODIFICATIONS		
049	COMM ELECT MODS	70,798	70,798
	PERSONAL SAFETY & RESCUE EQUIP		
051	ITEMS LESS THAN $5 MILLION	52,964	116,864
	UFR: Battlefield Airman Combat Equipment		[59,400]
	UFR: Procure Parachute Phantom Oxygen System		[500]
	Unfunded requirements		[4,000]
	DEPOT PLANT+MTRLS HANDLING EQ		
052	MECHANIZED MATERIAL HANDLING EQUIP	10,381	10,381
	BASE SUPPORT EQUIPMENT		
053	BASE PROCURED EQUIPMENT	15,038	20,038
	Program increase—Civil Engineers Construction, Surveying, and Mapping Equipment.		[5,000]
054	ENGINEERING AND EOD EQUIPMENT	26,287	58,837
	Unfunded requirement		[32,550]
055	MOBILITY EQUIPMENT	8,470	45,150
	UFR: Basic Expeditionary Airfield Resources spare requirements in support of the Set the Theater, PACOM.		[36,680]
056	ITEMS LESS THAN $5 MILLION	28,768	28,768
	SPECIAL SUPPORT PROJECTS		
058	DARP RC135	25,985	25,985
059	DCGS-AF	178,423	178,423
061	SPECIAL UPDATE PROGRAM	881,980	881,980
	CLASSIFIED PROGRAMS		
062A	CLASSIFIED PROGRAMS	16,848,568	16,848,568
	SPARES AND REPAIR PARTS		
064	SPARES AND REPAIR PARTS	26,675	26,675
	TOTAL OTHER PROCUREMENT, AIR FORCE	**19,891,552**	**20,271,882**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, OSD		
042	MAJOR EQUIPMENT, OSD	36,999	36,999
	MAJOR EQUIPMENT, NSA		
041	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	5,938	5,938
	MAJOR EQUIPMENT, WHS		
045	MAJOR EQUIPMENT, WHS	10,529	10,529
	MAJOR EQUIPMENT, DISA		
007	INFORMATION SYSTEMS SECURITY	24,805	24,805
008	TELEPORT PROGRAM	46,638	46,638
009	ITEMS LESS THAN $5 MILLION	15,541	15,541
010	NET CENTRIC ENTERPRISE SERVICES (NCES)	1,161	1,161
011	DEFENSE INFORMATION SYSTEM NETWORK	126,345	126,345
012	CYBER SECURITY INITIATIVE	1,817	1,817
013	WHITE HOUSE COMMUNICATION AGENCY	45,243	45,243

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
014	SENIOR LEADERSHIP ENTERPRISE	294,139	294,139
016	JOINT REGIONAL SECURITY STACKS (JRSS)	188,483	188,483
017	JOINT SERVICE PROVIDER	100,783	100,783
	MAJOR EQUIPMENT, DLA		
019	MAJOR EQUIPMENT	2,951	2,951
	MAJOR EQUIPMENT, DSS		
023	MAJOR EQUIPMENT	1,073	1,073
	MAJOR EQUIPMENT, DCAA		
001	ITEMS LESS THAN $5 MILLION	1,475	1,475
	MAJOR EQUIPMENT, TJS		
043	MAJOR EQUIPMENT, TJS	9,341	9,341
044	MAJOR EQUIPMENT, TJS—CE2T2	903	903
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
027	THAAD	960,732	960,732
027A	GROUND BASED MIDCOURSE	180,000	180,000
027B	ADVANCE PROCUREMENT (CY)	88,000	88,000
028	AEGIS BMD	876,018	876,018
029	ADVANCE PROCUREMENT (CY)	38,738	38,738
030	BMDS AN/TPY–2 RADARS	11,947	11,947
031	ARROW UPPER TIER		120,000
	Program increase for co-production		[120,000]
032	DAVID'S SLING		120,000
	Program increase for co-production		[120,000]
033	AEGIS ASHORE PHASE III	59,739	59,739
034	IRON DOME	42,000	92,000
	Increase for Co-production of Iron Dome Tamir interceptors		[50,000]
035	AEGIS BMD HARDWARE AND SOFTWARE	160,330	160,330
	MAJOR EQUIPMENT, DHRA		
003	PERSONNEL ADMINISTRATION	14,588	14,588
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
025	VEHICLES	204	204
026	OTHER MAJOR EQUIPMENT	12,363	12,363
	MAJOR EQUIPMENT, DODEA		
021	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	1,910	1,910
	MAJOR EQUIPMENT, DCMA		
002	MAJOR EQUIPMENT	4,347	4,347
	MAJOR EQUIPMENT, DMACT		
020	MAJOR EQUIPMENT	13,464	13,464
	CLASSIFIED PROGRAMS		
045A	CLASSIFIED PROGRAMS	657,759	657,759
	AVIATION PROGRAMS		
049	ROTARY WING UPGRADES AND SUSTAINMENT	158,988	145,488
	SOCOM requested transfer		[–13,500]
050	UNMANNED ISR	13,295	13,295
051	NON-STANDARD AVIATION	4,892	4,892
052	U–28	5,769	5,769
053	MH–47 CHINOOK	87,345	87,345
055	CV–22 MODIFICATION	42,178	42,178
057	MQ–9 UNMANNED AERIAL VEHICLE	21,660	21,660
059	PRECISION STRIKE PACKAGE	229,728	229,728
060	AC/MC–130J	179,934	179,934
061	C–130 MODIFICATIONS	28,059	28,059
	SHIPBUILDING		
062	UNDERWATER SYSTEMS	92,606	79,806
	SOCOM requested transfer		[–12,800]
	AMMUNITION PROGRAMS		
063	ORDNANCE ITEMS <$5M	112,331	112,331
	OTHER PROCUREMENT PROGRAMS		
064	INTELLIGENCE SYSTEMS	82,538	82,538
065	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	11,042	11,042
066	OTHER ITEMS <$5M	54,592	54,592
067	COMBATANT CRAFT SYSTEMS	23,272	23,272
068	SPECIAL PROGRAMS	16,053	16,053
069	TACTICAL VEHICLES	63,304	63,304
070	WARRIOR SYSTEMS <$5M	252,070	252,070
071	COMBAT MISSION REQUIREMENTS	19,570	19,570

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
072	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	3,589	3,589
073	OPERATIONAL ENHANCEMENTS INTELLIGENCE	17,953	17,953
075	OPERATIONAL ENHANCEMENTS	241,429	254,679
	UFR: Medium Precision Strike munitions		[13,250]
	CBDP		
076	CHEMICAL BIOLOGICAL SITUATIONAL AWARENESS	135,031	135,031
077	CB PROTECTION & HAZARD MITIGATION	141,027	141,027
	TOTAL PROCUREMENT, DEFENSE-WIDE	**6,074,558**	**6,351,508**
	JOINT URGENT OPERATIONAL NEEDS FUND		
	JOINT URGENT OPERATIONAL NEEDS FUND		
001	JOINT URGENT OPERATIONAL NEEDS FUND	99,795	0
	Program reduction		[–99,795]
	TOTAL JOINT URGENT OPERATIONAL NEEDS FUND.	**99,795**	0
	NATIONAL GUARD AND RESERVE EQUIPMENT		
	UNDISTRIBUTED		
007	UNDISTRIBUTED		250,000
	Program increase		[250,000]
	TOTAL NATIONAL GUARD AND RESERVE EQUIPMENT.		**250,000**
	TOTAL PROCUREMENT	**116,406,908**	**137,311,332**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	FIXED WING		
004	MQ–1 UAV	87,300	87,300
	ROTARY		
006	AH–64 APACHE BLOCK IIIA REMAN	39,040	39,040
	MODIFICATION OF AIRCRAFT		
015	MQ–1 PAYLOAD (MIP)	41,400	41,400
018	MULTI SENSOR ABN RECON (MIP)	33,475	33,475
023	EMARSS SEMA MODS (MIP)	36,000	36,000
027	COMMS, NAV SURVEILLANCE	4,289	4,289
	GROUND SUPPORT AVIONICS		
033	CMWS	139,742	139,742
034	COMMON INFRARED COUNTERMEASURES (CIRCM)	43,440	43,440
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**424,686**	**424,686**
	MISSILE PROCUREMENT, ARMY		
	AIR-TO-SURFACE MISSILE SYSTEM		
005	HELLFIRE SYS SUMMARY	278,073	278,073
	ANTI-TANK/ASSAULT MISSILE SYS		
008	JAVELIN (AAWS-M) SYSTEM SUMMARY	8,112	8,112
009	TOW 2 SYSTEM SUMMARY	3,907	3,907
011	GUIDED MLRS ROCKET (GMLRS)	191,522	191,522
013	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS	41,000	41,000
014	LETHAL MINIATURE AERIAL MISSILE SYSTEM (LMAMS	8,669	8,669
	MODIFICATIONS		
018	STINGER MODS	28,000	28,000
	TOTAL MISSILE PROCUREMENT, ARMY	**559,283**	**559,283**
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
001	BRADLEY PROGRAM	200,000	200,000
002	ARMORED MULTI PURPOSE VEHICLE (AMPV)	253,903	253,903
	MODIFICATION OF TRACKED COMBAT VEHICLES		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
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Line	Item	FY 2018 Request	Conference Authorized
006	BRADLEY PROGRAM (MOD)	30,000	30,000
008	PALADIN INTEGRATED MANAGEMENT (PIM)	125,736	125,736
014	M1 ABRAMS TANK (MOD)	138,700	138,700
015	ABRAMS UPGRADE PROGRAM	442,800	442,800
	TOTAL PROCUREMENT OF W&TCV, ARMY	**1,191,139**	**1,191,139**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
003	CTG, HANDGUN, ALL TYPES	5	5
004	CTG, .50 CAL, ALL TYPES	121	121
005	CTG, 20MM, ALL TYPES	1,605	1,605
007	CTG, 30MM, ALL TYPES	35,000	35,000
	ARTILLERY AMMUNITION		
015	PROJ 155MM EXTENDED RANGE M982	23,234	23,234
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	20,023	20,023
	MINES		
017	MINES & CLEARING CHARGES, ALL TYPES	11,615	11,615
	ROCKETS		
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	25,000	25,000
020	ROCKET, HYDRA 70, ALL TYPES	75,820	75,820
	OTHER AMMUNITION		
024	SIGNALS, ALL TYPES	1,013	1,013
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	**193,436**	**193,436**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
010	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	25,874	25,874
012	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	38,628	38,628
014	MODIFICATION OF IN SVC EQUIP	64,647	64,647
015	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS	17,508	17,508
	COMM—JOINT COMMUNICATIONS		
020	SIGNAL MODERNIZATION PROGRAM	4,900	4,900
	COMM—COMBAT COMMUNICATIONS		
041	TRACTOR RIDE	1,000	1,000
	COMM—BASE COMMUNICATIONS		
062	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	2,500	2,500
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
068	DCGS-A (MIP)	39,515	39,515
070	TROJAN (MIP)	21,310	21,310
071	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	2,300	2,300
072	CI HUMINT AUTO REPRTING AND COLL(CHARCS)	14,460	14,460
075	BIOMETRIC TACTICAL COLLECTION DEVICES (MIP)	5,180	5,180
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
080	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITIE	16,935	16,935
081	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	18,874	18,874
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
084	NIGHT VISION DEVICES	377	377
085	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	60	60
087	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	57,500	57,500
093	MOD OF IN-SVC EQUIP (LLDR)	3,974	3,974
095	MORTAR FIRE CONTROL SYSTEM	2,947	2,947
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
098	AIR & MSL DEFENSE PLANNING & CONTROL SYS	9,100	9,100
	CHEMICAL DEFENSIVE EQUIPMENT		
119	BASE DEFENSE SYSTEMS (BDS)	3,726	3,726
	COMBAT SERVICE SUPPORT EQUIPMENT		
136	HEATERS AND ECU'S	270	270
142	FIELD FEEDING EQUIPMENT	145	145
143	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	1,980	1,980
	MEDICAL EQUIPMENT		
148	COMBAT SUPPORT MEDICAL	25,690	25,690
	MAINTENANCE EQUIPMENT		
149	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	1,124	1,124
	CONSTRUCTION EQUIPMENT		
153	HYDRAULIC EXCAVATOR	3,850	3,850
157	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	1,932	1,932
	GENERATORS		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
164	GENERATORS AND ASSOCIATED EQUIP	569	569
	TRAINING EQUIPMENT		
168	TRAINING DEVICES, NONSYSTEM	2,700	2,700
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
173	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	7,500	7,500
	OTHER SUPPORT EQUIPMENT		
176	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	8,500	8,500
	TOTAL OTHER PROCUREMENT, ARMY	**405,575**	**405,575**
	JOINT IMPROVISED-THREAT DEFEAT FUND		
	NETWORK ATTACK		
001	RAPID ACQUISITION AND THREAT RESPONSE	483,058	483,058
	TOTAL JOINT IMPROVISED-THREAT DEFEAT FUND.	**483,058**	**483,058**
	AIRCRAFT PROCUREMENT, NAVY		
	OTHER AIRCRAFT		
027	STUASL0 UAV	3,900	3,900
	MODIFICATION OF AIRCRAFT		
034	H–53 SERIES	950	950
035	SH–60 SERIES	15,382	15,382
037	EP–3 SERIES	7,220	7,220
047	SPECIAL PROJECT AIRCRAFT	19,855	19,855
051	COMMON ECM EQUIPMENT	75,530	75,530
062	QRC	15,150	15,150
	AIRCRAFT SPARES AND REPAIR PARTS		
064	SPARES AND REPAIR PARTS	18,850	18,850
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
066	AIRCRAFT INDUSTRIAL FACILITIES	463	463
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**157,300**	**157,300**
	WEAPONS PROCUREMENT, NAVY		
	STRATEGIC MISSILES		
003	TOMAHAWK	100,086	100,086
	TACTICAL MISSILES		
007	STANDARD MISSILE	35,208	35,208
011	HELLFIRE	8,771	8,771
012	LASER MAVERICK	5,040	5,040
	MODIFICATION OF MISSILES		
017	ESSM	1,768	1,768
	GUNS AND GUN MOUNTS		
035	SMALL ARMS AND WEAPONS	1,500	1,500
	TOTAL WEAPONS PROCUREMENT, NAVY	**152,373**	**152,373**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	74,021	74,021
002	JDAM	106,941	106,941
003	AIRBORNE ROCKETS, ALL TYPES	1,184	1,184
007	AIR EXPENDABLE COUNTERMEASURES	15,700	15,700
008	JATOS	540	540
012	OTHER SHIP GUN AMMUNITION	19,689	19,689
013	SMALL ARMS & LANDING PARTY AMMO	1,963	1,963
014	PYROTECHNIC AND DEMOLITION	765	765
016	AMMUNITION LESS THAN $5 MILLION	866	866
	MARINE CORPS AMMUNITION		
020	MORTARS	1,290	1,290
023	DIRECT SUPPORT MUNITIONS	1,355	1,355
024	INFANTRY WEAPONS AMMUNITION	1,854	1,854
033	ARTILLERY MUNITIONS	10,272	10,272
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	**236,440**	**236,440**
	OTHER PROCUREMENT, NAVY		
	OTHER SHIPBOARD EQUIPMENT		
025	UNDERWATER EOD PROGRAMS	12,348	12,348
	SMALL BOATS		
032	STANDARD BOATS	18,000	18,000

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
	SHIP SONARS		
046	SSN ACOUSTIC EQUIPMENT	43,500	43,500
	AVIATION ELECTRONIC EQUIPMENT		
078	NAVAL MISSION PLANNING SYSTEMS	2,550	2,550
	OTHER SHORE ELECTRONIC EQUIPMENT		
080	TACTICAL/MOBILE C4I SYSTEMS	7,900	7,900
081	DCGS-N	6,392	6,392
	CRYPTOGRAPHIC EQUIPMENT		
100	MIO INTEL EXPLOITATION TEAM	3,100	3,100
	CRYPTOLOGIC EQUIPMENT		
101	CRYPTOLOGIC COMMUNICATIONS EQUIP	2,280	2,280
	AIRCRAFT SUPPORT EQUIPMENT		
119	AVIATION SUPPORT EQUIPMENT	29,245	29,245
	SHIP MISSILE SYSTEMS EQUIPMENT		
121	SHIP MISSILE SUPPORT EQUIPMENT	2,436	2,436
	ASW SUPPORT EQUIPMENT		
125	ASW SUPPORT EQUIPMENT	28,400	28,400
	OTHER ORDNANCE SUPPORT EQUIPMENT		
126	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	31,970	31,970
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
132	GENERAL PURPOSE TRUCKS	496	496
134	FIRE FIGHTING EQUIPMENT	2,304	2,304
135	TACTICAL VEHICLES	2,336	2,336
	SUPPLY SUPPORT EQUIPMENT		
141	SUPPLY EQUIPMENT	164	164
143	FIRST DESTINATION TRANSPORTATION	420	420
	COMMAND SUPPORT EQUIPMENT		
147	COMMAND SUPPORT EQUIPMENT	21,650	21,650
152	OPERATING FORCES SUPPORT EQUIPMENT	15,800	15,800
154	ENVIRONMENTAL SUPPORT EQUIPMENT	1,000	1,000
155	PHYSICAL SECURITY EQUIPMENT	15,890	15,890
	CLASSIFIED PROGRAMS		
161A	CLASSIFIED PROGRAMS	2,200	2,200
	SPARES AND REPAIR PARTS		
161	SPARES AND REPAIR PARTS	1,178	1,178
	TOTAL OTHER PROCUREMENT, NAVY	**251,559**	**251,559**
	PROCUREMENT, MARINE CORPS		
	ARTILLERY AND OTHER WEAPONS		
006	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	5,360	5,360
	GUIDED MISSILES		
011	JAVELIN	2,833	2,833
012	FOLLOW ON TO SMAW	49	49
013	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H)	5,024	5,024
	REPAIR AND TEST EQUIPMENT		
017	REPAIR AND TEST EQUIPMENT	8,241	8,241
	OTHER SUPPORT (TEL)		
019	MODIFICATION KITS	750	750
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
020	ITEMS UNDER $5 MILLION (COMM & ELEC)	200	200
	RADAR + EQUIPMENT (NON-TEL)		
024	RQ–21 UAS	8,400	8,400
	INTELL/COMM EQUIPMENT (NON-TEL)		
026	FIRE SUPPORT SYSTEM	50	50
027	INTELLIGENCE SUPPORT EQUIPMENT	3,000	3,000
	OTHER SUPPORT (NON-TEL)		
037	COMMAND POST SYSTEMS	5,777	5,777
038	RADIO SYSTEMS	4,590	4,590
	ENGINEER AND OTHER EQUIPMENT		
053	EOD SYSTEMS	21,000	21,000
	TOTAL PROCUREMENT, MARINE CORPS	**65,274**	**65,274**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	OTHER AIRCRAFT		
017	MQ–9	271,080	271,080
	AIRLIFT AIRCRAFT		
033	C–17A	26,850	26,850

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Line	Item	FY 2018 Request	Conference Authorized
	OTHER AIRCRAFT		
048	C–130J MODS	8,400	8,400
051	COMPASS CALL MODS	56,720	56,720
056	E–8	3,000	3,000
062	HC/MC–130 MODIFICATIONS	153,080	153,080
063	OTHER AIRCRAFT	10,381	10,381
065	MQ–9 MODS	56,400	56,400
	AIRCRAFT SPARES AND REPAIR PARTS		
067	INITIAL SPARES/REPAIR PARTS	129,450	129,450
	COMMON SUPPORT EQUIPMENT		
068	AIRCRAFT REPLACEMENT SUPPORT EQUIP	25,417	25,417
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**740,778**	**740,778**
	MISSILE PROCUREMENT, AIR FORCE		
	TACTICAL		
006	PREDATOR HELLFIRE MISSILE	294,480	294,480
007	SMALL DIAMETER BOMB	90,920	90,920
	CLASS IV		
011	AGM–65D MAVERICK	10,000	10,000
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**395,400**	**395,400**
	SPACE PROCUREMENT, AIR FORCE		
	SPACE PROGRAMS		
010	MILSATCOM	2,256	2,256
	TOTAL SPACE PROCUREMENT, AIR FORCE	**2,256**	**2,256**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	49,050	49,050
	CARTRIDGES		
002	CARTRIDGES	11,384	11,384
	BOMBS		
006	JOINT DIRECT ATTACK MUNITION	390,577	390,577
	FLARES		
015	FLARES	3,498	3,498
	FUZES		
016	FUZES	47,000	47,000
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE.	**501,509**	**501,509**
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
001	PASSENGER CARRYING VEHICLES	3,855	3,855
	CARGO AND UTILITY VEHICLES		
004	CARGO AND UTILITY VEHICLES	1,882	1,882
	SPECIAL PURPOSE VEHICLES		
005	SECURITY AND TACTICAL VEHICLES	1,100	1,100
006	SPECIAL PURPOSE VEHICLES	32,479	32,479
	FIRE FIGHTING EQUIPMENT		
007	FIRE FIGHTING/CRASH RESCUE VEHICLES	22,583	22,583
	MATERIALS HANDLING EQUIPMENT		
008	MATERIALS HANDLING VEHICLES	5,353	5,353
	BASE MAINTENANCE SUPPORT		
009	RUNWAY SNOW REMOV & CLEANING EQUIP	11,315	11,315
010	BASE MAINTENANCE SUPPORT VEHICLES	40,451	40,451
	INTELLIGENCE PROGRAMS		
013	INTERNATIONAL INTEL TECH & ARCHITECTURES	8,873	8,873
015	INTELLIGENCE COMM EQUIPMENT	2,000	2,000
	ELECTRONICS PROGRAMS		
016	AIR TRAFFIC CONTROL & LANDING SYS	56,500	56,500
019	THEATER AIR CONTROL SYS IMPROVEMENTS	4,970	4,970
	SPCL COMM-ELECTRONICS PROJECTS		
029	AIR FORCE PHYSICAL SECURITY SYSTEM	3,000	3,000
	ORGANIZATION AND BASE		
048	BASE COMM INFRASTRUCTURE	55,000	55,000
	PERSONAL SAFETY & RESCUE EQUIP		
051	ITEMS LESS THAN $5 MILLION	8,469	8,469

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
	BASE SUPPORT EQUIPMENT		
053	BASE PROCURED EQUIPMENT	7,500	7,500
054	ENGINEERING AND EOD EQUIPMENT	80,427	80,427
056	ITEMS LESS THAN $5 MILLION	110,405	110,405
	SPECIAL SUPPORT PROJECTS		
058	DARP RC135	700	700
059	DCGS-AF	9,200	9,200
	CLASSIFIED PROGRAMS		
062A	CLASSIFIED PROGRAMS	3,542,825	3,542,825
	TOTAL OTHER PROCUREMENT, AIR FORCE	**4,008,887**	**4,008,887**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DISA		
008	TELEPORT PROGRAM	1,979	1,979
018	DEFENSE INFORMATION SYSTEMS NETWORK	12,000	12,000
	CLASSIFIED PROGRAMS		
045A	CLASSIFIED PROGRAMS	43,653	43,653
	AVIATION PROGRAMS		
046	MANNED ISR	15,900	15,900
047	MC–12	20,000	20,000
050	UNMANNED ISR	38,933	38,933
051	NON-STANDARD AVIATION	9,600	9,600
052	U–28	8,100	22,900
	Program increase—combat loss replacement		[14,800]
053	MH–47 CHINOOK	10,270	10,270
057	MQ–9 UNMANNED AERIAL VEHICLE	19,780	19,780
061	C–130 MODIFICATIONS	3,750	3,750
	AMMUNITION PROGRAMS		
063	ORDNANCE ITEMS <$5M	62,643	62,643
	OTHER PROCUREMENT PROGRAMS		
064	INTELLIGENCE SYSTEMS	12,000	12,000
069	TACTICAL VEHICLES	38,527	38,527
070	WARRIOR SYSTEMS <$5M	20,215	20,215
073	OPERATIONAL ENHANCEMENTS INTELLIGENCE	7,134	7,134
075	OPERATIONAL ENHANCEMENTS	193,542	209,442
	Unfunded requirement- Joint Task Force Platform Expansion		[15,900]
	TOTAL PROCUREMENT, DEFENSE-WIDE	**518,026**	**548,726**
	TOTAL PROCUREMENT	**10,286,979**	**10,317,679**

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2018 Request	Conference Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		BASIC RESEARCH		
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH.	12,010	12,010
002	0601102A	DEFENSE RESEARCH SCIENCES	263,590	263,590
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	67,027	67,027
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	87,395	92,395
		Basic research program increase		[5,000]
		SUBTOTAL BASIC RESEARCH	**430,022**	**435,022**

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2018 Request	Conference Authorized
		APPLIED RESEARCH		
005	0602105A	MATERIALS TECHNOLOGY	29,640	29,640
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	35,730	35,730
007	0602122A	TRACTOR HIP	8,627	8,627
008	0602211A	AVIATION TECHNOLOGY	66,086	66,086
009	0602270A	ELECTRONIC WARFARE TECHNOLOGY	27,144	27,144
010	0602303A	MISSILE TECHNOLOGY	43,742	43,742
011	0602307A	ADVANCED WEAPONS TECHNOLOGY	22,785	22,785
012	0602308A	ADVANCED CONCEPTS AND SIMULATION	28,650	28,650
013	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY.	67,232	67,232
014	0602618A	BALLISTICS TECHNOLOGY	85,309	85,309
015	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY.	4,004	4,004
016	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	5,615	5,615
017	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	41,455	41,455
018	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	58,352	60,352
		Program increase		[2,000]
019	0602709A	NIGHT VISION TECHNOLOGY	34,723	34,723
020	0602712A	COUNTERMINE SYSTEMS	26,190	26,190
021	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	24,127	24,127
022	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	21,678	21,678
023	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY.	33,123	33,123
024	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	14,041	14,041
025	0602784A	MILITARY ENGINEERING TECHNOLOGY	67,720	67,720
026	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	20,216	20,216
027	0602786A	WARFIGHTER TECHNOLOGY	39,559	44,559
		Program increase		[5,000]
028	0602787A	MEDICAL TECHNOLOGY	83,434	83,434
		SUBTOTAL APPLIED RESEARCH	**889,182**	**896,182**
		ADVANCED TECHNOLOGY DEVELOPMENT		
029	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	44,863	44,863
030	0603002A	MEDICAL ADVANCED TECHNOLOGY	67,780	67,780
031	0603003A	AVIATION ADVANCED TECHNOLOGY	160,746	160,746
032	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY.	84,079	84,079
033	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY.	125,537	125,537
034	0603006A	SPACE APPLICATION ADVANCED TECHNOLOGY	12,231	12,231
035	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY.	6,466	6,466
036	0603009A	TRACTOR HIKE	40,552	40,552
037	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS.	16,434	16,434
039	0603125A	COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT.	26,903	26,903
040	0603130A	TRACTOR NAIL	4,880	4,880
041	0603131A	TRACTOR EGGS	4,326	4,326
042	0603270A	ELECTRONIC WARFARE TECHNOLOGY	31,296	31,296
043	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	62,850	64,850
		Simulation upgrades for land based anti-ship missile development.		[2,000]
044	0603322A	TRACTOR CAGE	12,323	12,323
045	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM.	182,331	182,331
046	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY.	17,948	17,948
047	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	5,796	5,796
048	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	47,135	47,135
049	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS.	10,421	10,421
050	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY.	32,448	27,448
		Combat engineering system		[–5,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2018 Request	Conference Authorized
051	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY.	52,206	52,206
052	0603794A	C3 ADVANCED TECHNOLOGY	33,426	33,426
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	**1,082,977**	**1,079,977**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
053	0603305A	ARMY MISSLE DEFENSE SYSTEMS INTEGRATION	9,634	9,634
055	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING.	42,649	42,649
056	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	72,909	72,909
057	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV.	7,135	7,135
058	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	41,452	72,352
		UFR: Munitions and CM development		[24,450]
		Unfunded requirement—JLTV lethality 30mm upgrade.		[4,000]
		Unfunded requirement—RF countermeasures		[2,450]
059	0603645A	ARMORED SYSTEM MODERNIZATION—ADV DEV	32,739	82,739
		Unfunded requirement		[50,000]
060	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	10,157	10,157
061	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV.	27,733	29,353
		UFR: Funds of the Advanced Miniaturized Data Acquisition System-Next.		[1,620]
062	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT.	12,347	12,347
063	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL.	10,456	10,456
064	0603790A	NATO RESEARCH AND DEVELOPMENT	2,588	2,588
065	0603801A	AVIATION—ADV DEV	14,055	14,055
066	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV.	35,333	35,333
067	0603807A	MEDICAL SYSTEMS—ADV DEV	33,491	33,491
068	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	20,239	35,239
		Enhanced lightweight body armor and combat helmets technology.		[15,000]
069	0604017A	ROBOTICS DEVELOPMENT	39,608	39,608
070	0604100A	ANALYSIS OF ALTERNATIVES	9,921	9,921
071	0604114A	LOWER TIER AIR MISSILE DEFENSE (LTAMD) SENSOR.	76,728	76,728
072	0604115A	TECHNOLOGY MATURATION INITIATIVES	115,221	115,221
073	0604117A	MANEUVER—SHORT RANGE AIR DEFENSE (M-SHORAD).	20,000	20,000
074	0604118A	TRACTOR BEAM	10,400	10,400
075	0604120A	ASSURED POSITIONING, NAVIGATION AND TIMING (PNT).	164,967	164,967
076	0604121A	SYNTHETIC TRAINING ENVIRONMENT REFINEMENT & PROTOTYPING.	1,600	1,600
077	0604319A	INDIRECT FIRE PROTECTION CAPABILITY INCREMENT 2–INTERCEPT (IFPC2).	11,303	11,303
078	0305251A	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT.	56,492	56,492
079	1206308A	ARMY SPACE SYSTEMS INTEGRATION	20,432	20,432
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**899,589**	**997,109**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
080	0604201A	AIRCRAFT AVIONICS	30,153	42,153
		UFR: Funds implementation of Assured Position, Navigation, and Timing (A-PNT).		[12,000]
081	0604270A	ELECTRONIC WARFARE DEVELOPMENT	71,671	71,671
083	0604290A	MID-TIER NETWORKING VEHICULAR RADIO (MNVR).	10,589	10,589
084	0604321A	ALL SOURCE ANALYSIS SYSTEM	4,774	4,774
085	0604328A	TRACTOR CAGE	17,252	30,252

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2018 Request	Conference Authorized
		UFR: Provides the Army's Cyber Mission Force (CMF) with classified cyber tools.		[13,000]
086	0604601A	INFANTRY SUPPORT WEAPONS	87,643	88,793
		UFR: Acceleration of qualification of XM914 and XM913.		[6,000]
		XM–25 contract termination		[–4,850]
087	0604604A	MEDIUM TACTICAL VEHICLES	6,039	6,039
088	0604611A	JAVELIN	21,095	21,095
089	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	10,507	10,507
090	0604633A	AIR TRAFFIC CONTROL	3,536	3,536
092	0604642A	LIGHT TACTICAL WHEELED VEHICLES	7,000	7,000
093	0604645A	ARMORED SYSTEMS MODERNIZATION (ASM)—ENG DEV.	36,242	36,242
094	0604710A	NIGHT VISION SYSTEMS—ENG DEV	108,504	126,004
		UFR: Develop Thermal Weapon Sights		[17,500]
095	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	3,702	3,702
096	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	43,575	43,575
097	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV.	28,726	28,726
098	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT.	18,562	18,562
099	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	8,344	8,344
100	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV.	11,270	11,270
101	0604768A	BRILLIANT ANTI-ARMOR SUBMUNITION (BAT)	10,000	10,000
102	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE.	18,566	18,566
103	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION.	145,360	145,360
104	0604802A	WEAPONS AND MUNITIONS—ENG DEV	145,232	157,410
		UFR: 105mm Anti-Personnel / Wall Breach Ammunition.		[8,000]
		UFR: Devops the 40mm Low Velocity M320 Door Breaching cartridge.		[4,178]
105	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV.	90,965	90,965
106	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV.	9,910	9,910
107	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV.	39,238	39,238
108	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	34,684	34,684
109	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE.	164,409	164,409
110	0604820A	RADAR DEVELOPMENT	32,968	32,968
111	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS).	49,554	49,554
112	0604823A	FIREFINDER	45,605	45,605
113	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	16,127	16,127
114	0604852A	SUITE OF SURVIVABILITY ENHANCEMENT SYSTEMS—EMD.	98,600	133,600
		UFR: Expands installation of Active Protection Systems.		[25,000]
		UFR: Modular Active Protection System		[10,000]
115	0604854A	ARTILLERY SYSTEMS—EMD	1,972	3,972
		Unfunded requirement—IT3 demonstrator		[2,000]
116	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	81,776	81,776
117	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A).	172,361	172,361
118	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV)	199,778	199,778
119	0605029A	INTEGRATED GROUND SECURITY SURVEILLANCE RESPONSE CAPABILITY (IGSSR-C).	4,418	4,418
120	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC)	15,877	15,877
121	0605031A	JOINT TACTICAL NETWORK (JTN)	44,150	44,150
122	0605032A	TRACTOR TIRE	34,670	113,570
		UFR: Develops Offensive Cyber Operations capabilities.		[78,900]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2018 Request	Conference Authorized
123	0605033A	GROUND-BASED OPERATIONAL SURVEILLANCE SYSTEM—EXPEDITIONARY (GBOSS-E).	5,207	5,207
124	0605034A	TACTICAL SECURITY SYSTEM (TSS)	4,727	4,727
125	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM).	105,778	105,778
126	0605036A	COMBATING WEAPONS OF MASS DESTRUCTION (CWMD).	6,927	6,927
127	0605037A	EVIDENCE COLLECTION AND DETAINEE PROCESSING.	214	214
128	0605038A	NUCLEAR BIOLOGICAL CHEMICAL RECONNAISSANCE VEHICLE (NBCRV) SENSOR SUITE.	16,125	16,125
129	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT	55,165	55,165
130	0605042A	TACTICAL NETWORK RADIO SYSTEMS (LOW-TIER)	20,076	20,076
131	0605047A	CONTRACT WRITING SYSTEM	20,322	20,322
132	0605049A	MISSILE WARNING SYSTEM MODERNIZATION (MWSM).	55,810	210,810
		UFR: Supports Directed Requirement for Limited Interim Missile Warning System to detect Enemy (MANPADS).		[155,000]
133	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	30,879	30,879
134	0605052A	INDIRECT FIRE PROTECTION CAPABILITY INC 2—BLOCK 1.	175,069	175,069
135	0605053A	GROUND ROBOTICS	70,760	70,760
137	0605380A	AMF JOINT TACTICAL RADIO SYSTEM (JTRS)	8,965	8,965
138	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	34,626	34,626
140	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD).	336,420	252,320
		Program Reduction		[–84,100]
143	0605766A	NATIONAL CAPABILITIES INTEGRATION (MIP)	6,882	9,382
		UFR: Funds development for Remote Ground Terminal.		[2,500]
144	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	23,467	23,467
145	0605830A	AVIATION GROUND SUPPORT EQUIPMENT	6,930	6,930
146	0210609A	PALADIN INTEGRATED MANAGEMENT (PIM)	6,112	6,112
147	0303032A	TROJAN—RH12	4,431	4,431
150	0304270A	ELECTRONIC WARFARE DEVELOPMENT	14,616	14,616
151	1205117A	TRACTOR BEARS	17,928	17,928
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**3,012,840**	**3,257,968**
		RDT&E MANAGEMENT SUPPORT		
152	0604256A	THREAT SIMULATOR DEVELOPMENT	22,862	22,862
153	0604258A	TARGET SYSTEMS DEVELOPMENT	13,902	13,902
154	0604759A	MAJOR T&E INVESTMENT	102,901	102,901
155	0605103A	RAND ARROYO CENTER	20,140	20,140
156	0605301A	ARMY KWAJALEIN ATOLL	246,663	246,663
157	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	29,820	29,820
159	0605601A	ARMY TEST RANGES AND FACILITIES	307,588	307,588
160	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS.	49,242	49,242
161	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	41,843	41,843
162	0605606A	AIRCRAFT CERTIFICATION	4,804	4,804
163	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES.	7,238	7,238
164	0605706A	MATERIEL SYSTEMS ANALYSIS	21,890	21,890
165	0605709A	EXPLOITATION OF FOREIGN ITEMS	12,684	12,684
166	0605712A	SUPPORT OF OPERATIONAL TESTING	51,040	51,040
167	0605716A	ARMY EVALUATION CENTER	56,246	56,246
168	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG.	1,829	1,829
169	0605801A	PROGRAMWIDE ACTIVITIES	55,060	55,060
170	0605803A	TECHNICAL INFORMATION ACTIVITIES	33,934	33,934
171	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY.	43,444	43,444

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2018 Request	Conference Authorized
172	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT.	5,087	5,087
173	0605898A	ARMY DIRECT REPORT HEADQUARTERS—R&D - MHA.	54,679	54,679
174	0606001A	MILITARY GROUND-BASED CREW TECHNOLOGY ...	7,916	7,916
175	0606002A	RONALD REAGAN BALLISTIC MISSILE DEFENSE TEST SITE.	61,254	61,254
176	0303260A	DEFENSE MILITARY DECEPTION INITIATIVE	1,779	1,779
		SUBTOTAL RDT&E MANAGEMENT SUPPORT ..	**1,253,845**	**1,253,845**
		OPERATIONAL SYSTEMS DEVELOPMENT		
178	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	8,929	8,929
179	0603813A	TRACTOR PULL	4,014	4,014
180	0605024A	ANTI-TAMPER TECHNOLOGY SUPPORT	4,094	4,094
181	0607131A	WEAPONS AND MUNITIONS PRODUCT IMPROVEMENT PROGRAMS.	15,738	15,738
182	0607133A	TRACTOR SMOKE	4,513	4,513
183	0607134A	LONG RANGE PRECISION FIRES (LRPF)	102,014	158,745
		UFR: Accelerates LRPF procurement from FY25		[42,731]
		Unfunded requirement—CDAEM Bridging Strategy - M999 T&E.		[14,000]
184	0607135A	APACHE PRODUCT IMPROVEMENT PROGRAM	59,977	59,977
185	0607136A	BLACKHAWK PRODUCT IMPROVEMENT PROGRAM	34,416	43,716
		Unfunded requirement—UH–60V development		[9,300]
186	0607137A	CHINOOK PRODUCT IMPROVEMENT PROGRAM	194,567	194,567
187	0607138A	FIXED WING PRODUCT IMPROVEMENT PROGRAM	9,981	9,981
188	0607139A	IMPROVED TURBINE ENGINE PROGRAM	204,304	204,304
189	0607140A	EMERGING TECHNOLOGIES FROM NIE	1,023	1,023
190	0607141A	LOGISTICS AUTOMATION	1,504	1,504
191	0607142A	AVIATION ROCKET SYSTEM PRODUCT IMPROVEMENT AND DEVELOPMENT.	10,064	18,064
		UFR: Qualifies M282 for use by AH–64 aircraft		[8,000]
192	0607143A	UNMANNED AIRCRAFT SYSTEM UNIVERSAL PRODUCTS.	38,463	38,463
193	0607665A	FAMILY OF BIOMETRICS	6,159	6,159
194	0607865A	PATRIOT PRODUCT IMPROVEMENT	90,217	180,217
		UFR: Funds Terminal High Altitude Area Defense (THAAD)/Missile Segment Enhanced (MSE) integration.		[90,000]
195	0202429A	AEROSTAT JOINT PROJECT—COCOM EXERCISE	6,749	6,749
196	0203728A	JOINT AUTOMATED DEEP OPERATION COORDINATION SYSTEM (JADOCS).	33,520	33,520
197	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	343,175	351,175
		Unfunded requirement—M88A2E1		[8,000]
198	0203740A	MANEUVER CONTROL SYSTEM	6,639	6,639
199	0203743A	155MM SELF-PROPELLED HOWITZER IMPROVEMENTS.	40,784	40,784
200	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS.	39,358	39,358
201	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM.	145	145
202	0203758A	DIGITIZATION	4,803	4,803
203	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM.	2,723	28,723
		UFR: Supports research for the Stinger Product Improvement Program (PIP).		[26,000]
204	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS.	5,000	5,000
205	0203808A	TRACTOR CARD	37,883	37,883
207	0205410A	MATERIALS HANDLING EQUIPMENT	1,582	1,582
208	0205412A	ENVIRONMENTAL QUALITY TECHNOLOGY—OPERATIONAL SYSTEM DEV.	195	195
209	0205456A	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SYSTEM.	78,926	78,926
210	0205778A	GUIDED MULTIPLE-LAUNCH ROCKET SYSTEM (GMLRS).	102,807	102,807
213	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	13,807	35,652

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		UFR: Funds Offensive Cyber capabilities development.		[21,845]
214	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	132,438	132,438
215	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	64,370	64,370
217	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM.	10,475	10,475
220	0305172A	COMBINED ADVANCED APPLICATIONS	1,100	1,100
222	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	9,433	9,433
223	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	5,080	5,080
224	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	24,700	20,480
		Historical underexecution		[–4,220]
225	0305219A	MQ–1C GRAY EAGLE UAS	9,574	9,574
226	0305232A	RQ–11 UAV	2,191	2,191
227	0305233A	RQ–7 UAV	12,773	12,773
228	0307665A	BIOMETRICS ENABLED INTELLIGENCE	2,537	2,537
229	0310349A	WIN-T INCREMENT 2—INITIAL NETWORKING	4,723	4,723
230	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES.	60,877	65,877
		Development of improved manufacturing technology for separation, extraction, smelter, sintering, leaching, processing, beneficiation, or production of specialty metals such as lanthanide elements, yttrium or scandium.		[5,000]
231	1203142A	SATCOM GROUND ENVIRONMENT (SPACE)	11,959	11,959
232	1208053A	JOINT TACTICAL GROUND SYSTEM	10,228	10,228
232A	9999999999	CLASSIFIED PROGRAMS	7,154	7,154
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**1,877,685**	**2,098,341**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	**9,446,140**	**10,018,444**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	118,130	128,130
		Defense University Research Instrumentation Program.		[10,000]
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH.	19,438	19,438
003	0601153N	DEFENSE RESEARCH SCIENCES	458,333	458,333
		SUBTOTAL BASIC RESEARCH	**595,901**	**605,901**
		APPLIED RESEARCH		
004	0602114N	POWER PROJECTION APPLIED RESEARCH	13,553	13,553
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	125,557	125,557
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	53,936	53,936
007	0602235N	COMMON PICTURE APPLIED RESEARCH	36,450	36,450
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	48,649	48,649
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH.	79,598	79,598
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH.	42,411	57,411
		AGOR SLEP		[15,000]
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH.	6,425	6,425
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	56,094	66,094
		Program increase		[10,000]
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH.	156,805	156,805
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH.	32,733	34,733
		MS–177A Maritime Sensor		[2,000]
015	0602792N	INNOVATIVE NAVAL PROTOTYPES (INP) APPLIED RESEARCH.	171,146	164,146
		General decrease		[–7,000]

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016	0602861N	SCIENCE AND TECHNOLOGY MANAGEMENT—ONR FIELD ACITIVITIES.	62,722	62,722
		SUBTOTAL APPLIED RESEARCH	**886,079**	**906,079**
		ADVANCED TECHNOLOGY DEVELOPMENT		
019	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	26,342	26,342
020	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY.	9,360	9,360
021	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD).	154,407	154,407
022	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT.	13,448	13,448
023	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT.	231,772	229,030
		Capable manpower, enterprise and platform enablers.		[–2,742]
024	0603680N	MANUFACTURING TECHNOLOGY PROGRAM	57,797	57,797
025	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY.	4,878	4,878
027	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS.	64,889	64,889
028	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY.	15,164	15,164
029	0603801N	INNOVATIVE NAVAL PROTOTYPES (INP) ADVANCED TECHNOLOGY DEVELOPMENT.	108,285	133,285
		Program increase for railgun tactical demonstrator		[10,000]
		Underwater unmanned vehicle prototypes		[15,000]
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	**686,342**	**708,600**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
030	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	48,365	48,365
031	0603216N	AVIATION SURVIVABILITY	5,566	5,566
033	0603251N	AIRCRAFT SYSTEMS	695	695
034	0603254N	ASW SYSTEMS DEVELOPMENT	7,661	7,661
035	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	3,707	3,707
036	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	61,381	61,381
037	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES.	154,117	118,117
		Reduce Barracuda		[–16,000]
		Reduce Snakehead		[–20,000]
038	0603506N	SURFACE SHIP TORPEDO DEFENSE	14,974	14,974
039	0603512N	CARRIER SYSTEMS DEVELOPMENT	9,296	9,296
040	0603525N	PILOT FISH	132,083	132,083
041	0603527N	RETRACT LARCH	15,407	15,407
042	0603536N	RETRACT JUNIPER	122,413	122,413
043	0603542N	RADIOLOGICAL CONTROL	745	745
044	0603553N	SURFACE ASW	1,136	1,136
045	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	100,955	100,955
046	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	13,834	13,834
047	0603563N	SHIP CONCEPT ADVANCED DESIGN	36,891	36,891
048	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES.	12,012	42,012
		Aircraft carrier preliminary design		[30,000]
049	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	329,500	329,500
050	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	29,953	29,953
051	0603576N	CHALK EAGLE	191,610	191,610
052	0603581N	LITTORAL COMBAT SHIP (LCS)	40,991	40,991
053	0603582N	COMBAT SYSTEM INTEGRATION	24,674	24,674
054	0603595N	OHIO REPLACEMENT	776,158	776,158
055	0603596N	LCS MISSION MODULES	116,871	116,871
056	0603597N	AUTOMATED TEST AND ANALYSIS	8,052	8,052
057	0603599N	FRIGATE DEVELOPMENT	143,450	143,450
058	0603609N	CONVENTIONAL MUNITIONS	8,909	8,909
060	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM.	1,428	1,428

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061	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT.	53,367	53,367
063	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT.	8,212	8,212
064	0603721N	ENVIRONMENTAL PROTECTION	20,214	20,214
065	0603724N	NAVY ENERGY PROGRAM	50,623	25,623
		Program strategy change		[–25,000]
066	0603725N	FACILITIES IMPROVEMENT	2,837	2,837
067	0603734N	CHALK CORAL	245,143	245,143
068	0603739N	NAVY LOGISTIC PRODUCTIVITY	2,995	2,995
069	0603746N	RETRACT MAPLE	306,101	306,101
070	0603748N	LINK PLUMERIA	253,675	253,675
071	0603751N	RETRACT ELM	55,691	55,691
072	0603764N	LINK EVERGREEN	48,982	48,982
074	0603790N	NATO RESEARCH AND DEVELOPMENT	9,099	9,099
075	0603795N	LAND ATTACK TECHNOLOGY	33,568	33,568
076	0603851M	JOINT NON-LETHAL WEAPONS TESTING	29,873	29,873
077	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL.	106,391	106,391
078	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS.	107,310	122,310
		Program increase for railgun tactical demonstrator		[15,000]
079	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78—80).	83,935	83,935
081	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM).	46,844	46,844
083	0604286M	MARINE CORPS ADDITIVE MANUFACTURING TECHNOLOGY DEVELOPMENT.	6,200	6,200
085	0604320M	RAPID TECHNOLOGY CAPABILITY PROTOTYPE	7,055	17,055
		Increase rapid acquisition capability for Marine Corps Warfighting Lab.		[10,000]
086	0604454N	LX (R)	9,578	9,578
087	0604536N	ADVANCED UNDERSEA PROTOTYPING	66,543	66,543
089	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM.	31,315	31,315
090	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT.	42,851	42,851
091	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT.	160,694	160,694
093	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	8,278	8,278
094	0304240M	ADVANCED TACTICAL UNMANNED AIRCRAFT SYSTEM.	7,979	7,979
095	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	527	527
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**4,218,714**	**4,212,714**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
096	0603208N	TRAINING SYSTEM AIRCRAFT	16,945	16,945
097	0604212N	OTHER HELO DEVELOPMENT	26,786	26,786
098	0604214N	AV–8B AIRCRAFT—ENG DEV	48,780	48,780
099	0604215N	STANDARDS DEVELOPMENT	2,722	2,722
100	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT.	5,371	5,371
101	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	782	782
102	0604221N	P–3 MODERNIZATION PROGRAM	1,361	1,361
103	0604230N	WARFARE SUPPORT SYSTEM	14,167	14,167
104	0604231N	TACTICAL COMMAND SYSTEM	55,695	55,695
105	0604234N	ADVANCED HAWKEYE	292,535	292,535
106	0604245N	H–1 UPGRADES	61,288	61,288
107	0604261N	ACOUSTIC SEARCH SENSORS	37,167	37,167
108	0604262N	V–22A	171,386	186,386
		UFR: MV–22 Common Configuration CC-RAM improvements.		[15,000]
109	0604264N	AIR CREW SYSTEMS DEVELOPMENT	13,235	33,235
		Air Crew Sensor Improvements		[10,000]
		Physiological Episode prize competition		[10,000]
110	0604269N	EA–18	173,488	173,488

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111	0604270N	ELECTRONIC WARFARE DEVELOPMENT	54,055	57,055
		Unfunded requirement—Intrepid Tiger II (V)3 UH–1Y jettison capability.		[3,000]
112	0604273N	EXECUTIVE HELO DEVELOPMENT	451,938	451,938
113	0604274N	NEXT GENERATION JAMMER (NGJ)	632,936	628,936
		Unjustified cost growth		[–4,000]
114	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY).	4,310	4,310
115	0604282N	NEXT GENERATION JAMMER (NGJ) INCREMENT II	66,686	66,686
116	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING.	390,238	390,238
117	0604311N	LPD–17 CLASS SYSTEMS INTEGRATION	689	689
118	0604329N	SMALL DIAMETER BOMB (SDB)	112,846	112,846
119	0604366N	STANDARD MISSILE IMPROVEMENTS	158,578	158,578
120	0604373N	AIRBORNE MCM	15,734	15,734
122	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING.	25,445	25,445
124	0604501N	ADVANCED ABOVE WATER SENSORS	87,233	87,233
125	0604503N	SSN–688 AND TRIDENT MODERNIZATION	130,981	130,981
126	0604504N	AIR CONTROL	75,186	75,186
127	0604512N	SHIPBOARD AVIATION SYSTEMS	177,926	177,926
128	0604518N	COMBAT INFORMATION CENTER CONVERSION	8,062	8,062
129	0604522N	AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM.	32,090	32,090
130	0604558N	NEW DESIGN SSN	120,087	120,087
131	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	50,850	50,850
132	0604567N	SHIP CONTRACT DESIGN/LIVE FIRE T&E	67,166	67,166
133	0604574N	NAVY TACTICAL COMPUTER RESOURCES	4,817	4,817
134	0604580N	VIRGINIA PAYLOAD MODULE (VPM)	72,861	72,861
135	0604601N	MINE DEVELOPMENT	25,635	25,635
136	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	28,076	28,076
137	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT.	7,561	7,561
138	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS.	40,828	40,828
139	0604727N	JOINT STANDOFF WEAPON SYSTEMS	435	435
140	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	161,713	161,713
141	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	212,412	212,412
142	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	103,391	103,391
143	0604761N	INTELLIGENCE ENGINEERING	34,855	34,855
144	0604771N	MEDICAL DEVELOPMENT	9,353	9,353
145	0604777N	NAVIGATION/ID SYSTEM	92,546	92,546
146	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	152,934	244,134
		SDD plus up		[91,200]
147	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	108,931	175,631
		SDD plus up		[66,700]
148	0604810M	JOINT STRIKE FIGHTER FOLLOW ON MODERNIZATION (FOM)—MARINE CORPS.	144,958	144,958
149	0604810N	JOINT STRIKE FIGHTER FOLLOW ON MODERNIZATION (FOM)—NAVY.	143,855	143,855
150	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	14,865	14,865
151	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	152,977	152,977
152	0605024N	ANTI-TAMPER TECHNOLOGY SUPPORT	3,410	3,410
153	0605212N	CH–53K RDTE	340,758	340,758
154	0605215N	MISSION PLANNING	33,430	33,430
155	0605217N	COMMON AVIONICS	58,163	58,163
156	0605220N	SHIP TO SHORE CONNECTOR (SSC)	22,410	22,410
157	0605327N	T-AO 205 CLASS	1,961	1,961
158	0605414N	UNMANNED CARRIER AVIATION (UCA)	222,208	222,208
159	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM)	15,473	15,473
160	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	11,795	11,795
161	0605504N	MULTI-MISSION MARITIME (MMA) INCREMENT III	181,731	181,731
162	0605611M	MARINE CORPS ASSAULT VEHICLES SYSTEM DEVELOPMENT & DEMONSTRATION.	178,993	178,993
163	0605813M	JOINT LIGHT TACTICAL VEHICLE (JLTV) SYSTEM DEVELOPMENT & DEMONSTRATION.	20,710	20,710
164	0204202N	DDG–1000	140,500	140,500

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168	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	28,311	28,311
170	0306250M	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT.	4,502	4,502
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**6,362,102**	**6,554,002**
		MANAGEMENT SUPPORT		
171	0604256N	THREAT SIMULATOR DEVELOPMENT	91,819	91,819
172	0604258N	TARGET SYSTEMS DEVELOPMENT	23,053	23,053
173	0604759N	MAJOR T&E INVESTMENT	52,634	59,634
		Program increase		[7,000]
174	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION.	141	141
175	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	3,917	3,917
176	0605154N	CENTER FOR NAVAL ANALYSES	50,432	50,432
179	0605804N	TECHNICAL INFORMATION SERVICES	782	782
180	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT.	94,562	94,562
181	0605856N	STRATEGIC TECHNICAL SUPPORT	4,313	4,313
182	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT.	1,104	1,104
183	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	105,666	105,666
184	0605864N	TEST AND EVALUATION SUPPORT	373,667	413,667
		Program increase		[40,000]
185	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY.	20,298	20,298
186	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT.	17,341	17,341
188	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	21,751	21,751
189	0605898N	MANAGEMENT HQ—R&D	44,279	44,279
190	0606355N	WARFARE INNOVATION MANAGEMENT	28,841	28,841
191	0902498N	MANAGEMENT HEADQUARTERS (DEPARTMENTAL SUPPORT ACTIVITIES).	1,749	1,749
194	1206867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	9,408	9,408
		SUBTOTAL MANAGEMENT SUPPORT	**945,757**	**992,757**
		OPERATIONAL SYSTEMS DEVELOPMENT		
196	0607658N	COOPERATIVE ENGAGEMENT CAPABILITY (CEC)	92,571	103,571
		CEC IFF Mode 5 Acceleration		[11,000]
197	0607700N	DEPLOYABLE JOINT COMMAND AND CONTROL	3,137	3,137
198	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	135,219	135,219
199	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	36,242	36,242
200	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	12,053	12,053
201	0101402N	NAVY STRATEGIC COMMUNICATIONS	18,221	18,221
203	0204136N	F/A–18 SQUADRONS	224,470	216,042
		Program reduction- delayed procurement rates		[–8,428]
204	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	33,525	33,525
205	0204228N	SURFACE SUPPORT	24,829	24,829
206	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC).	133,617	142,617
		Tomahawk Modernization		[9,000]
207	0204311N	INTEGRATED SURVEILLANCE SYSTEM	38,972	38,972
208	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT).	3,940	3,940
209	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	54,645	54,645
210	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT.	66,518	66,518
211	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,155	1,155
212	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT.	51,040	51,040
213	0205601N	HARM IMPROVEMENT	87,989	97,989
		Unfunded requirement—AARGM Derivative Program.		[10,000]
214	0205604N	TACTICAL DATA LINKS	89,852	89,852
215	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	29,351	29,351
216	0205632N	MK–48 ADCAP	68,553	68,553
217	0205633N	AVIATION IMPROVEMENTS	119,099	119,099

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218	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	127,445	127,445
219	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	123,825	123,825
220	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S).	7,343	7,343
221	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS.	66,009	66,009
222	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	25,258	25,258
223	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP).	30,886	30,886
224	0206629M	AMPHIBIOUS ASSAULT VEHICLE	58,728	58,728
225	0207161N	TACTICAL AIM MISSILES	42,884	51,884
		Unfunded requirement—AIM–9X Blk II Systems Improvement program.		[9,000]
226	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM).	25,364	25,364
232	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES).	24,271	24,271
233	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	50,269	50,269
236	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES.	6,352	6,352
237	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	7,770	7,770
238	0305205N	UAS INTEGRATION AND INTEROPERABILITY	39,736	39,736
239	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	12,867	12,867
240	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	46,150	46,150
241	0305220N	MQ–4C TRITON	84,115	84,115
242	0305231N	MQ–8 UAV	62,656	62,656
243	0305232M	RQ–11 UAV	2,022	2,022
245	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	4,835	4,835
246	0305239M	RQ–21A	8,899	8,899
247	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOPMENT	99,020	99,020
248	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAYLOADS (MIP).	18,578	18,578
249	0305421N	RQ–4 MODERNIZATION	229,404	229,404
250	0308601N	MODELING AND SIMULATION SUPPORT	5,238	5,238
251	0702207N	DEPOT MAINTENANCE (NON-IF)	38,227	38,227
252	0708730N	MARITIME TECHNOLOGY (MARITECH)	4,808	4,808
253	1203109N	SATELLITE COMMUNICATIONS (SPACE)	37,836	37,836
253A	9999999999	CLASSIFIED PROGRAMS	1,424,347	1,424,347
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**4,040,140**	**4,070,712**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	**17,735,035**	**18,050,765**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		BASIC RESEARCH		
001	0601102F	DEFENSE RESEARCH SCIENCES	342,919	342,919
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	147,923	147,923
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	14,417	14,417
		SUBTOTAL BASIC RESEARCH	**505,259**	**505,259**
		APPLIED RESEARCH		
004	0602102F	MATERIALS	124,264	124,264
005	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	124,678	129,678
		Program increase		[5,000]
006	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	108,784	128,284
		Advanced training environments		[19,500]
007	0602203F	AEROSPACE PROPULSION	192,695	200,195
		Educational Partnership Agreements		[5,000]
		Unfunded Requirement		[2,500]
008	0602204F	AEROSPACE SENSORS	152,782	152,782
009	0602298F	SCIENCE AND TECHNOLOGY MANAGEMENT—MAJOR HEADQUARTERS ACTIVITIES.	8,353	8,353
010	0602601F	SPACE TECHNOLOGY	116,503	116,503
011	0602602F	CONVENTIONAL MUNITIONS	112,195	112,195

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012	0602605F	DIRECTED ENERGY TECHNOLOGY	132,993	141,293
		Unfunded Requirement		[8,300]
013	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS.	167,818	167,818
014	0602890F	HIGH ENERGY LASER RESEARCH	43,049	43,049
		SUBTOTAL APPLIED RESEARCH	**1,284,114**	**1,324,414**
		ADVANCED TECHNOLOGY DEVELOPMENT		
015	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	37,856	37,856
016	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	22,811	22,811
017	0603203F	ADVANCED AEROSPACE SENSORS	40,978	40,978
018	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	115,966	121,666
		Unfunded requirement		[5,700]
019	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY.	104,499	117,999
		Unfunded requirement		[13,500]
020	0603270F	ELECTRONIC COMBAT TECHNOLOGY	60,551	60,551
021	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	58,910	58,910
022	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	10,433	10,433
023	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT.	33,635	33,635
024	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	167,415	167,415
025	0603605F	ADVANCED WEAPONS TECHNOLOGY	45,502	45,502
026	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	46,450	46,450
027	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION.	49,011	49,011
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	**794,017**	**813,217**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
028	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	5,652	5,652
030	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	24,397	24,397
031	0603790F	NATO RESEARCH AND DEVELOPMENT	3,851	3,851
033	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL.	10,736	10,736
034	0603859F	POLLUTION PREVENTION—DEM/VAL	2	2
035	0604015F	LONG RANGE STRIKE—BOMBER	2,003,580	2,003,580
036	0604201F	INTEGRATED AVIONICS PLANNING AND DEVELOPMENT.	65,458	65,458
037	0604257F	ADVANCED TECHNOLOGY AND SENSORS	68,719	94,919
		Unfunded requirement—ASARS–2B		[11,500]
		Unfunded requirement—Hyperspectral Chip Development.		[14,700]
038	0604288F	NATIONAL AIRBORNE OPS CENTER (NAOC) RECAP	7,850	7,850
039	0604317F	TECHNOLOGY TRANSFER	3,295	3,295
040	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	17,365	17,365
041	0604414F	CYBER RESILIENCY OF WEAPON SYSTEMS-ACS	32,253	42,453
		UFR: Cyber Security & Resiliency for Weapon Systems.		[10,200]
044	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D	26,222	26,222
046	0604858F	TECH TRANSITION PROGRAM	840,650	935,650
		UFR: Directed Energy Prototyping		[70,000]
		UFR: Hypersonics Prototyping		[10,000]
		Unfunded requirement—Long-Endurance Aerial Platform(LEAP) Ahead Prototyping.		[15,000]
047	0605230F	GROUND BASED STRATEGIC DETERRENT	215,721	215,721
049	0207110F	NEXT GENERATION AIR DOMINANCE	294,746	421,746
		Unfunded Requirement		[127,000]
050	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR).	10,645	10,645
052	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA)	41,509	41,509
053	0306250F	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT.	316,787	316,787
054	0306415F	ENABLED CYBER ACTIVITIES	16,687	16,687
055	0408011F	SPECIAL TACTICS / COMBAT CONTROL	4,500	4,500

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056	0901410F	CONTRACTING INFORMATION TECHNOLOGY SYSTEM.	15,867	15,867
057	1203164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	253,939	263,939
		UFR: Military GPS User Equipment INC2		[10,000]
058	1203710F	EO/IR WEATHER SYSTEMS	10,000	10,000
059	1206422F	WEATHER SYSTEM FOLLOW-ON	112,088	112,088
060	1206425F	SPACE SITUATION AWARENESS SYSTEMS	34,764	34,764
061	1206434F	MIDTERM POLAR MILSATCOM SYSTEM	63,092	63,092
062	1206438F	SPACE CONTROL TECHNOLOGY	7,842	64,742
		AF UPL		[56,900]
063	1206730F	SPACE SECURITY AND DEFENSE PROGRAM	41,385	41,385
064	1206760F	PROTECTED TACTICAL ENTERPRISE SERVICE (PTES).	18,150	18,150
065	1206761F	PROTECTED TACTICAL SERVICE (PTS)	24,201	24,201
066	1206855F	PROTECTED SATCOM SERVICES (PSCS)—AGGREGATED.	16,000	16,000
067	1206857F	OPERATIONALLY RESPONSIVE SPACE	87,577	87,577
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**4,695,530**	**5,020,830**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
068	0604200F	FUTURE ADVANCED WEAPON ANALYSIS & PROGRAMS.	5,100	5,100
069	0604201F	INTEGRATED AVIONICS PLANNING AND DEVELOPMENT.	101,203	101,203
070	0604222F	NUCLEAR WEAPONS SUPPORT	3,009	3,009
071	0604270F	ELECTRONIC WARFARE DEVELOPMENT	2,241	2,241
072	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	38,250	38,250
073	0604287F	PHYSICAL SECURITY EQUIPMENT	19,739	19,739
074	0604329F	SMALL DIAMETER BOMB (SDB)—EMD	38,979	38,979
078	0604429F	AIRBORNE ELECTRONIC ATTACK	7,091	7,091
080	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	46,540	46,540
081	0604604F	SUBMUNITIONS	2,705	2,705
082	0604617F	AGILE COMBAT SUPPORT	31,240	31,240
084	0604706F	LIFE SUPPORT SYSTEMS	9,060	9,060
085	0604735F	COMBAT TRAINING RANGES	87,350	87,350
086	0604800F	F–35—EMD	292,947	464,947
		SDD plus up		[172,000]
088	0604932F	LONG RANGE STANDOFF WEAPON	451,290	451,290
089	0604933F	ICBM FUZE MODERNIZATION	178,991	178,991
090	0605030F	JOINT TACTICAL NETWORK CENTER (JTNC)	12,736	12,736
091	0605031F	JOINT TACTICAL NETWORK (JTN)	9,319	9,319
092	0605213F	F–22 MODERNIZATION INCREMENT 3.2B	13,600	13,600
094	0605221F	KC–46	93,845	93,845
095	0605223F	ADVANCED PILOT TRAINING	105,999	105,999
096	0605229F	COMBAT RESCUE HELICOPTER	354,485	354,485
100	0605458F	AIR & SPACE OPS CENTER 10.2 RDT&E	119,745	14,945
		Restructure of program		[–104,800]
101	0605931F	B–2 DEFENSIVE MANAGEMENT SYSTEM	194,570	194,570
102	0101125F	NUCLEAR WEAPONS MODERNIZATION	91,237	91,237
103	0207171F	F–15 EPAWSS	209,847	209,847
104	0207328F	STAND IN ATTACK WEAPON	3,400	3,400
105	0207701F	FULL COMBAT MISSION TRAINING	16,727	16,727
109	0307581F	JSTARS RECAP	417,201	417,201
110	0401310F	C–32 EXECUTIVE TRANSPORT RECAPITALIZATION	6,017	6,017
111	0401319F	PRESIDENTIAL AIRCRAFT RECAPITALIZATION (PAR).	434,069	434,069
112	0701212F	AUTOMATED TEST SYSTEMS	18,528	18,528
113	1203176F	COMBAT SURVIVOR EVADER LOCATOR	24,967	24,967
114	1203940F	SPACE SITUATION AWARENESS OPERATIONS	10,029	10,029
115	1206421F	COUNTERSPACE SYSTEMS	66,370	66,370
116	1206425F	SPACE SITUATION AWARENESS SYSTEMS	48,448	48,448
117	1206426F	SPACE FENCE	35,937	35,937
118	1206431F	ADVANCED EHF MILSATCOM (SPACE)	145,610	145,610
119	1206432F	POLAR MILSATCOM (SPACE)	33,644	33,644
120	1206433F	WIDEBAND GLOBAL SATCOM (SPACE)	14,263	14,263

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121	1206441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD.	311,844	311,844
122	1206442F	EVOLVED SBIRS	71,018	71,018
123	1206853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE) – EMD.	297,572	297,572
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**4,476,762**	**4,543,962**
		MANAGEMENT SUPPORT		
124	0604256F	THREAT SIMULATOR DEVELOPMENT	35,405	35,405
125	0604759F	MAJOR T&E INVESTMENT	82,874	87,874
		Unfunded requirement		[5,000]
126	0605101F	RAND PROJECT AIR FORCE	34,346	34,346
128	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	15,523	15,523
129	0605807F	TEST AND EVALUATION SUPPORT	678,289	735,689
		Program Increase		[30,000]
		UFR: 4th Gen Mods		[23,000]
		UFR: Weapon System Cyber Resiliency-TE		[4,400]
130	0605826F	ACQ WORKFORCE- GLOBAL POWER	219,809	219,809
131	0605827F	ACQ WORKFORCE- GLOBAL VIG & COMBAT SYS	223,179	223,179
132	0605828F	ACQ WORKFORCE- GLOBAL REACH	138,556	138,556
133	0605829F	ACQ WORKFORCE- CYBER, NETWORK, & BUS SYS	221,393	221,393
134	0605830F	ACQ WORKFORCE- GLOBAL BATTLE MGMT	152,577	152,577
135	0605831F	ACQ WORKFORCE- CAPABILITY INTEGRATION	196,561	196,561
136	0605832F	ACQ WORKFORCE- ADVANCED PRGM TECHNOLOGY.	28,322	28,322
137	0605833F	ACQ WORKFORCE- NUCLEAR SYSTEMS	126,611	126,611
140	0605898F	MANAGEMENT HQ—R&D	9,154	9,154
141	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	135,507	135,507
142	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT.	28,720	28,720
143	0606017F	REQUIREMENTS ANALYSIS AND MATURATION	35,453	110,453
		UFR: Modeling and Simulation Joint Simulation Environment.		[50,000]
		UFR:AS2030 Planning for Development		[25,000]
146	0308602F	ENTEPRISE INFORMATION SERVICES (EIS)	29,049	29,049
147	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	14,980	14,980
148	0804731F	GENERAL SKILL TRAINING	1,434	1,434
150	1001004F	INTERNATIONAL ACTIVITIES	4,569	4,569
151	1206116F	SPACE TEST AND TRAINING RANGE DEVELOPMENT.	25,773	25,773
152	1206392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE.	169,887	169,887
153	1206398F	SPACE & MISSILE SYSTEMS CENTER—MHA	9,531	9,531
154	1206860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	20,975	20,975
155	1206864F	SPACE TEST PROGRAM (STP)	25,398	25,398
		SUBTOTAL MANAGEMENT SUPPORT	**2,663,875**	**2,801,275**
		OPERATIONAL SYSTEMS DEVELOPMENT		
157	0604222F	NUCLEAR WEAPONS SUPPORT	27,579	27,579
158	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING.	5,776	5,776
159	0604445F	WIDE AREA SURVEILLANCE	16,247	16,247
161	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS).	21,915	21,915
162	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	33,150	33,150
163	0605117F	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION.	66,653	66,653
164	0605278F	HC/MC–130 RECAP RDT&E	38,579	38,579
165	0606018F	NC3 INTEGRATION	12,636	12,636
166	0101113F	B–52 SQUADRONS	111,910	111,910
167	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	463	463
168	0101126F	B–1B SQUADRONS	62,471	62,471
169	0101127F	B–2 SQUADRONS	193,108	193,108
170	0101213F	MINUTEMAN SQUADRONS	210,845	210,845
		Increase ICBM Cryptopgraphy Upgrade II		[20,000]

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		Reduce MM Ground and Communications Equipment.		[–10,000]
		Reduce MM Support Equipment		[–10,000]
171	0101313F	INTEGRATED STRATEGIC PLANNING AND ANALYSIS NETWORK (ISPAN)—USSTRATCOM.	25,736	25,736
173	0101316F	WORLDWIDE JOINT STRATEGIC COMMUNICATIONS.	6,272	10,272
		UFR: NC3—Global Assured Communications CBA Execution.		[4,000]
174	0101324F	INTEGRATED STRATEGIC PLANNING & ANALYSIS NETWORK.	11,032	11,032
176	0102110F	UH–1N REPLACEMENT PROGRAM	108,617	108,617
177	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM.	3,347	3,347
179	0205219F	MQ–9 UAV	201,394	201,394
182	0207131F	A–10 SQUADRONS	17,459	17,459
183	0207133F	F–16 SQUADRONS	246,578	271,578
		Unfunded requirement—MIDS-JTRS software changes.		[25,000]
184	0207134F	F–15E SQUADRONS	320,271	320,271
185	0207136F	MANNED DESTRUCTIVE SUPPRESSION	15,106	15,106
186	0207138F	F–22A SQUADRONS	610,942	610,942
187	0207142F	F–35 SQUADRONS	334,530	334,530
188	0207161F	TACTICAL AIM MISSILES	34,952	54,952
		Pulsed rocket motor technologies		[20,000]
189	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM).	61,322	61,322
191	0207227F	COMBAT RESCUE—PARARESCUE	693	693
193	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	1,714	1,714
194	0207253F	COMPASS CALL	14,040	14,040
195	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM.	109,243	109,243
197	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM).	29,932	29,932
198	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	26,956	26,956
199	0207412F	CONTROL AND REPORTING CENTER (CRC)	2,450	2,450
200	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS).	151,726	151,726
201	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS	3,656	3,656
203	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	13,420	13,420
204	0207444F	TACTICAL AIR CONTROL PARTY-MOD	10,623	10,623
205	0207448F	C2ISR TACTICAL DATA LINK	1,754	1,754
206	0207452F	DCAPES	17,382	17,382
207	0207573F	NATIONAL TECHNICAL NUCLEAR FORENSICS	2,307	2,307
208	0207590F	SEEK EAGLE	25,397	25,397
209	0207601F	USAF MODELING AND SIMULATION	10,175	10,175
210	0207605F	WARGAMING AND SIMULATION CENTERS	12,839	12,839
211	0207697F	DISTRIBUTED TRAINING AND EXERCISES	4,190	4,190
212	0208006F	MISSION PLANNING SYSTEMS	85,531	85,531
213	0208007F	TACTICAL DECEPTION	3,761	3,761
214	0208087F	AF OFFENSIVE CYBERSPACE OPERATIONS	35,693	35,693
215	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS	20,964	20,964
218	0301017F	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN).	3,549	3,549
219	0301112F	NUCLEAR PLANNING AND EXECUTION SYSTEM (NPES).	4,371	4,371
227	0301401F	AIR FORCE SPACE AND CYBER NON-TRADITIONAL ISR FOR BATTLESPACE AWARENESS.	3,721	3,721
228	0302015F	E–4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC).	35,467	35,467
230	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	48,841	48,841
231	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	42,973	42,973
232	0303141F	GLOBAL COMBAT SUPPORT SYSTEM	105	105
233	0303142F	GLOBAL FORCE MANAGEMENT—DATA INITIATIVE	2,147	2,147
236	0304260F	AIRBORNE SIGINT ENTERPRISE	121,948	121,948
237	0304310F	COMMERCIAL ECONOMIC ANALYSIS	3,544	3,544

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240	0305020F	CCMD INTELLIGENCE INFORMATION TECHNOLOGY.	1,542	1,542
241	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,453	4,453
243	0305111F	WEATHER SERVICE	26,654	26,654
244	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS).	6,306	6,306
245	0305116F	AERIAL TARGETS	21,295	21,295
248	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	415	415
250	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES.	3,867	3,867
257	0305202F	DRAGON U–2	34,486	34,486
259	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	4,450	14,450
		WAMI Technology Upgrades		[10,000]
260	0305207F	MANNED RECONNAISSANCE SYSTEMS	14,269	14,269
261	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	27,501	27,501
262	0305220F	RQ–4 UAV	214,849	214,849
263	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	18,842	18,842
265	0305238F	NATO AGS	44,729	44,729
266	0305240F	SUPPORT TO DCGS ENTERPRISE	26,349	26,349
269	0305600F	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES.	3,491	3,491
271	0305881F	RAPID CYBER ACQUISITION	4,899	4,899
275	0305984F	PERSONNEL RECOVERY COMMAND & CTRL (PRC2)	2,445	2,445
276	0307577F	INTELLIGENCE MISSION DATA (IMD)	8,684	8,684
278	0401115F	C–130 AIRLIFT SQUADRON	10,219	10,219
279	0401119F	C–5 AIRLIFT SQUADRONS (IF)	22,758	22,758
280	0401130F	C–17 AIRCRAFT (IF)	34,287	34,287
281	0401132F	C–130J PROGRAM	26,821	26,821
282	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM).	5,283	5,283
283	0401218F	KC–135S	9,942	9,942
284	0401219F	KC–10S	7,933	7,933
285	0401314F	OPERATIONAL SUPPORT AIRLIFT	6,681	6,681
286	0401318F	CV–22	22,519	36,519
		Unfunded requirement—common eletrical interface		[7,000]
		Unfunded requirement—intelligence broadcast system.		[7,000]
287	0401840F	AMC COMMAND AND CONTROL SYSTEM	3,510	3,510
288	0408011F	SPECIAL TACTICS / COMBAT CONTROL	8,090	8,090
289	0702207F	DEPOT MAINTENANCE (NON-IF)	1,528	1,528
290	0708055F	MAINTENANCE, REPAIR & OVERHAUL SYSTEM	31,677	31,677
291	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	33,344	33,344
292	0708611F	SUPPORT SYSTEMS DEVELOPMENT	9,362	9,362
293	0804743F	OTHER FLIGHT TRAINING	2,074	2,074
294	0808716F	OTHER PERSONNEL ACTIVITIES	107	107
295	0901202F	JOINT PERSONNEL RECOVERY AGENCY	2,006	2,006
296	0901218F	CIVILIAN COMPENSATION PROGRAM	3,780	3,780
297	0901220F	PERSONNEL ADMINISTRATION	7,472	7,472
298	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,563	1,563
299	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT.	91,211	91,211
300	1201921F	SERVICE SUPPORT TO STRATCOM—SPACE ACTIVITIES.	14,255	14,255
301	1202247F	AF TENCAP	31,914	31,914
302	1203001F	FAMILY OF ADVANCED BLOS TERMINALS (FAB-T)	32,426	32,426
303	1203110F	SATELLITE CONTROL NETWORK (SPACE)	18,808	18,808
305	1203165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS).	10,029	10,029
306	1203173F	SPACE AND MISSILE TEST AND EVALUATION CENTER.	25,051	25,051
307	1203174F	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT.	11,390	11,390
308	1203179F	INTEGRATED BROADCAST SERVICE (IBS)	8,747	8,747
309	1203182F	SPACELIFT RANGE SYSTEM (SPACE)	10,549	10,549
310	1203265F	GPS III SPACE SEGMENT	243,435	243,435
311	1203400F	SPACE SUPERIORITY INTELLIGENCE	12,691	12,691

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312	1203614F	JSPOC MISSION SYSTEM	99,455	123,705
		AF UPL—BMC2 software		[24,250]
313	1203620F	NATIONAL SPACE DEFENSE CENTER	18,052	18,052
314	1203699F	SHARED EARLY WARNING (SEW)	1,373	1,373
315	1203906F	NCMC—TW/AA SYSTEM	5,000	5,000
316	1203913F	NUDET DETECTION SYSTEM (SPACE)	31,508	31,508
317	1203940F	SPACE SITUATION AWARENESS OPERATIONS	99,984	99,984
318	1206423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT.	510,938	510,938
318A	9999999999	CLASSIFIED PROGRAMS	15,103,246	15,103,246
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**20,750,546**	**20,847,796**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	**35,170,103**	**35,856,753**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
001	0601000BR	DTRA BASIC RESEARCH	37,201	37,201
002	0601101E	DEFENSE RESEARCH SCIENCES	432,347	432,347
003	0601110D8Z	BASIC RESEARCH INITIATIVES	40,612	40,612
004	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE.	43,126	43,126
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	74,298	88,298
		Evidence based military child STEM education		[5,000]
		Manufacturing Engineering Education Program		[9,000]
006	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MINORITY INSTITUTIONS.	25,865	40,000
		Program increase		[12,135]
		STEM support for minority women		[2,000]
007	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	43,898	43,898
		SUBTOTAL BASIC RESEARCH	**697,347**	**725,482**
		APPLIED RESEARCH		
008	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	19,111	19,111
009	0602115E	BIOMEDICAL TECHNOLOGY	109,360	109,360
011	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	49,748	49,748
012	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRIORITIES.	49,226	49,226
013	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY.	392,784	392,784
014	0602383E	BIOLOGICAL WARFARE DEFENSE	13,014	13,014
015	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	201,053	201,053
016	0602668D8Z	CYBER SECURITY RESEARCH	14,775	14,775
017	0602702E	TACTICAL TECHNOLOGY	343,776	328,776
		General decrease		[–15,000]
018	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	224,440	224,440
019	0602716E	ELECTRONICS TECHNOLOGY	295,447	295,447
020	0602718BR	COUNTER WEAPONS OF MASS DESTRUCTION APPLIED RESEARCH.	157,908	157,908
021	0602751D8Z	SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RESEARCH.	8,955	8,955
022	1160401BB	SOF TECHNOLOGY DEVELOPMENT	34,493	34,493
		SUBTOTAL APPLIED RESEARCH	**1,914,090**	**1,899,090**
		ADVANCED TECHNOLOGY DEVELOPMENT		
023	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	25,627	25,627
024	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	76,230	79,230
		Program increase—conventional EOD equipment		[3,000]
025	0603133D8Z	FOREIGN COMPARATIVE TESTING	24,199	24,199
026	0603160BR	COUNTER WEAPONS OF MASS DESTRUCTION ADVANCED TECHNOLOGY DEVELOPMENT.	268,607	268,607
027	0603176C	ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT.	12,996	12,996
029	0603178C	WEAPONS TECHNOLOGY	5,495	5,495
031	0603180C	ADVANCED RESEARCH	20,184	20,184

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032	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT.	18,662	18,662
035	0603286E	ADVANCED AEROSPACE SYSTEMS	155,406	155,406
036	0603287E	SPACE PROGRAMS AND TECHNOLOGY	247,435	247,435
037	0603288D8Z	ANALYTIC ASSESSMENTS	13,154	13,154
038	0603289D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS.	37,674	37,674
039	0603291D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS—MHA.	15,000	15,000
040	0603294C	COMMON KILL VEHICLE TECHNOLOGY	252,879	252,879
041	0603342D8W	DEFENSE INNOVATION UNIT EXPERIMENTAL (DIUX).	29,594	29,594
042	0603375D8Z	TECHNOLOGY INNOVATION	64,863	29,863
		Unjustified growth		[–35,000]
043	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT.	145,359	145,359
044	0603527D8Z	RETRACT LARCH	171,120	171,120
045	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	14,389	14,389
046	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS.	105,871	105,871
047	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	12,661	12,661
048	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	136,159	163,659
		Improve productivity of defense industrial base		[7,500]
		Manufacturing USA institutes		[10,000]
		Partnership between MEP centers and Manufacturing USA Institutes.		[10,000]
049	0603680S	MANUFACTURING TECHNOLOGY PROGRAM	40,511	40,511
050	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT.	57,876	49,876
		SOCOM ATL effort		[–8,000]
051	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS.	10,611	10,611
053	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM.	71,832	81,832
		Readiness increase		[10,000]
054	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.	219,803	219,803
055	0603727D8Z	JOINT WARFIGHTING PROGRAM	6,349	6,349
056	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	79,173	79,173
057	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS.	106,787	106,787
058	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	439,386	439,386
059	0603767E	SENSOR TECHNOLOGY	210,123	210,123
060	0603769D8Z	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT.	11,211	11,211
062	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	15,047	15,047
063	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	69,203	69,203
064	0603833D8Z	ENGINEERING SCIENCE & TECHNOLOGY	25,395	25,395
065	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	89,586	89,586
066	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT.	38,403	38,403
067	0303310D8Z	CWMD SYSTEMS	33,382	33,382
068	1160402BB	SOF ADVANCED TECHNOLOGY DEVELOPMENT	72,605	72,605
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	**3,450,847**	**3,448,347**
		ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES		
069	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	32,937	32,937
070	0603600D8Z	WALKOFF	101,714	101,714
072	0603821D8Z	ACQUISITION ENTERPRISE DATA & INFORMATION SERVICES.	2,198	2,198
073	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	54,583	54,583

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074	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT.	292,262	292,262
075	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT.	957,097	1,058,093
		Improve Discrimination Capability for GMD		[21,996]
		Increase GBI magazine capacity at Fort Greely		[65,000]
		Program increase—additional boosters and EKVs		[14,000]
076	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL.	148,518	148,518
077	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	278,145	305,207
		Improve Discrimination Capability for GMD		[27,062]
078	0603890C	BMD ENABLING PROGRAMS	465,642	472,784
		GMD Discrimination		[7,142]
079	0603891C	SPECIAL PROGRAMS—MDA	365,190	365,190
080	0603892C	AEGIS BMD	860,788	860,788
083	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI.	454,862	454,862
084	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT.	48,954	48,954
085	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC).	53,265	53,265
086	0603906C	REGARDING TRENCH	9,113	9,113
087	0603907C	SEA BASED X-BAND RADAR (SBX)	145,695	145,695
088	0603913C	ISRAELI COOPERATIVE PROGRAMS	105,354	373,800
		Arrow		[71,459]
		Arrow Upper Tier flight test		[105,000]
		Arrow-Upper Tier		[28,139]
		David's Sling		[63,848]
089	0603914C	BALLISTIC MISSILE DEFENSE TEST	316,193	316,193
090	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	460,125	460,125
091	0603920D8Z	HUMANITARIAN DEMINING	10,837	10,837
092	0603923D8Z	COALITION WARFARE	10,740	10,740
093	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM.	3,837	3,837
094	0604115C	TECHNOLOGY MATURATION INITIATIVES	128,406	128,406
095	0604132D8Z	MISSILE DEFEAT PROJECT	124,769	124,769
096	0604181C	HYPERSONIC DEFENSE	75,300	75,300
097	0604250D8Z	ADVANCED INNOVATIVE TECHNOLOGIES	1,482,532	1,460,532
		Program decrease		[–22,000]
098	0604294D8Z	TRUSTED & ASSURED MICROELECTRONICS	83,626	83,626
099	0604331D8Z	RAPID PROTOTYPING PROGRAM	100,000	100,000
100	0604342D8Z	DEFENSE TECHNOLOGY OFFSET		100,000
		Directed energy		[100,000]
101	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED SYSTEM COMMON DEVELOPMENT.	3,967	3,967
102	0604682D8Z	WARGAMING AND SUPPORT FOR STRATEGIC ANALYSIS (SSA).	3,833	3,833
104	0604826J	JOINT C5 CAPABILITY DEVELOPMENT, INTEGRATION AND INTEROPERABILITY ASSESSMENTS.	23,638	23,638
105	0604873C	LONG RANGE DISCRIMINATION RADAR (LRDR)	357,659	357,659
106	0604874C	IMPROVED HOMELAND DEFENSE INTERCEPTORS	636,430	636,430
107	0604876C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT TEST.	36,239	36,239
108	0604878C	AEGIS BMD TEST	137,783	160,819
		To provide AAW at Aegis Ashore sites, consistent w/ FY16 and FY17 NDAAs.		[23,036]
109	0604879C	BALLISTIC MISSILE DEFENSE SENSOR TEST	101,839	101,839
110	0604880C	LAND-BASED SM–3 (LBSM3)	30,486	97,761
		To provide AAW at Aegis Ashore sites, consistent w/ FY16 and FY17 NDAAs.		[67,275]
111	0604881C	AEGIS SM–3 BLOCK IIA CO-DEVELOPMENT	9,739	9,739
112	0604887C	BALLISTIC MISSILE DEFENSE MIDCOURSE SEGMENT TEST.	76,757	76,757
113	0604894C	MULTI-OBJECT KILL VEHICLE	6,500	6,500
114	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM.	2,902	2,902

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115	0305103C	CYBER SECURITY INITIATIVE	986	986
116	1206893C	SPACE TRACKING & SURVEILLANCE SYSTEM	34,907	34,907
117	1206895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS.	30,994	44,494
		Initiates BMDS Global Sensors AoA reccommendations for space sensor architecture.		[13,500]
117A	120XXXXC	GROUND-LAUNCHED INTERMEDIATE RANGE MISSILE.		58,000
		Ground-Launched Intermediate Range Missile		[58,000]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES.	**8,667,341**	**9,310,798**
		SYSTEM DEVELOPMENT AND DEMONSTRATION		
118	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD.	12,536	12,536
119	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT.	201,749	201,749
120	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD.	406,789	406,789
122	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS).	15,358	20,358
		Program increase—very low profile hardware		[5,000]
123	0605000BR	COUNTER WEAPONS OF MASS DESTRUCTION SYSTEMS DEVELOPMENT.	6,241	6,241
124	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	12,322	12,322
125	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	4,893	4,893
126	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	3,162	3,162
127	0605027D8Z	OUSD(C) IT DEVELOPMENT INITIATIVES	21,353	21,353
128	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION.	6,266	6,266
129	0605075D8Z	DCMO POLICY AND INTEGRATION	2,810	2,810
130	0605080S	DEFENSE AGENCY INITIATIVES (DAI)—FINANCIAL SYSTEM.	24,436	24,436
131	0605090S	DEFENSE RETIRED AND ANNUITANT PAY SYSTEM (DRAS).	13,475	13,475
133	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES.	11,870	11,870
134	0605294D8Z	TRUSTED & ASSURED MICROELECTRONICS	61,084	61,084
135	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	2,576	2,576
136	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM).	3,669	3,669
137	0305310D8Z	CWMD SYSTEMS: SYSTEM DEVELOPMENT AND DEMONSTRATION.	8,230	8,230
		SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION.	**818,819**	**823,819**
		MANAGEMENT SUPPORT		
138	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	6,941	6,941
139	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	4,851	4,851
140	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP).	211,325	211,325
141	0604942D8Z	ASSESSMENTS AND EVALUATIONS	30,144	50,144
		Program increase for cyber vulnerability assessments and hardening.		[20,000]
142	0605001E	MISSION SUPPORT	63,769	63,769
143	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC).	91,057	91,057
144	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	22,386	22,386
145	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO).	36,581	36,581
147	0605142D8Z	SYSTEMS ENGINEERING	37,622	37,622
148	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	5,200	5,200
149	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	5,232	5,232
150	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION.	12,583	12,583
151	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	61,451	61,451
152	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	104,348	104,348

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161	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER.	2,372	2,372
162	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	24,365	24,365
163	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC).	54,145	54,145
164	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION.	30,356	30,356
165	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	20,571	20,571
166	0605898E	MANAGEMENT HQ—R&D	14,017	14,017
167	0605998KA	MANAGEMENT HQ—DEFENSE TECHNICAL INFORMATION CENTER (DTIC).	4,187	4,187
168	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	3,992	3,992
169	0606225D8Z	ODNA TECHNOLOGY AND RESOURCE ANALYSIS	1,000	1,000
170	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI).	2,551	2,551
171	0204571J	JOINT STAFF ANALYTICAL SUPPORT	7,712	7,712
174	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES.	673	673
175	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO).	1,006	1,006
177	0305172K	COMBINED ADVANCED APPLICATIONS	16,998	16,998
180	0305245D8Z	INTELLIGENCE CAPABILITIES AND INNOVATION INVESTMENTS.	18,992	18,992
181	0306310D8Z	CWMD SYSTEMS: RDT&E MANAGEMENT SUPPORT	1,231	1,231
183	0804767J	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)—MHA.	44,500	44,500
184	0901598C	MANAGEMENT HQ—MDA	29,947	29,947
187	0903235K	JOINT SERVICE PROVIDER (JSP)	5,113	5,113
187A	9999999999	CLASSIFIED PROGRAMS	63,312	63,312
		SUBTOTAL MANAGEMENT SUPPORT	**1,040,530**	**1,060,530**
		OPERATIONAL SYSTEM DEVELOPMENT		
188	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	4,565	4,565
189	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA.	1,871	1,871
190	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS).	298	298
191	0607210D8Z	INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT.	10,882	10,882
192	0607310D8Z	CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT.	7,222	7,222
193	0607327T	GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS).	14,450	14,450
194	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	45,677	45,677
195	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS)	3,037	3,037
196	0208045K	C4I INTEROPERABILITY	59,490	59,490
198	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING.	6,104	6,104
202	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT.	1,863	1,863
203	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION.	21,564	21,564
204	0303126K	LONG-HAUL COMMUNICATIONS—DCS	15,428	15,428
205	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	15,855	15,855
206	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI)	4,811	4,811
207	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	33,746	33,746
208	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	9,415	9,415
209	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	227,652	227,652
210	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	42,687	42,687
211	0303153K	DEFENSE SPECTRUM ORGANIZATION	8,750	8,750
214	0303228K	JOINT INFORMATION ENVIRONMENT (JIE)	4,689	4,689
216	0303430K	FEDERAL INVESTIGATIVE SERVICES INFORMATION TECHNOLOGY.	50,000	50,000
222	0305103K	CYBER SECURITY INITIATIVE	1,686	1,686
227	0305186D8Z	POLICY R&D PROGRAMS	6,526	6,526

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2018 Request	Conference Authorized
228	0305199D8Z	NET CENTRICITY	18,455	18,455
230	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	5,496	5,496
233	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	3,049	3,049
236	0305327V	INSIDER THREAT	5,365	5,365
237	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM.	2,071	2,071
243	0307577D8Z	INTELLIGENCE MISSION DATA (IMD)	13,111	13,111
245	0708012S	PACIFIC DISASTER CENTERS	1,770	1,770
246	0708047S	DEFENSE PROPERTY ACCOUNTABILITY SYSTEM	2,924	2,924
248	1105219BB	MQ–9 UAV	37,863	37,863
251	1160403BB	AVIATION SYSTEMS	259,886	273,386
		SOCOM requested transfer		[13,500]
252	1160405BB	INTELLIGENCE SYSTEMS DEVELOPMENT	8,245	8,245
253	1160408BB	OPERATIONAL ENHANCEMENTS	79,455	79,455
254	1160431BB	WARRIOR SYSTEMS	45,935	45,935
255	1160432BB	SPECIAL PROGRAMS	1,978	1,978
256	1160434BB	UNMANNED ISR	31,766	31,766
257	1160480BB	SOF TACTICAL VEHICLES	2,578	2,578
258	1160483BB	MARITIME SYSTEMS	42,315	60,415
		SOCOM requested transfer		[12,800]
		UFR: Develop Dry Combat Submersible		[5,300]
259	1160489BB	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	4,661	4,661
260	1160490BB	OPERATIONAL ENHANCEMENTS INTELLIGENCE	12,049	12,049
261	1203610K	TELEPORT PROGRAM	642	642
261A	9999999999	CLASSIFIED PROGRAMS	3,734,266	3,734,266
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT.	**4,912,148**	**4,943,748**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	**21,501,122**	**22,211,814**
		OPERATIONAL TEST & EVAL, DEFENSE MANAGEMENT SUPPORT		
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	83,503	83,503
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	59,500	59,500
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	67,897	67,897
		SUBTOTAL MANAGEMENT SUPPORT	**210,900**	**210,900**
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE.	**210,900**	**210,900**
		TOTAL RDT&E	**84,063,300**	**86,348,676**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2018 Request	Conference Authorized
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
055	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING.	15,000	15,000
060	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	3,000	3,000
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**18,000**	**18,000**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
122	0605032A	TRACTOR TIRE	5,000	5,000
125	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM).	21,540	21,540

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2018 Request	Conference Authorized
133	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	30,100	30,100
147	0303032A	TROJAN—RH12	1,200	1,200
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**57,840**	**57,840**
		OPERATIONAL SYSTEMS DEVELOPMENT		
203	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM.	15,000	15,000
222	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	7,492	7,492
223	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	15,000	15,000
228	0307665A	BIOMETRICS ENABLED INTELLIGENCE	6,036	6,036
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**43,528**	**43,528**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	**119,368**	**119,368**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
041	0603527N	RETRACT LARCH	22,000	22,000
061	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT.	29,700	29,700
075	0603795N	LAND ATTACK TECHNOLOGY	2,100	2,100
081	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM).	5,710	5,710
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**59,510**	**59,510**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
103	0604230N	WARFARE SUPPORT SYSTEM	5,400	5,400
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**5,400**	**5,400**
		OPERATIONAL SYSTEMS DEVELOPMENT		
207	0204311N	INTEGRATED SURVEILLANCE SYSTEM	11,600	11,600
211	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,200	1,200
253A	9999999999	CLASSIFIED PROGRAMS	89,855	89,855
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**102,655**	**102,655**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	**167,565**	**167,565**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
029	0603438F	SPACE CONTROL TECHNOLOGY	7,800	7,800
053	0306250F	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT.	5,400	5,400
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**13,200**	**13,200**
		OPERATIONAL SYSTEMS DEVELOPMENT		
196	0207277F	ISR INNOVATIONS	5,750	5,750
214	0208087F	AF OFFENSIVE CYBERSPACE OPERATIONS	4,000	4,000
318A	9999999999	CLASSIFIED PROGRAMS	112,408	112,408
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**122,158**	**122,158**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	**135,358**	**135,358**
		ADVANCED TECHNOLOGY DEVELOPMENT		
024	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	25,000	25,000
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	**25,000**	**25,000**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2018 Request	Conference Authorized
		OPERATIONAL SYSTEM DEVELOPMENT		
253	1160408BB	OPERATIONAL ENHANCEMENTS	1,920	1,920
256	1160434BB	UNMANNED ISR	3,000	3,000
261A	9999999999	CLASSIFIED PROGRAMS	196,176	196,176
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT.	**201,096**	**201,096**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	**226,096**	**226,096**
		TOTAL RDT&E	**648,387**	**648,387**

TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
010	MANEUVER UNITS	1,455,366	1,510,066
	Improve unit training and maintenance readiness		[54,700]
020	MODULAR SUPPORT BRIGADES	105,147	112,847
	UFR: Readiness to execute NMS		[7,700]
030	ECHELONS ABOVE BRIGADE	604,117	692,417
	UFR: Readiness to execute NMS		[88,300]
040	THEATER LEVEL ASSETS	793,217	829,951
	Decisive Action training and operations		[27,300]
	UFR: Support Equipment		[9,434]
050	LAND FORCES OPERATIONS SUPPORT	1,169,478	1,207,178
	Combat Training Center Operations and Maintenance		[37,700]
060	AVIATION ASSETS	1,496,503	1,524,703
	Aviation and ISR Maintenance Requirements		[28,200]
070	FORCE READINESS OPERATIONS SUPPORT	3,675,901	3,759,581
	SOUTHCOM—Maritime Patrol Aircraft Expansion		[38,500]
	SOUTHCOM—Mission and Other Ship Operations		[18,000]
	UFR: Funding to support 6k additional endstrength		[680]
	UFR: Organizational Clothing & Indiv. Equipment maintenance		[26,500]
080	LAND FORCES SYSTEMS READINESS	466,720	471,592
	UFR: Medical equipment		[4,872]
090	LAND FORCES DEPOT MAINTENANCE	1,443,516	1,740,116
	Realignment of depot operations from OCO		[250,000]
	UFR: Depot Maintenance		[46,600]
100	BASE OPERATIONS SUPPORT	8,080,357	8,093,557
	C4I / Cyber capabilities enabling support		[13,200]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	3,401,155	4,080,382

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
	Demolition of excess facilities		[50,000]
	Restore restoration and modernization shortfalls		[154,500]
	Restore sustainment shortfalls		[424,547]
	UFR: Support 6k additional endstrength		[50,180]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	443,790	443,790
140	ADDITIONAL ACTIVITIES		8,900
	Training, supplies, spares, and repair site support		[8,900]
180	US AFRICA COMMAND	225,382	225,382
190	US EUROPEAN COMMAND	141,352	141,352
200	US SOUTHERN COMMAND	190,811	194,311
	Mission and Other Ship Operations		[3,500]
210	US FORCES KOREA	59,578	59,578
	SUBTOTAL OPERATING FORCES	**23,752,390**	**25,095,703**
	MOBILIZATION		
220	STRATEGIC MOBILITY	346,667	347,791
	UFR: Readiness increase		[1,124]
230	ARMY PREPOSITIONED STOCKS	422,108	427,346
	UFR: Readiness increase		[5,238]
240	INDUSTRIAL PREPAREDNESS	7,750	7,750
	SUBTOTAL MOBILIZATION	**776,525**	**782,887**
	TRAINING AND RECRUITING		
250	OFFICER ACQUISITION	137,556	137,556
260	RECRUIT TRAINING	58,872	60,264
	UFR: Recruit training		[1,392]
270	ONE STATION UNIT TRAINING	58,035	59,921
	UFR: One Station Unit Training		[1,886]
280	SENIOR RESERVE OFFICERS TRAINING CORPS	505,089	505,762
	UFR: Supports commissions for increase end strength		[673]
290	SPECIALIZED SKILL TRAINING	1,015,541	1,033,978
	Leadership development and training		[3,144]
	UFR: Supports increased capacity		[15,293]
300	FLIGHT TRAINING	1,124,115	1,124,115
310	PROFESSIONAL DEVELOPMENT EDUCATION	220,688	220,688
320	TRAINING SUPPORT	618,164	621,690
	Department of the Army directed training		[3,526]
330	RECRUITING AND ADVERTISING	613,586	624,259
	UFR: Supports increased capacity		[10,673]
340	EXAMINING	171,223	171,223
350	OFF-DUTY AND VOLUNTARY EDUCATION	214,738	215,088
	UFR: Supports increased capacity		[350]
360	CIVILIAN EDUCATION AND TRAINING	195,099	195,099
370	JUNIOR RESERVE OFFICER TRAINING CORPS	176,116	176,116
	SUBTOTAL TRAINING AND RECRUITING	**5,108,822**	**5,145,759**
	ADMIN & SRVWIDE ACTIVITIES		
390	SERVICEWIDE TRANSPORTATION	555,502	709,965
	Logistics associated with increased end strength		[57,900]
	UFR: Supports transportation equipment		[96,563]
400	CENTRAL SUPPLY ACTIVITIES	894,208	894,208
410	LOGISTIC SUPPORT ACTIVITIES	715,462	715,462
420	AMMUNITION MANAGEMENT	446,931	446,931
430	ADMINISTRATION	493,616	493,616
440	SERVICEWIDE COMMUNICATIONS	2,084,922	2,112,822
	Annual maintenance of Enterprise License Agreements		[17,900]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
	UFR: Army Regional Cyber Centers capabilities ..		[10,000]
450	MANPOWER MANAGEMENT	259,588	259,588
460	OTHER PERSONNEL SUPPORT	326,387	326,387
470	OTHER SERVICE SUPPORT	1,087,602	1,073,517
	Program decrease		[–14,085]
480	ARMY CLAIMS ACTIVITIES	210,514	214,014
	UFR: Supports JAG increase needs		[3,500]
490	REAL ESTATE MANAGEMENT	243,584	256,737
	UFR: Supports engineering services		[13,153]
500	FINANCIAL MANAGEMENT AND AUDIT READINESS	284,592	284,592
510	INTERNATIONAL MILITARY HEADQUARTERS	415,694	415,694
520	MISC. SUPPORT OF OTHER NATIONS	46,856	46,856
565	CLASSIFIED PROGRAMS	1,242,222	1,247,222
	Army Analytics Group		[5,000]
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**9,307,680**	**9,497,611**
	UNDISTRIBUTED		
570	UNDISTRIBUTED		–415,900
	Excessive standard price for fuel		[–31,100]
	Foreign Currency adjustments		[–146,400]
	Historical unobligated balances		[–238,400]
	SUBTOTAL UNDISTRIBUTED		**–415,900**
	TOTAL OPERATION & MAINTENANCE, ARMY	**38,945,417**	**40,106,060**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
010	MODULAR SUPPORT BRIGADES	11,461	11,747
	UFR: ARNG Operational Demand Model to 82%		[286]
020	ECHELONS ABOVE BRIGADE	577,410	593,053
	UFR: ARNG Operational Demand Model to 82%		[15,643]
030	THEATER LEVEL ASSETS	117,298	122,016
	UFR: Operational Demand Model to 82%		[4,718]
040	LAND FORCES OPERATIONS SUPPORT	552,016	564,934
	UFR: Operational Demand Model to 82%		[12,918]
050	AVIATION ASSETS	80,302	81,461
	Increase aviation readiness		[1,159]
060	FORCE READINESS OPERATIONS SUPPORT	399,035	403,858
	Pay and allowances for career development training		[223]
	UFR: Support additional capacity		[4,600]
070	LAND FORCES SYSTEMS READINESS	102,687	102,687
080	LAND FORCES DEPOT MAINTENANCE	56,016	56,016
090	BASE OPERATIONS SUPPORT	599,947	600,497
	UFR: Support 6k additional endstrength		[550]
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	273,940	324,690
	Demolition of excess facilities		[20,000]
	UFR: Address facility restoration backlog		[4,465]
	UFR: Increased facilities sustainment		[26,285]
110	MANAGEMENT AND OPERATIONAL HEADQUARTERS	22,909	22,909
	SUBTOTAL OPERATING FORCES	**2,793,021**	**2,883,868**
	ADMIN & SRVWD ACTIVITIES		
120	SERVICEWIDE TRANSPORTATION	11,116	11,116

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
130	ADMINISTRATION	17,962	17,962
140	SERVICEWIDE COMMUNICATIONS	18,550	20,950
	UFR: Equipment support		[2,400]
150	MANPOWER MANAGEMENT	6,166	6,166
160	RECRUITING AND ADVERTISING	60,027	60,027
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**113,821**	**116,221**
	UNDISTRIBUTED		
190	UNDISTRIBUTED		–3,800
	Excessive standard price for fuel		[–3,800]
	SUBTOTAL UNDISTRIBUTED		**–3,800**
	TOTAL OPERATION & MAINTENANCE, ARMY RES	**2,906,842**	**2,996,289**
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	777,883	794,862
	UFR: Readiness increase		[16,979]
020	MODULAR SUPPORT BRIGADES	190,639	190,639
030	ECHELONS ABOVE BRIGADE	807,557	819,457
	UFR: Operational Demand Model to 82%		[11,900]
040	THEATER LEVEL ASSETS	85,476	93,376
	UFR: Operational Demand Model to 82%		[7,900]
050	LAND FORCES OPERATIONS SUPPORT	36,672	38,897
	UFR: Increased aviation readiness		[2,225]
060	AVIATION ASSETS	956,381	974,581
	Increase aviation readiness		[18,200]
070	FORCE READINESS OPERATIONS SUPPORT	777,756	777,856
	UFR: Supports increased capacity		[100]
080	LAND FORCES SYSTEMS READINESS	51,506	51,506
090	LAND FORCES DEPOT MAINTENANCE	244,942	244,942
100	BASE OPERATIONS SUPPORT	1,144,726	1,148,576
	UFR: Support increase end-strength		[3,850]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	781,895	901,734
	Demolition of excess facilities		[25,000]
	UFR: Address facility restoration backlog		[20,108]
	UFR: Facilities Sustainment improvement		[74,731]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	999,052	999,292
	UFR: Support increase end-strength		[240]
	SUBTOTAL OPERATING FORCES	**6,854,485**	**7,035,718**
	ADMIN & SRVWD ACTIVITIES		
130	SERVICEWIDE TRANSPORTATION	7,703	7,703
140	ADMINISTRATION	79,236	80,386
	Department of Defense State Partnership Program		[1,150]
150	SERVICEWIDE COMMUNICATIONS	85,160	94,760
	Annual maintenance of Enterprise License Agreements		[9,600]
160	MANPOWER MANAGEMENT	8,654	8,654
170	OTHER PERSONNEL SUPPORT	268,839	277,339
	UFR: Behavior Health Specialists		[8,500]
180	REAL ESTATE MANAGEMENT	3,093	3,093
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**452,685**	**471,935**
	UNDISTRIBUTED		

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
190	UNDISTRIBUTED		–16,100
	Excessive standard price for fuel		[–16,100]
	SUBTOTAL UNDISTRIBUTED		**–16,100**
	TOTAL OPERATION & MAINTENANCE, ARNG	**7,307,170**	**7,491,553**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	5,544,165	5,566,165
	Cbt logistics Mnt for TAO–187		[22,000]
020	FLEET AIR TRAINING	2,075,000	2,075,000
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	46,801	46,801
040	AIR OPERATIONS AND SAFETY SUPPORT	119,624	119,624
050	AIR SYSTEMS SUPPORT	552,536	594,536
	UFR: Fund to Max Executable		[42,000]
060	AIRCRAFT DEPOT MAINTENANCE	1,088,482	1,088,482
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	40,584	40,584
080	AVIATION LOGISTICS	723,786	843,786
	UFR: Fund to Max Executable		[120,000]
090	MISSION AND OTHER SHIP OPERATIONS	4,067,334	4,067,334
100	SHIP OPERATIONS SUPPORT & TRAINING	977,701	977,701
110	SHIP DEPOT MAINTENANCE	7,839,358	7,839,358
120	SHIP DEPOT OPERATIONS SUPPORT	2,193,851	2,193,851
130	COMBAT COMMUNICATIONS AND ELECTRONIC WARFARE	1,288,094	1,294,094
	Logistics support for legacy C41 systems		[6,000]
150	SPACE SYSTEMS AND SURVEILLANCE	206,678	206,678
160	WARFARE TACTICS	621,581	622,581
	UFR: Operational range Clearance and Environmental Compliance		[1,000]
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	370,681	370,681
180	COMBAT SUPPORT FORCES	1,437,966	1,454,966
	Coastal Riverine Force meet operational requirements		[7,000]
	COMPACFLT C41 Upgrade		[10,000]
190	EQUIPMENT MAINTENANCE AND DEPOT OPERATIONS SUPPORT	162,705	162,705
210	COMBATANT COMMANDERS CORE OPERATIONS	65,108	65,108
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	86,892	155,992
	Joint Training Capability and Exercise Programs		[64,100]
	No-Notice Agile Logistics Exercise		[5,000]
230	MILITARY INFORMATION SUPPORT OPERATIONS	8,427	8,427
240	CYBERSPACE ACTIVITIES	385,212	385,212
260	FLEET BALLISTIC MISSILE	1,278,456	1,278,456
280	WEAPONS MAINTENANCE	745,680	750,680
	UFR: Munitions wholeness		[5,000]
290	OTHER WEAPON SYSTEMS SUPPORT	380,016	380,016
300	ENTERPRISE INFORMATION	914,428	914,428
310	SUSTAINMENT, RESTORATION AND MODERNIZATION	1,905,679	2,290,879
	Demolition of excess facilities		[50,000]
	NHHC Reduction		[–29,000]
	Restore restoration and modernization shortfalls		[87,200]
	UFR: 88% of Facility Sustainment requirements		[277,000]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
320	BASE OPERATING SUPPORT	4,333,688	4,356,688
	Operational range clearance		[11,000]
	Port Operations Service Craft Maintenance		[12,000]
	SUBTOTAL OPERATING FORCES	**39,460,513**	**40,150,813**
	MOBILIZATION		
330	SHIP PREPOSITIONING AND SURGE	417,450	427,450
	UFR: Strategic Sealift		[10,000]
360	SHIP ACTIVATIONS/INACTIVATIONS	198,341	198,341
370	EXPEDITIONARY HEALTH SERVICES SYSTEMS	66,849	66,849
390	COAST GUARD SUPPORT	21,870	21,870
	SUBTOTAL MOBILIZATION	**704,510**	**714,510**
	TRAINING AND RECRUITING		
400	OFFICER ACQUISITION	143,924	143,924
410	RECRUIT TRAINING	8,975	8,975
420	RESERVE OFFICERS TRAINING CORPS	144,708	144,708
430	SPECIALIZED SKILL TRAINING	812,708	812,708
450	PROFESSIONAL DEVELOPMENT EDUCATION	180,448	182,448
	Naval Sea Cadets		[2,000]
460	TRAINING SUPPORT	234,596	234,596
470	RECRUITING AND ADVERTISING	177,517	177,517
480	OFF-DUTY AND VOLUNTARY EDUCATION	103,154	103,154
490	CIVILIAN EDUCATION AND TRAINING	72,216	72,216
500	JUNIOR ROTC	53,262	53,262
	SUBTOTAL TRAINING AND RECRUITING	**1,931,508**	**1,933,508**
	ADMIN & SRVWD ACTIVITIES		
510	ADMINISTRATION	1,135,429	1,126,429
	Program decrease		[–9,000]
530	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	149,365	149,365
540	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	386,749	386,749
590	SERVICEWIDE TRANSPORTATION	165,301	165,301
610	PLANNING, ENGINEERING, AND PROGRAM SUPPORT	311,616	311,616
620	ACQUISITION, LOGISTICS, AND OVERSIGHT	665,580	665,580
660	INVESTIGATIVE AND SECURITY SERVICES	659,143	659,143
775	CLASSIFIED PROGRAMS	543,193	543,193
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**4,016,376**	**4,007,376**
	UNDISTRIBUTED		
780	UNDISTRIBUTED		–415,400
	Excessive standard price for fuel		[–216,600]
	Foreign Currency adjustments		[–35,300]
	Historical unobligated balances		[–163,500]
	SUBTOTAL UNDISTRIBUTED		**–415,400**
	TOTAL OPERATION & MAINTENANCE, NAVY	**46,112,907**	**46,390,807**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	967,949	967,949
020	FIELD LOGISTICS	1,065,090	1,068,190
	UFR: Long Endurance Small UAS		[3,100]
030	DEPOT MAINTENANCE	286,635	286,635

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
040	MARITIME PREPOSITIONING	85,577	85,577
050	CYBERSPACE ACTIVITIES	181,518	181,518
060	SUSTAINMENT, RESTORATION & MODERNIZATION	785,264	904,355
	Demolition of excess facilities		[40,000]
	Restore restoration and modernization shortfalls		[35,300]
	UFR: Facilities Sustainment to 80%		[43,791]
070	BASE OPERATING SUPPORT	2,196,252	2,196,252
	SUBTOTAL OPERATING FORCES	**5,568,285**	**5,690,476**
	TRAINING AND RECRUITING		
080	RECRUIT TRAINING	16,163	16,163
090	OFFICER ACQUISITION	1,154	1,154
100	SPECIALIZED SKILL TRAINING	100,398	100,398
110	PROFESSIONAL DEVELOPMENT EDUCATION	46,474	46,474
120	TRAINING SUPPORT	405,039	405,039
130	RECRUITING AND ADVERTISING	201,601	201,601
140	OFF-DUTY AND VOLUNTARY EDUCATION	32,045	32,045
150	JUNIOR ROTC	24,394	24,394
	SUBTOTAL TRAINING AND RECRUITING	**827,268**	**827,268**
	ADMIN & SRVWD ACTIVITIES		
160	SERVICEWIDE TRANSPORTATION	28,827	28,827
170	ADMINISTRATION	378,683	375,683
	Program decrease		[–3,000]
190	ACQUISITION AND PROGRAM MANAGEMENT	77,684	77,684
215	CLASSIFIED PROGRAMS	52,661	52,661
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**537,855**	**534,855**
	UNDISTRIBUTED		
220	UNDISTRIBUTED		–36,900
	Excessive standard price for fuel		[–2,700]
	Foreign Currency adjustments		[–11,400]
	Historical unobligated balances		[–22,800]
	SUBTOTAL UNDISTRIBUTED		**–36,900**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**6,933,408**	**7,015,699**
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	596,876	596,876
020	INTERMEDIATE MAINTENANCE	5,902	5,902
030	AIRCRAFT DEPOT MAINTENANCE	94,861	94,861
040	AIRCRAFT DEPOT OPERATIONS SUPPORT	381	381
050	AVIATION LOGISTICS	13,822	13,822
060	SHIP OPERATIONS SUPPORT & TRAINING	571	571
070	COMBAT COMMUNICATIONS	16,718	16,718
080	COMBAT SUPPORT FORCES	118,079	118,079
090	CYBERSPACE ACTIVITIES	308	308
100	ENTERPRISE INFORMATION	28,650	28,650
110	SUSTAINMENT, RESTORATION AND MODERNIZATION	86,354	95,854
	Restore restoration and modernization shortfalls		[1,500]
	Restore sustainment shortfalls		[8,000]
120	BASE OPERATING SUPPORT	103,596	103,596
	SUBTOTAL OPERATING FORCES	**1,066,118**	**1,075,618**
	ADMIN & SRVWD ACTIVITIES		

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
130	ADMINISTRATION	1,371	1,371
140	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	13,289	13,289
160	ACQUISITION AND PROGRAM MANAGEMENT	3,229	3,229
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**17,889**	**17,889**
	UNDISTRIBUTED		
180	UNDISTRIBUTED		–14,800
	Excessive standard price for fuel		[–14,800]
	SUBTOTAL UNDISTRIBUTED		**–14,800**
	TOTAL OPERATION & MAINTENANCE, NAVY RES	**1,084,007**	**1,078,707**
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	103,468	103,468
020	DEPOT MAINTENANCE	18,794	18,794
030	SUSTAINMENT, RESTORATION AND MODERNIZATION	32,777	37,754
	Restore restoration and modernization shortfalls		[3,900]
	UFR: Facilities Sustainment to 80%		[1,077]
040	BASE OPERATING SUPPORT	111,213	111,213
	SUBTOTAL OPERATING FORCES	**266,252**	**271,229**
	ADMIN & SRVWD ACTIVITIES		
060	ADMINISTRATION	12,585	12,585
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**12,585**	**12,585**
	UNDISTRIBUTED		
080	UNDISTRIBUTED		–500
	Excessive standard price for fuel		[–500]
	SUBTOTAL UNDISTRIBUTED		**–500**
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	**278,837**	**283,314**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	694,702	718,102
	Adversarial Air Training- mission qualification		[10,200]
	UFR: NC3 & Other Nuclear Requirements		[9,000]
	UFR: PACAF Contingency Response Group		[4,200]
020	COMBAT ENHANCEMENT FORCES	1,392,326	1,618,626
	Air and Space Operations Center		[104,800]
	UFR: Airmen Readiness Training		[8,900]
	UFR: Cyber Requirements		[70,400]
	Unified capabilities		[42,200]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,128,640	1,231,140
	F–35 maintenance instructors		[49,700]
	Readiness decision support enterprise		[1,600]
	UFR: Contract Adversary Air		[51,200]
040	DEPOT PURCHASE EQUIPMENT MAINTENANCE	2,755,367	2,854,567
	UFR: Airmen Readiness Training		[7,100]
	UFR: WSS funded at 89%		[92,100]
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	3,292,553	3,799,853
	Demolition of excess facilities		[50,000]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
	Restore restoration and modernization shortfalls		[153,300]
	Restore sustainment shortfalls		[304,000]
060	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	6,555,186	6,752,686
	UFR: E–4B Maintenance personnel		[1,000]
	UFR: EC–130H Compass Call		[12,000]
	UFR: Sustain 3 additional C–37B		[6,800]
	UFR: Weapon Systems Sustainment		[177,700]
070	FLYING HOUR PROGRAM	4,135,330	4,135,330
080	BASE SUPPORT	5,985,232	6,076,832
	UFR: Funds mission readiness at installations		[91,600]
090	GLOBAL C3I AND EARLY WARNING	847,516	973,216
	Space based readiness shortfalls		[32,900]
	UFR: Cyber Requirements		[35,300]
	UFR: NC3 & Other Nuclear Requirements		[57,500]
100	OTHER COMBAT OPS SPT PROGRAMS	1,131,817	1,166,717
	ISR sustainment and readiness		[9,800]
	UFR: Cyber Requirements		[15,000]
	UFR: PACAF Contingency Response Group		[10,100]
120	LAUNCH FACILITIES	175,457	175,457
130	SPACE CONTROL SYSTEMS	353,458	368,458
	Operationalizing commercial SSA		[15,000]
160	US NORTHCOM/NORAD	189,891	189,891
170	US STRATCOM	534,236	534,236
180	US CYBERCOM	357,830	357,830
190	US CENTCOM	168,208	168,208
200	US SOCOM	2,280	2,280
210	US TRANSCOM	533	533
215	CLASSIFIED PROGRAMS	1,091,655	1,091,655
	SUBTOTAL OPERATING FORCES	**30,792,217**	**32,215,617**
	MOBILIZATION		
220	AIRLIFT OPERATIONS	1,570,697	1,572,497
	UFR: sustain 3 additional C–37B		[1,800]
230	MOBILIZATION PREPAREDNESS	130,241	165,841
	Basic Expeditionary Airfield Resources PACOM		[22,600]
	BEAR PACOM spares		[2,900]
	PACAF Contingency response group		[10,100]
	SUBTOTAL MOBILIZATION	**1,700,938**	**1,738,338**
	TRAINING AND RECRUITING		
270	OFFICER ACQUISITION	113,722	113,722
280	RECRUIT TRAINING	24,804	24,804
290	RESERVE OFFICERS TRAINING CORPS (ROTC)	95,733	95,733
320	SPECIALIZED SKILL TRAINING	395,476	395,476
330	FLIGHT TRAINING	501,599	501,599
340	PROFESSIONAL DEVELOPMENT EDUCATION	287,500	287,500
350	TRAINING SUPPORT	91,384	91,384
370	RECRUITING AND ADVERTISING	166,795	166,795
380	EXAMINING	4,134	4,134
390	OFF-DUTY AND VOLUNTARY EDUCATION	222,691	222,691
400	CIVILIAN EDUCATION AND TRAINING	171,974	171,974
410	JUNIOR ROTC	60,070	60,070
	SUBTOTAL TRAINING AND RECRUITING	**2,135,882**	**2,135,882**
	ADMIN & SRVWD ACTIVITIES		
420	LOGISTICS OPERATIONS	805,453	805,453
430	TECHNICAL SUPPORT ACTIVITIES	127,379	127,379
470	ADMINISTRATION	911,283	911,283

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
480	SERVICEWIDE COMMUNICATIONS	432,172	432,172
490	OTHER SERVICEWIDE ACTIVITIES	1,175,658	1,170,658
	Program decrease		[–5,000]
500	CIVIL AIR PATROL	26,719	29,819
	Civil Air Patrol		[3,100]
530	INTERNATIONAL SUPPORT	76,878	76,878
535	CLASSIFIED PROGRAMS	1,263,403	1,263,403
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**4,818,945**	**4,817,045**
	UNDISTRIBUTED		
540	UNDISTRIBUTED		–404,900
	Excessive standard price for fuel		[–204,200]
	Foreign Currency adjustments		[–84,300]
	Historical unobligated balances		[–156,300]
	UFR: Child and Youth Compliance		[35,000]
	UFR: Violence Prevention Program		[4,900]
	SUBTOTAL UNDISTRIBUTED		**–404,900**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**39,447,982**	**40,501,982**
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	1,801,007	1,801,007
020	MISSION SUPPORT OPERATIONS	210,642	210,642
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	403,867	403,867
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	124,951	140,251
	Restore restoration and modernization shortfalls		[5,600]
	Restore sustainment shortfalls		[9,700]
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	240,835	284,435
	C–17 CLS workload		[5,700]
	C–17 depot-level repairable		[12,100]
	UFR: Weapon Systems Sustainment		[25,800]
060	BASE SUPPORT	371,878	405,878
	UFR: Restore maintenance and repair		[34,000]
	SUBTOTAL OPERATING FORCES	**3,153,180**	**3,246,080**
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
070	ADMINISTRATION	74,153	74,153
080	RECRUITING AND ADVERTISING	19,522	19,522
090	MILITARY MANPOWER AND PERS MGMT (ARPC)	12,765	12,765
100	OTHER PERS SUPPORT (DISABILITY COMP)	7,495	7,495
110	AUDIOVISUAL	392	392
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	**114,327**	**114,327**
	UNDISTRIBUTED		
120	UNDISTRIBUTED		–33,000
	Excessive standard price for fuel		[–33,000]
	SUBTOTAL UNDISTRIBUTED		**–33,000**
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	**3,267,507**	**3,327,407**
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
010	AIRCRAFT OPERATIONS	3,175,055	3,175,055
020	MISSION SUPPORT OPERATIONS	746,082	764,582
	Restore support operations		[18,500]
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	867,063	867,063
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	325,090	372,690
	Restore restoration and modernization shortfalls		[14,600]
	Restore sustainment shortfalls		[33,000]
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	1,100,829	1,210,829
	C–130 propulsion improvements		[16,100]
	Maintenance for RC–26 a/c		[28,700]
	Sustain DCGS		[6,500]
	UFR: Increase Weapons System Sustainment		[58,700]
060	BASE SUPPORT	583,664	583,664
	SUBTOTAL OPERATING FORCES	**6,797,783**	**6,973,883**
	ADMINISTRATION AND SERVICE-WIDE ACTIVITIES		
070	ADMINISTRATION	44,955	44,955
080	RECRUITING AND ADVERTISING	97,230	97,230
	SUBTOTAL ADMINISTRATION AND SERVICE-WIDE ACTIVITIES	**142,185**	**142,185**
	UNDISTRIBUTED		
090	UNDISTRIBUTED		–65,300
	Excessive standard price for fuel		[–65,300]
	SUBTOTAL UNDISTRIBUTED		**–65,300**
	TOTAL OPERATION & MAINTENANCE, ANG	**6,939,968**	**7,050,768**
	OPERATION AND MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	440,853	440,853
020	JOINT CHIEFS OF STAFF—CE2T2	551,511	551,511
040	SPECIAL OPERATIONS COMMAND/OPERATING FORCES	5,008,274	5,014,574
	Unfunded Requirement- Joint Task Force Platform Expansion		[6,300]
	SUBTOTAL OPERATING FORCES	**6,000,638**	**6,006,938**
	TRAINING AND RECRUITING		
050	DEFENSE ACQUISITION UNIVERSITY	144,970	149,970
	Increase for curriculum development		[5,000]
060	JOINT CHIEFS OF STAFF	84,402	84,402
080	SPECIAL OPERATIONS COMMAND/TRAINING AND RECRUITING	379,462	379,462
	SUBTOTAL TRAINING AND RECRUITING	**608,834**	**613,834**
	ADMIN & SRVWIDE ACTIVITIES		
090	CIVIL MILITARY PROGRAMS	183,000	209,500
	National Guard Youth Challenge		[1,500]
	STARBASE		[25,000]
110	DEFENSE CONTRACT AUDIT AGENCY	597,836	597,836
120	DEFENSE CONTRACT MANAGEMENT AGENCY	1,439,010	1,439,010
130	DEFENSE HUMAN RESOURCES ACTIVITY	807,754	807,754
140	DEFENSE INFORMATION SYSTEMS AGENCY	2,009,702	2,009,702

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
160	DEFENSE LEGAL SERVICES AGENCY	24,207	24,207
170	DEFENSE LOGISTICS AGENCY	400,422	414,722
	Procurement Technical Assistance Program (PTAP)		[14,300]
180	DEFENSE MEDIA ACTIVITY	217,585	215,085
	Program decrease		[–2,500]
190	DEFENSE PERSONNEL ACCOUNTING AGENCY	131,268	131,268
200	DEFENSE SECURITY COOPERATION AGENCY	722,496	722,496
210	DEFENSE SECURITY SERVICE	683,665	683,665
230	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	34,712	34,712
240	DEFENSE THREAT REDUCTION AGENCY	542,604	538,804
	Efficiencies from DTRA/JIDO integration		[–3,800]
260	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,794,389	2,844,389
	Impact aid for children with severe disabilities		[10,000]
	Impact aid for schools with military dependent students		[40,000]
270	MISSILE DEFENSE AGENCY	504,058	504,058
290	OFFICE OF ECONOMIC ADJUSTMENT	57,840	57,840
300	OFFICE OF THE SECRETARY OF DEFENSE	1,488,344	1,499,344
	CDC Study		[7,000]
	Study on Air Force aircraft capacity and capabilities		[1,000]
	Support for Commission to Assess the Threat from Electromagnetic Pulse Attacks and Events		[3,000]
310	SPECIAL OPERATIONS COMMAND/ADMIN & SVC-WIDE ACTIVITIES	94,273	94,273
320	WASHINGTON HEADQUARTERS SERVICES	436,776	436,776
325	CLASSIFIED PROGRAMS	14,830,139	14,830,139
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**28,000,080**	**28,095,580**
	UNDISTRIBUTED		
330	UNDISTRIBUTED		–193,900
	Excessive standard price for fuel		[–9,800]
	Foreign Currency adjustments		[–19,400]
	Historical unobligated balances		[–164,700]
	SUBTOTAL UNDISTRIBUTED		**–193,900**
	TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE	**34,609,552**	**34,522,452**
	MISCELLANEOUS APPROPRIATIONS		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	14,538	14,538
020	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	104,900	104,900
030	COOPERATIVE THREAT REDUCTION	324,600	324,600
050	ENVIRONMENTAL RESTORATION, ARMY	215,809	215,809
060	ENVIRONMENTAL RESTORATION, NAVY	281,415	323,649
	PFOA/PFOS Remediation		[42,234]
070	ENVIRONMENTAL RESTORATION, AIR FORCE	293,749	323,749
	PFOA/PFOS Remediation		[30,000]
080	ENVIRONMENTAL RESTORATION, DEFENSE	9,002	9,002
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	208,673	208,673
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	**1,452,686**	**1,524,920**

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2018 Request	Conference Authorized
	TOTAL OPERATION & MAINTENANCE	**189,286,283**	**192,289,958**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2018 Request	Conference Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
010	MANEUVER UNITS	828,225	828,225
030	ECHELONS ABOVE BRIGADE	25,474	25,474
040	THEATER LEVEL ASSETS	1,778,644	1,778,644
050	LAND FORCES OPERATIONS SUPPORT	260,575	260,575
060	AVIATION ASSETS	284,422	284,422
070	FORCE READINESS OPERATIONS SUPPORT	2,784,525	2,784,525
080	LAND FORCES SYSTEMS READINESS	502,330	502,330
090	LAND FORCES DEPOT MAINTENANCE	104,149	104,149
100	BASE OPERATIONS SUPPORT	80,249	80,249
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	32,000	32,000
140	ADDITIONAL ACTIVITIES	6,988,168	6,988,168
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	5,000	5,000
160	RESET	864,926	614,926
	Realignment of depot operations to base		[–250,000]
180	US AFRICA COMMAND	186,567	186,567
190	US EUROPEAN COMMAND	44,250	44,250
	SUBTOTAL OPERATING FORCES	**14,769,504**	**14,519,504**
	MOBILIZATION		
230	ARMY PREPOSITIONED STOCKS	56,500	56,500
	SUBTOTAL MOBILIZATION	**56,500**	**56,500**
	ADMIN & SRVWIDE ACTIVITIES		
390	SERVICEWIDE TRANSPORTATION	789,355	789,355
400	CENTRAL SUPPLY ACTIVITIES	16,567	16,567
410	LOGISTIC SUPPORT ACTIVITIES	6,000	6,000
420	AMMUNITION MANAGEMENT	5,207	5,207
460	OTHER PERSONNEL SUPPORT	107,091	107,091
490	REAL ESTATE MANAGEMENT	165,280	165,280
565	CLASSIFIED PROGRAMS	1,083,390	1,083,390
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES ..	**2,172,890**	**2,172,890**
	TOTAL OPERATION & MAINTENANCE, ARMY	**16,998,894**	**16,748,894**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
020	ECHELONS ABOVE BRIGADE	4,179	4,179
040	LAND FORCES OPERATIONS SUPPORT	2,132	2,132
060	FORCE READINESS OPERATIONS SUPPORT	779	779
090	BASE OPERATIONS SUPPORT	17,609	17,609
	SUBTOTAL OPERATING FORCES	**24,699**	**24,699**
	TOTAL OPERATION & MAINTENANCE, ARMY RES	**24,699**	**24,699**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	41,731	41,731
020	MODULAR SUPPORT BRIGADES	762	762
030	ECHELONS ABOVE BRIGADE	11,855	11,855
040	THEATER LEVEL ASSETS	204	204
060	AVIATION ASSETS	27,583	27,583
070	FORCE READINESS OPERATIONS SUPPORT	5,792	5,792
100	BASE OPERATIONS SUPPORT	18,507	18,507
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	937	937
	SUBTOTAL OPERATING FORCES	**107,371**	**107,371**
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE COMMUNICATIONS	740	740
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**740**	**740**
	TOTAL OPERATION & MAINTENANCE, ARNG	**108,111**	**108,111**
	AFGHANISTAN SECURITY FORCES FUND		
	MINISTRY OF DEFENSE		
010	SUSTAINMENT	2,660,855	2,660,855
020	INFRASTRUCTURE	21,000	21,000
030	EQUIPMENT AND TRANSPORTATION	684,786	684,786
040	TRAINING AND OPERATIONS	405,117	405,117
	SUBTOTAL MINISTRY OF DEFENSE	**3,771,758**	**3,771,758**
	MINISTRY OF INTERIOR		
050	SUSTAINMENT	955,574	955,574
060	INFRASTRUCTURE	39,595	39,595
070	EQUIPMENT AND TRANSPORTATION	75,976	75,976
080	TRAINING AND OPERATIONS	94,612	94,612
	SUBTOTAL MINISTRY OF INTERIOR	**1,165,757**	**1,165,757**
	TOTAL AFGHANISTAN SECURITY FORCES FUND	**4,937,515**	**4,937,515**
	COUNTER-ISIS TRAIN & EQUIP FUND		
	COUNTER-ISIS TRAIN AND EQUIP FUND (CTEF)		
010	IRAQ	1,269,000	1,269,000
020	SYRIA	500,000	500,000
	SUBTOTAL COUNTER-ISIS TRAIN AND EQUIP FUND (CTEF)	**1,769,000**	**1,769,000**
	TOTAL COUNTER-ISIS TRAIN & EQUIP FUND	**1,769,000**	**1,769,000**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	412,710	412,710
020	FLEET AIR TRAINING	5,674	5,674
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	1,750	1,750
040	AIR OPERATIONS AND SAFETY SUPPORT	2,989	2,989
050	AIR SYSTEMS SUPPORT	144,030	144,030
060	AIRCRAFT DEPOT MAINTENANCE	211,196	211,196
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	1,921	1,921

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
080	AVIATION LOGISTICS	102,834	102,834
090	MISSION AND OTHER SHIP OPERATIONS	871,453	871,453
100	SHIP OPERATIONS SUPPORT & TRAINING	19,627	19,627
110	SHIP DEPOT MAINTENANCE	2,483,179	2,483,179
130	COMBAT COMMUNICATIONS AND ELECTRONIC WARFARE	58,886	58,886
150	SPACE SYSTEMS AND SURVEILLANCE	4,400	4,400
160	WARFARE TACTICS	21,550	21,550
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	21,104	21,104
180	COMBAT SUPPORT FORCES	611,936	611,936
190	EQUIPMENT MAINTENANCE AND DEPOT OPERATIONS SUPPORT	11,433	11,433
280	WEAPONS MAINTENANCE	371,611	371,611
290	OTHER WEAPON SYSTEMS SUPPORT	9,598	9,598
310	SUSTAINMENT, RESTORATION AND MODERNIZATION	31,898	31,898
320	BASE OPERATING SUPPORT	230,246	230,246
	SUBTOTAL OPERATING FORCES	**5,630,025**	**5,630,025**
	MOBILIZATION		
360	SHIP ACTIVATIONS/INACTIVATIONS	1,869	1,869
370	EXPEDITIONARY HEALTH SERVICES SYSTEMS	11,905	11,905
390	COAST GUARD SUPPORT	161,885	161,885
	SUBTOTAL MOBILIZATION	**175,659**	**175,659**
	TRAINING AND RECRUITING		
430	SPECIALIZED SKILL TRAINING	43,369	43,369
	SUBTOTAL TRAINING AND RECRUITING	**43,369**	**43,369**
	ADMIN & SRVWD ACTIVITIES		
510	ADMINISTRATION	3,217	3,217
540	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	7,356	7,356
590	SERVICEWIDE TRANSPORTATION	67,938	67,938
620	ACQUISITION, LOGISTICS, AND OVERSIGHT	9,446	9,446
660	INVESTIGATIVE AND SECURITY SERVICES	1,528	1,528
775	CLASSIFIED PROGRAMS	12,751	12,751
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**102,236**	**102,236**
	TOTAL OPERATION & MAINTENANCE, NAVY	**5,951,289**	**5,951,289**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	720,013	720,013
020	FIELD LOGISTICS	256,536	256,536
030	DEPOT MAINTENANCE	52,000	52,000
070	BASE OPERATING SUPPORT	17,529	17,529
	SUBTOTAL OPERATING FORCES	**1,046,078**	**1,046,078**
	TRAINING AND RECRUITING		
120	TRAINING SUPPORT	29,421	29,421
	SUBTOTAL TRAINING AND RECRUITING	**29,421**	**29,421**
	ADMIN & SRVWD ACTIVITIES		
160	SERVICEWIDE TRANSPORTATION	62,225	62,225
215	CLASSIFIED PROGRAMS	3,650	3,650
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**65,875**	**65,875**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**1,141,374**	**1,141,374**
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
030	AIRCRAFT DEPOT MAINTENANCE	14,964	14,964
080	COMBAT SUPPORT FORCES	9,016	9,016
	SUBTOTAL OPERATING FORCES	**23,980**	**23,980**
	TOTAL OPERATION & MAINTENANCE, NAVY RES	**23,980**	**23,980**
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	2,548	2,548
040	BASE OPERATING SUPPORT	819	819
	SUBTOTAL OPERATING FORCES	**3,367**	**3,367**
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	**3,367**	**3,367**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	248,235	248,235
020	COMBAT ENHANCEMENT FORCES	1,394,962	1,394,962
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	5,450	5,450
040	DEPOT PURCHASE EQUIPMENT MAINTENANCE	699,860	699,860
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	113,131	113,131
060	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	2,039,551	2,039,551
070	FLYING HOUR PROGRAM	2,059,363	2,059,363
080	BASE SUPPORT	1,088,946	1,088,946
090	GLOBAL C3I AND EARLY WARNING	15,274	15,274
100	OTHER COMBAT OPS SPT PROGRAMS	198,090	198,090
120	LAUNCH FACILITIES	385	385
130	SPACE CONTROL SYSTEMS	22,020	22,020
160	US NORTHCOM/NORAD	381	381
170	US STRATCOM	698	698
180	US CYBERCOM	35,239	35,239
190	US CENTCOM	159,520	159,520
200	US SOCOM	19,000	19,000
215	CLASSIFIED PROGRAMS	58,098	58,098
	SUBTOTAL OPERATING FORCES	**8,158,203**	**8,158,203**
	MOBILIZATION		
220	AIRLIFT OPERATIONS	1,430,316	1,430,316
230	MOBILIZATION PREPAREDNESS	213,827	213,827
	SUBTOTAL MOBILIZATION	**1,644,143**	**1,644,143**
	TRAINING AND RECRUITING		
270	OFFICER ACQUISITION	300	300
280	RECRUIT TRAINING	298	298
290	RESERVE OFFICERS TRAINING CORPS (ROTC)	90	90
320	SPECIALIZED SKILL TRAINING	25,675	25,675
330	FLIGHT TRAINING	879	879
340	PROFESSIONAL DEVELOPMENT EDUCATION	1,114	1,114

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
350	TRAINING SUPPORT	1,426	1,426
	SUBTOTAL TRAINING AND RECRUITING	**29,782**	**29,782**
	ADMIN & SRVWD ACTIVITIES		
420	LOGISTICS OPERATIONS	151,847	151,847
430	TECHNICAL SUPPORT ACTIVITIES	8,744	8,744
470	ADMINISTRATION	6,583	6,583
480	SERVICEWIDE COMMUNICATIONS	129,508	129,508
490	OTHER SERVICEWIDE ACTIVITIES	84,110	84,110
530	INTERNATIONAL SUPPORT	120	120
535	CLASSIFIED PROGRAMS	53,255	53,255
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**434,167**	**434,167**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**10,266,295**	**10,266,295**
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	52,323	52,323
060	BASE SUPPORT	6,200	6,200
	SUBTOTAL OPERATING FORCES	**58,523**	**58,523**
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	**58,523**	**58,523**
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
020	MISSION SUPPORT OPERATIONS	3,468	3,468
060	BASE SUPPORT	11,932	11,932
	SUBTOTAL OPERATING FORCES	**15,400**	**15,400**
	TOTAL OPERATION & MAINTENANCE, ANG	**15,400**	**15,400**
	OPERATION AND MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	4,841	4,841
040	SPECIAL OPERATIONS COMMAND/OPERATING FORCES	3,305,234	3,305,234
	SUBTOTAL OPERATING FORCES	**3,310,075**	**3,310,075**
	ADMIN & SRVWIDE ACTIVITIES		
110	DEFENSE CONTRACT AUDIT AGENCY	9,853	9,853
120	DEFENSE CONTRACT MANAGEMENT AGENCY	21,317	21,317
140	DEFENSE INFORMATION SYSTEMS AGENCY	64,137	64,137
160	DEFENSE LEGAL SERVICES AGENCY	115,000	115,000
180	DEFENSE MEDIA ACTIVITY	13,255	13,255
200	DEFENSE SECURITY COOPERATION AGENCY	2,312,000	2,062,000
	Reduction to Coalition Support Funds		[–100,000]
	Transfer of funds to Ukraine Security Assistance		[–150,000]
260	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	31,000	31,000
300	OFFICE OF THE SECRETARY OF DEFENSE	34,715	34,715
320	WASHINGTON HEADQUARTERS SERVICES	3,179	3,179
325	CLASSIFIED PROGRAMS	1,878,713	1,878,713
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**4,483,169**	**4,233,169**
	TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE	**7,793,244**	**7,543,244**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2018 Request	Conference Authorized
	UKRAINE SECURITY ASSISTANCE		
	UKRAINE SECURITY ASSISTANCE		
010	UKRAINE SECURITY ASSISTANCE		350,000
	Program increase		[200,000]
	Transfer from DSCA		[150,000]
	SUBTOTAL UKRAINE SECURITY ASSISTANCE		**350,000**
	TOTAL UKRAINE SECURITY ASSISTANCE		**350,000**
	TOTAL OPERATION & MAINTENANCE	**49,091,691**	**48,941,691**

TITLE XLIV—MILITARY PERSONNEL

SEC. 4401. MILITARY PERSONNEL.

SEC. 4401. MILITARY PERSONNEL
(In Thousands of Dollars)

Item	FY 2018 Request	Conference Authorized
Military Personnel Appropriations	**133,881,636**	**134,008,986**
Defense Innovation Board software review		[1,000]
Department of Defense State Partnership Program		[2,000]
Historical unobligated balances		[–814,050]
Increase Active Army end strength		[625,000]
Increase Active Marine Corps end strength		[80,000]
Increase Army National Guard end strength		[13,000]
Increase Army Reserve end strength		[13,000]
Military Personnel Pay Raise		[206,400]
Public-Private partnership on military spousal employment		[1,000]
Medicare-Eligible Retiree Health Fund Contributions	**7,804,427**	**7,837,427**
Accrual payment associated with increased end strength		[33,000]
Total, Military Personnel	**141,686,063**	**141,846,413**

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Item	FY 2018 Request	Conference Authorized
Military Personnel Appropriations	**4,326,172**	**4,326,172**
Total, Military Personnel Appropriations	**4,326,172**	**4,326,172**

TITLE XLV—OTHER AUTHORIZATIONS

SEC. 4501. OTHER AUTHORIZATIONS.

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Program Title	FY 2018 Request	Conference Authorized
WORKING CAPITAL FUND, ARMY		
INDUSTRIAL OPERATIONS	43,140	43,140
SUPPLY MANAGEMENT—ARMY	40,636	40,636
TOTAL WORKING CAPITAL FUND, ARMY	**83,776**	**83,776**
WORKING CAPITAL FUND, AIR FORCE		
TRANSPORTATION		
SUPPLY MANAGEMENT	66,462	66,462
TOTAL WORKING CAPITAL FUND, AIR FORCE	**66,462**	**66,462**
WORKING CAPITAL FUND, DECA		
COMMISSARY OPERATIONS	1,389,340	1,389,340
TOTAL WORKING CAPITAL FUND, DECA	**1,389,340**	**1,389,340**
WORKING CAPITAL FUND, DEFENSE-WIDE		
ENERGY MANAGEMENT—DEFENSE		
SUPPLY CHAIN MANAGEMENT—DEFENSE	47,018	47,018
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	**47,018**	**47,018**
NATIONAL DEFENSE SEALIFT FUND		
NATIONAL DEF SEALIFT VESSEL		
LG MED SPD RO/RO MAINTENANCE	135,800	135,800
DOD MOBILIZATION ALTERATIONS	11,197	11,197
TAH MAINTENANCE	54,453	54,453
RESEARCH AND DEVELOPMENT	18,622	18,622
READY RESERVE FORCES	289,255	296,255
Strategic Sealift SLEP		[7,000]
TOTAL NATIONAL DEFENSE SEALIFT FUND	**509,327**	**516,327**
CHEM AGENTS & MUNITIONS DESTRUCTION		
CHEM DEMILITARIZATION—O&M	104,237	104,237
CHEM DEMILITARIZATION—RDT&E	839,414	839,414
CHEM DEMILITARIZATION—PROC	18,081	18,081
TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION	**961,732**	**961,732**
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	674,001	705,001

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Program Title	FY 2018 Request	Conference Authorized
National Guard counter-drug programs		[10,000]
SOUTHCOM ISR		[21,000]
DRUG DEMAND REDUCTION PROGRAM	116,813	116,813
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	**790,814**	**821,814**
OFFICE OF THE INSPECTOR GENERAL		
OPERATION AND MAINTENANCE	334,087	334,087
RDT&E	2,800	2,800
TOTAL OFFICE OF THE INSPECTOR GENERAL	**336,887**	**336,887**
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	9,457,768	9,465,768
Pre-mobilization health care under section 12304b		[8,000]
PRIVATE SECTOR CARE	15,317,732	15,317,732
CONSOLIDATED HEALTH SUPPORT	2,193,045	2,193,045
INFORMATION MANAGEMENT	1,803,733	1,803,733
MANAGEMENT ACTIVITIES	330,752	330,752
EDUCATION AND TRAINING	737,730	737,730
BASE OPERATIONS/COMMUNICATIONS	2,255,163	2,255,163
RESEARCH	9,796	9,796
EXPLORATRY DEVELOPMENT	64,881	64,881
ADVANCED DEVELOPMENT	246,268	246,268
DEMONSTRATION/VALIDATION	99,039	99,039
ENGINEERING DEVELOPMENT	170,602	170,602
MANAGEMENT AND SUPPORT	69,191	69,191
CAPABILITIES ENHANCEMENT	13,438	13,438
INITIAL OUTFITTING	26,978	26,978
REPLACEMENT & MODERNIZATION	360,831	360,831
THEATER MEDICAL INFORMATION PROGRAM		
JOINT OPERATIONAL MEDICINE INFORMATION SYSTEM	8,326	8,326
DOD HEALTHCARE MANAGEMENT SYSTEM MODERNIZATION	499,193	499,193
UNDISTRIBUTED		–219,600
Change to Pharmacy Copayments		[–62,000]
Foreign Currency adjustments		[–15,500]
Historical unobligated balances		[–142,100]
TOTAL DEFENSE HEALTH PROGRAM	**33,664,466**	**33,452,866**
TOTAL OTHER AUTHORIZATIONS	**37,849,822**	**37,676,222**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Program Title	FY 2018 Request	Conference Authorized
WORKING CAPITAL FUND, ARMY INDUSTRIAL OPERATIONS		
SUPPLY MANAGEMENT—ARMY	50,111	50,111
TOTAL WORKING CAPITAL FUND, ARMY	**50,111**	**50,111**
WORKING CAPITAL FUND, DEFENSE-WIDE		
ENERGY MANAGEMENT—DEFENSE	70,000	70,000
SUPPLY CHAIN MANAGEMENT—DEFENSE	28,845	28,845
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	**98,845**	**98,845**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Program Title	FY 2018 Request	Conference Authorized
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	196,300	196,300
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	**196,300**	**196,300**
OFFICE OF THE INSPECTOR GENERAL		
OPERATION AND MAINTENANCE	24,692	24,692
TOTAL OFFICE OF THE INSPECTOR GENERAL	**24,692**	**24,692**
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	61,857	61,857
PRIVATE SECTOR CARE	331,968	331,968
CONSOLIDATED HEALTH SUPPORT	1,980	1,980
TOTAL DEFENSE HEALTH PROGRAM	**395,805**	**395,805**
TOTAL OTHER AUTHORIZATIONS	**765,753**	**765,753**

TITLE XLVI—MILITARY CONSTRUCTION

SEC. 4601. MILITARY CONSTRUCTION.

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2018 Request	Conference Authorized
	Alabama			
Army	Fort Rucker	Training Support Facility	38,000	38,000
	Arizona			
Army	Davis-Monthan AFB	General Instruction Building	22,000	22,000
Army	Fort Huachuca	Ground Transport Equipment Building	30,000	30,000
	California			
Army	Fort Irwin	Land Acquisition	3,000	3,000
	Colorado			
Army	Fort Carson	Ammunition Supply Point	21,000	21,000
Army	Fort Carson	Battlefield Weather Facility	8,300	8,300
	Florida			
Army	Eglin AFB	Multipurpose Range Complex	18,000	18,000
	Georgia			
Army	Fort Benning	Air Traffic Control Tower	0	10,800
Army	Fort Benning	Training Support Facility	28,000	28,000
Army	Fort Gordon	Access Control Point	33,000	33,000
Army	Fort Gordon	Automation-Aided Instructional Building	18,500	18,500
	Germany			
Army	Stuttgart	Commissary	40,000	40,000
Army	Wiesbaden	Administrative Building	43,000	43,000
	Hawaii			
Army	Fort Shafter	Command and Control Facility, Incr 3	90,000	90,000
Army	Pohakuloa Training Area	Operational Readiness Training Complex (Barracks).	0	25,000
	Indiana			
Army	Crane Army Ammunition Activity	Shipping and Receiving Building	24,000	24,000
	Korea			
Army	Kunsan AB	Unmanned Aerial Vehicle Hangar	53,000	53,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2018 Request	Conference Authorized
	New York			
Army	U.S. Military Academy	Cemetery	22,000	22,000
	South Carolina			
Army	Fort Jackson	Reception Barracks Complex, PH1	60,000	60,000
Army	Shaw AFB	Mission Training Complex	25,000	25,000
	Texas			
Army	Camp Bullis	Vehicle Maintenance Shop	13,600	13,600
Army	Fort Hood	Battalion Headquarters Complex	37,000	37,000
Army	Fort Hood	Vehicle Maintenance Shop	0	33,000
	Turkey			
Army	Turkey Various	Forward Operating Site	6,400	0
	Virginia			
Army	Fort Belvoir	Secure Admin/Operations Facility, Incr 3	14,124	14,124
Army	Joint Base Langley-Eustis	Aircraft Maintenance Instructional Bldg	34,000	34,000
Army	Joint Base Myer-Henderson	Security Fence	20,000	20,000
	Washington			
Army	Joint Base Lewis-McChord	Confinement Facility	66,000	66,000
Army	Yakima	Fire Station	19,500	19,500
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	ERI: Planning and Design	0	0
Army	Unspecified Worldwide Locations	Host Nation Support	28,700	28,700
Army	Unspecified Worldwide Locations	Planning and Design	72,770	72,770
Army	Unspecified Worldwide Locations	Prior Year Savings: Unspecified Minor Construction, Army.	0	0
Army	Unspecified Worldwide Locations	Unspecified Minor Construction	31,500	31,500
Military Construction, Army Total			**920,394**	**982,794**
	Arizona			
Navy	Yuma	Enlisted Dining Facility & Community Bldgs.	36,358	36,358
	California			
Navy	Barstow	Combat Vehicle Repair Facility	36,539	36,539
Navy	Camp Pendleton	Ammunition Supply Point Upgrade	61,139	61,139
Navy	Coronado	Undersea Rescue Command Operations Building.	0	36,000
Navy	Lemoore	F/A 18 Avionics Repair Facility Replacement.	60,828	60,828
Navy	Miramar	Aircraft Maintenance Hangar (Inc 2)	39,600	39,600
Navy	Miramar	F–35 Simulator Facility	0	47,600
Navy	San Diego	P440 Pier 8 Replacement	0	0
Navy	Twentynine Palms	Potable Water Treatment/Blending Facility.	55,099	55,099
	District of Columbia			
Navy	NSA Washington	Electronics Science and Technology Laboratory.	37,882	37,882
Navy	NSA Washington	Washington Navy Yard AT/FP	60,000	0
	Djibouti			
Navy	Camp Lemonier	Aircraft Parking Apron Expansion	13,390	0
	Florida			
Navy	Mayport	Advanced Wastewater Treatment Plant (AWWTP).	74,994	74,994
Navy	Mayport	Missile Magazines	9,824	9,824

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2018 Request	Conference Authorized
Navy	Mayport	P426 Littoral Combat Ship (LCS) Support Facility (LSF).	0	0
Navy	Mayport	P427 Littoral Combat Ship (LCS) Training Facility (LSF).	0	0
	Georgia			
Navy	Albany	Combat Vehicle Warehouse	0	43,300
	Greece			
Navy	Souda Bay	Strategic Aircraft Parking Apron Expansion.	22,045	22,045
	Guam			
Navy	Joint Region Marianas	Aircraft Maintenance Hangar #2	75,233	75,233
Navy	Joint Region Marianas	Corrosion Control Hangar	66,747	66,747
Navy	Joint Region Marianas	MALS Facilities	49,431	49,431
Navy	Joint Region Marianas	Navy-Commercial Tie-in Hardening	37,180	37,180
Navy	Joint Region Marianas	Water Well Field	56,088	56,088
	Hawaii			
Navy	Joint Base Pearl Harbor-Hickam	Sewer Lift Station & Relief Sewer Line	73,200	73,200
Navy	Kaneohe Bay	LHD Pad Conversions MV–22 Landing Pads.	19,012	19,012
Navy	Kaneohe Bay	Mokapu Gate Entry Control AT/FP Compliance.	0	26,492
Navy	Wahiawa	Communications/Crypto Facility	65,864	65,864
	Japan			
Navy	Iwakuni	KC130J Enlisted Aircrew Trainer Facility.	21,860	21,860
	Maine			
Navy	Kittery	Paint, Blast, and Rubber Facility	61,692	61,692
	North Carolina			
Navy	Camp Lejeune	Bachelor Enlisted Quarters	37,983	37,983
Navy	Camp Lejeune	Water Treatment Plant Replacement Hadnot Pt.	65,784	65,784
Navy	Cherry Point Marine Corps Air Station	F–35B Vertical Lift Fan Test Facility	15,671	15,671
Navy	Camp Lejeune	Radio BN Complex, Phase 2	0	0
	Virginia			
Navy	Dam Neck	ISR Operations Facility Expansion	29,262	29,262
Navy	Joint Expeditionary Base Little Creek—Story	ACU–4 Electrical Upgrades	2,596	2,596
Navy	Marine Corps Base Quantico	TBS Fire Station Building 533 Replacement.	0	23,738
Navy	Norfolk	Chambers Field Magazine Recap PH 1	34,665	34,665
Navy	Portsmouth	Ship Repair Training Facility	72,990	72,990
Navy	Yorktown	Bachelor Enlisted Quarters	36,358	36,358
	Washington			
Navy	Indian Island	Missile Magazines	44,440	44,440
	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	ERI: Planning and Design	0	0
Navy	Unspecified Worldwide Locations	Planning and Design	219,069	219,069
Navy	Unspecified Worldwide Locations	Prior Year Savings: Unspecified Minor Construction.	0	0

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2018 Request	Conference Authorized
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction	23,842	23,842
Military Construction, Navy Total			**1,616,665**	**1,720,405**
	Alaska			
AF	Eielson AFB	F–35A ADAL Conventional Munitions Facility.	2,500	2,500
AF	Eielson AFB	F–35A AGE Facility / Fillstand	21,000	21,000
AF	Eielson AFB	F–35A Consolidated Munitions Admin Facility.	27,000	27,000
AF	Eielson AFB	F–35A Extend Utiliduct to South Loop	48,000	48,000
AF	Eielson AFB	F–35A OSS/Weapons/Intel Facility	11,800	11,800
AF	Eielson AFB	F–35A R–11 Fuel Truck Shelter	9,600	9,600
AF	Eielson AFB	F–35A Satellite Dining Facility	8,000	8,000
AF	Eielson AFB	Repair Central Heat/Power Plant Boiler PH 4.	41,000	41,000
	Arkansas			
AF	Little Rock AFB	Dormitory—168 PN	0	20,000
	Australia			
AF	Darwin	APR—Bulk Fuel Storage Tanks	76,000	76,000
	California			
AF	Travis Air Force Base	KC–46A ADAL B14 Fuel Cell Hangar	0	0
AF	Travis Air Force Base	KC–46A Aircraft 3-Bay Maintenance Hangar.	0	107,000
AF	Travis Air Force Base	KC–46A Alter B181/185/187 Squad Ops/AMU.	0	0
AF	Travis Air Force Base	KC–46A Alter B811 Corrosion Control Hangar.	0	7,700
	Colorado			
AF	Buckley Air Force Base	SBIRS Operations Facility	38,000	38,000
AF	Fort Carson	13 ASOS Expansion	13,000	13,000
AF	U.S. Air Force Academy	Air Force Cyberworx	30,000	30,000
	Estonia			
AF	Amari Air Base	ERI: POL Capacity Phase II	0	0
AF	Amari Air Base	ERI: Tactical Fighter Aircraft Parking Apron.	0	0
	Florida			
AF	Eglin AFB	F–35A Armament Research Fac Addition (B614).	8,700	8,700
AF	Eglin AFB	Long-Range Stand-Off Acquisition Fac	38,000	38,000
AF	Eglin AFB	Dormitories (288 RM)	0	44,000
AF	MacDill AFB	KC–135 Beddown Og/Mxg HQ	8,100	8,100
AF	Tyndall Air Force Base	Fire Station	0	17,000
	Georgia			
AF	Robins AFB	Commercial Vehicle Visitor Control Facility.	9,800	9,800
	Hungary			
AF	Kecskemet AB	ERI: Airfield Upgrades	0	0
AF	Kecskemet AB	ERI: Construct Parallel Taxiway	0	0
AF	Kecskemet AB	ERI: Increase POL Storage Capacity	0	0
	Iceland			
AF	Keflavik	ERI: Airfield Upgrades	0	0
	Italy			
AF	Aviano AB	Guardian Angel Operations Facility	27,325	0
	Kansas			
AF	McConnell AFB	Combat Arms Facility	17,500	17,500
	Latvia			
AF	Lielvarde Air Base	ERI: Expand Strategic Ramp Parking	0	0
	Luxembourg			

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Account	State/Country and Installation	Project Title	FY 2018 Request	Conference Authorized
AF	Sanem	ERI: ECAOS Deployable Airbase System Storage.	0	0
	Mariana Islands			
AF	Tinian	APR Land Acquisition	12,900	12,900
	Maryland			
AF	Joint Base Andrews	PAR Land Acquisition	17,500	17,500
AF	Joint Base Andrews	Presidential Aircraft Recap Complex	254,000	100,000
	Massachusetts			
AF	Hanscom AFB	Vandenberg Gate Complex	11,400	11,400
	Nevada			
AF	Nellis AFB	Red Flag 5th Gen Facility Addition	23,000	23,000
AF	Nellis AFB	Virtual Warfare Center Operations Facility.	38,000	38,000
	New Jersey			
AF	McGuire-Dix-Lakehurst	KC–46A ADAL B1749 for ATGL & LST Servicing.	0	2,000
AF	McGuire-Dix-Lakehurst	KC–46A ADAL B1816 for Supply	0	6,900
AF	McGuire-Dix-Lakehurst	KC–46A ADAL B2319 for Boom Operator Trainer.	0	6,100
AF	McGuire-Dix-Lakehurst	KC–46A ADAL B2324 Regional Mx Training Fac.	0	18,000
AF	McGuire-Dix-Lakehurst	KC–46A ADAL B3209 for Fuselage Trainer.	0	3,300
AF	McGuire-Dix-Lakehurst	KC–46A Add to B1837 for Body Tanks Storage.	0	2,300
AF	McGuire-Dix-Lakehurst	KC–46A Aerospace Ground Equipment Storage.	0	4,100
AF	McGuire-Dix-Lakehurst	KC–46A Alter Apron & Fuel Hydrants	0	17,000
AF	McGuire-Dix-Lakehurst	KC–46A Alter Bldgs for Ops and TFI AMU-AMXS.	0	9,000
AF	McGuire-Dix-Lakehurst	KC–46A Alter Facilities for Maintenance	0	5,800
AF	McGuire-Dix-Lakehurst	KC–46A Two-Bay General Purpose Maintenance Hangar.	0	72,000
	New Mexico			
AF	Cannon AFB	Dangerous Cargo Pad Relocate CATM	42,000	42,000
AF	Holloman AFB	RPA Fixed Ground Control Station Facility.	4,250	4,250
AF	Kirtland Air Force Base	Fire Station	0	9,300
	North Dakota			
AF	Minot AFB	Indoor Firing Range	27,000	27,000
	Norway			
AF	Rygge	ERI: Replace/Expand Quick Reaction Alert Pad.	0	0
	Ohio			
AF	Wright-Patterson AFB	Fire/Crash Rescue Station	0	6,800
	Oklahoma			
AF	Altus AFB	Fire Rescue Center	0	16,000
AF	Altus AFB	KC–46A FTU Fuselage Trainer Phase 2	4,900	4,900
	Qatar			
AF	Al Udeid	Consolidated Squadron Operations Facility.	15,000	0
	Romania			
AF	Campia Turzii	ERI: Upgrade Utilities Infrastructure	0	0
	Slovakia			
AF	Malacky	ERI: Airfield Upgrades	0	0
AF	Malacky	ERI: Increase POL Storage Capacity	0	0
AF	Sliac Airport	ERI: Airfield Upgrades	0	0
	Texas			
AF	Joint Base San Antonio	Air Traffic Control Tower	10,000	10,000

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Account	State/Country and Installation	Project Title	FY 2018 Request	Conference Authorized
AF	Joint Base San Antonio	BMT Classrooms/Dining Facility 4	38,000	38,000
AF	Joint Base San Antonio	BMT Recruit Dormitory 7	90,130	90,130
AF	Joint Base San Antonio	Camp Bullis Dining Facility	18,500	18,500
	Turkey			
AF	Incirlik AB	Dormitory—216 PN	25,997	0
	United Kingdom			
AF	Royal Air Force Fairford	EIC RC–135 Infrastructure	2,150	2,150
AF	Royal Air Force Fairford	EIC RC–135 Intel and Squad Ops Facility.	38,000	38,000
AF	Royal Air Force Fairford	EIC RC–135 Runway Overrun Reconfiguration.	5,500	5,500
AF	Royal Air Force Lakenheath	Consolidated Corrosion Control Facility	20,000	20,000
AF	Royal Air Force Lakenheath	F–35A 6–Bay Hangar	24,000	24,000
AF	Royal Air Force Lakenheath	F–35A F–15 Parking	10,800	10,800
AF	Royal Air Force Lakenheath	F–35A Field Training Detachment Facility.	12,492	12,492
AF	Royal Air Force Lakenheath	F–35A Flight Simulator Facility	22,000	22,000
AF	Royal Air Force Lakenheath	F–35A Infrastructure	6,700	6,700
AF	Royal Air Force Lakenheath	F–35A Squadron Operations and AMU	41,000	41,000
	Utah			
AF	Hill AFB	UTTR Consolidated Mission Control Center.	28,000	28,000
	Worldwide			
AF	Unspecified Worldwide Locations	KC–46A Main Operating Base 4	269,000	0
	Worldwide Unspecified			
AF	Unspecified Worldwide Locations	ERI: Planning and Design	0	0
AF	Unspecified Worldwide Locations	Planning and Design	97,852	97,852
AF	Unspecified Worldwide Locations	Planning and Design	0	56,400
AF	Various Worldwide Locations	Unspecified Minor Construction	31,400	31,400
	Wyoming			
AF	F. E. Warren AFB	Consolidated Helo/TRF Ops/AMU and Alert Fac.	62,000	62,000
Military Construction, Air Force Total			**1,738,796**	**1,678,174**
	Alaska			
Def-Wide	Fort Greely	Missile Field #4	200,000	200,000
	California			
Def-Wide	Camp Pendleton	Ambulatory Care Center Replacement	26,400	26,400
Def-Wide	Camp Pendleton	SOF Marine Battalion Company/Team Facilities.	9,958	9,958
Def-Wide	Camp Pendleton	SOF Motor Transport Facility Expansion	7,284	7,284
Def-Wide	Coronado	SOF Basic Training Command	96,077	96,077
Def-Wide	Coronado	SOF Logistics Support Unit One Ops Fac. #3.	46,175	46,175
Def-Wide	Coronado	SOF SEAL Team Ops Facility	50,265	50,265
Def-Wide	Coronado	SOF SEAL Team Ops Facility	66,218	66,218

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Account	State/Country and Installation	Project Title	FY 2018 Request	Conference Authorized
	Colorado			
Def-Wide	Schriever AFB	Ambulatory Care Center/Dental Add./Alt..	10,200	10,200
	Conus Classified			
Def-Wide	Classified Location	Battalion Complex, PH 1	64,364	64,364
	Florida			
Def-Wide	Eglin AFB	SOF Simulator Facility	5,000	5,000
Def-Wide	Eglin AFB	Upgrade Open Storage Yard	4,100	4,100
Def-Wide	Hurlburt Field	SOF Combat Aircraft Parking Apron	34,700	34,700
Def-Wide	Hurlburt Field	SOF Simulator & Fuselage Trainer Facility.	11,700	11,700
	Georgia			
Def-Wide	Fort Gordon	Blood Donor Center Replacement	10,350	10,350
	Germany			
Def-Wide	Rhine Ordnance Barracks	Medical Center Replacement Incr 7	106,700	106,700
Def-Wide	Spangdahlem AB	Spangdahlem Elementary School Replacement.	79,141	79,141
Def-Wide	Stuttgart	Robinson Barracks Elem. School Replacement.	46,609	46,609
	Greece			
Def-Wide	Souda Bay	Construct Hydrant System	18,100	18,100
	Guam			
Def-Wide	Andersen AFB	Construct Truck Load & Unload Facility	23,900	23,900
	Hawaii			
Def-Wide	Kunia	NSAH Kunia Tunnel Entrance	5,000	5,000
	Italy			
Def-Wide	Sigonella	Construct Hydrant System	22,400	0
Def-Wide	Vicenza	Vicenza High School Replacement	62,406	62,406
	Japan			
Def-Wide	Iwakuni	Construct Bulk Storage Tanks PH 1	30,800	30,800
Def-Wide	Kadena AB	SOF Maintenance Hangar	3,972	3,972
Def-Wide	Kadena AB	SOF Special Tactics Operations Facility	27,573	27,573
Def-Wide	Okinawa	Replace Mooring System	11,900	11,900
Def-Wide	Sasebo	Upgrade Fuel Wharf	45,600	45,600
Def-Wide	Torri Commo Station	SOF Tactical Equipment Maintenance Fac.	25,323	25,323
Def-Wide	Yokota AB	Airfield Apron	10,800	10,800
Def-Wide	Yokota AB	Hangar/Aircraft Maintenance Unit	12,034	12,034
Def-Wide	Yokota AB	Operations and Warehouse Facilities	8,590	8,590
Def-Wide	Yokota AB	Simulator Facility	2,189	2,189
	Maryland			
Def-Wide	Bethesda Naval Hospital	Medical Center Addition/Alteration Incr 2.	123,800	123,800
Def-Wide	Fort Meade	NSAW Recapitalize Building #2 Incr 3	313,968	313,968
	Missouri			
Def-Wide	Fort Leonard Wood	Blood Processing Center Replacement	11,941	11,941
Def-Wide	Fort Leonard Wood	Hospital Replacement	250,000	100,000
Def-Wide	St. Louis	Next NGA West (N2W) Complex, Phase 1.	381,000	175,000
	New Mexico			
Def-Wide	Cannon AFB	SOF C–130 AGE Facility	8,228	8,228
	North Carolina			
Def-Wide	Camp Lejeune	Ambulatory Care Center Addition/Alteration.	15,300	15,300
Def-Wide	Camp Lejeune	Ambulatory Care Center/Dental Clinic	22,000	22,000
Def-Wide	Camp Lejeune	Ambulatory Care Center/Dental Clinic	21,400	21,400
Def-Wide	Camp Lejeune	SOF Human Performance Training Center.	10,800	10,800
Def-Wide	Camp Lejeune	SOF Motor Transport Maintenance Expansion.	20,539	20,539
Def-Wide	Fort Bragg	SOF Human Performance Training Ctr	20,260	20,260
Def-Wide	Fort Bragg	SOF Support Battalion Admin Facility	13,518	13,518

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Account	State/Country and Installation	Project Title	FY 2018 Request	Conference Authorized
Def-Wide	Fort Bragg	SOF Tactical Equipment Maintenance Facility.	20,000	20,000
Def-Wide	Fort Bragg	SOF Telecomm Reliability Improvements.	4,000	4,000
Def-Wide	Seymour Johnson AFB	Construct Tanker Truck Delivery System.	20,000	20,000
	Puerto Rico			
Def-Wide	Punta Borinquen	Ramey Unit School Replacement	61,071	61,071
	South Carolina			
Def-Wide	Shaw AFB	Consolidate Fuel Facilities	22,900	22,900
	Texas			
Def-Wide	Fort Bliss	Blood Processing Center	8,300	8,300
Def-Wide	Fort Bliss	Hospital Replacement Incr 8	251,330	251,330
	United Kingdom			
Def-Wide	Menwith Hill Station	RAFMH Main Gate Rehabilitation	11,000	11,000
	Utah			
Def-Wide	Hill AFB	Replace POL Facilities	20,000	20,000
	Virginia			
Def-Wide	Joint Expeditionary Base Little Creek—Story	SOF SATEC Range Expansion	23,000	23,000
Def-Wide	Norfolk	Replace Hazardous Materials Warehouse	18,500	18,500
Def-Wide	Pentagon	Pentagon Corr 8 Pedestrian Access Control Pt.	8,140	8,140
Def-Wide	Pentagon	S.E. Safety Traffic and Parking Improvements.	28,700	28,700
Def-Wide	Pentagon	Security Updates	13,260	13,260
Def-Wide	Portsmouth	Replace Hazardous Materials Warehouse	22,500	22,500
	Worldwide Unspecified			
Def-Wide	Unspecified Worldwide Locations	Contingency Construction	10,000	0
Def-Wide	Unspecified Worldwide Locations	Energy Resilience and Conserv. Invest. Prog..	150,000	165,000
Def-Wide	Unspecified Worldwide Locations	ERCIP Design	10,000	10,000
Def-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction	11,490	11,490
Def-Wide	Unspecified Worldwide Locations	Planning & Design	23,012	23,012
Def-Wide	Unspecified Worldwide Locations	Planning & Design MDA East Coast Site	0	0
Def-Wide	Unspecified Worldwide Locations	Planning and Design	0	0
Def-Wide	Unspecified Worldwide Locations	Planning and Design	0	0
Def-Wide	Unspecified Worldwide Locations	Planning and Design	39,746	39,746
Def-Wide	Unspecified Worldwide Locations	Planning and Design	40,220	40,220
Def-Wide	Unspecified Worldwide Locations	Planning and Design	1,150	1,150

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Account	State/Country and Installation	Project Title	FY 2018 Request	Conference Authorized
Def-Wide	Unspecified Worldwide Locations	Planning and Design	1,942	1,942
Def-Wide	Unspecified Worldwide Locations	Planning and Design	26,147	26,147
Def-Wide	Unspecified Worldwide Locations	Planning and Design	20,000	20,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design	13,500	13,500
Def-Wide	Unspecified Worldwide Locations	Prior Year Savings: Defense Wide Unspecified Minor Construction.	0	0
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	8,000	8,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	7,384	7,384
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	10,000	10,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	2,039	2,039
Military Construction, Defense-Wide Total			**3,314,913**	**2,941,513**
	Worldwide Unspecified			
NATO	NATO Security Investment Program	NATO Security Investment Program	154,000	154,000
NATO	NATO Security Investment Program	Prior Year Savings: NATO Security Investment Program.	0	0
NATO Security Investment Program Total			**154,000**	**154,000**
	Delaware			
Army NG	New Castle	Combined Support Maintenance Shop	36,000	36,000
	Idaho			
Army NG	MTC Gowen	Enlisted Barracks Transient Training	0	9,000
Army NG	Orchard Training Area	Digital Air/Ground Integration Range	22,000	22,000
	Iowa			
Army NG	Camp Dodge	Vehicle Maintenance Instructional Facility.	0	8,500
	Kansas			
Army NG	Fort Leavenworth	Enlisted Barracks Transient Training	0	19,000
	Maine			
Army NG	Presque Isle	National Guard Readiness Center	17,500	17,500
	Maryland			
Army NG	Sykesville	National Guard Readiness Center	19,000	19,000
	Minnesota			
Army NG	Arden Hills	National Guard Readiness Center	39,000	39,000

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Account	State/Country and Installation	Project Title	FY 2018 Request	Conference Authorized
	Missouri			
Army NG	Springfield	Aircraft Maintenance Hangar (Addition)	0	32,000
	New Mexico			
Army NG	Las Cruces	National Guard Readiness Center Addition.	8,600	8,600
	Virginia			
Army NG	Fort Belvoir	Readiness Center Add/Alt	0	15,000
Army NG	Fort Pickett	Training Aids Center	4,550	4,550
	Washington			
Army NG	Tumwater	National Guard Readiness Center	31,000	31,000
	Worldwide Unspecified			
Army NG	Unspecified Worldwide Locations	Planning and Design	16,271	16,271
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction	16,731	16,731
Military Construction, Army National Guard Total			**210,652**	**294,152**
	California			
Army Res	Fallbrook	Army Reserve Center	36,000	36,000
	Delaware			
Army Res	Newark	Army Reserve Center	0	0
	Ohio			
Army Res	Wright-Patterson AFB	Area Maintenance Support Activity	0	0
	Puerto Rico			
Army Res	Aguadilla	Army Reserve Center	12,400	12,400
Army Res	Fort Buchanan	Reserve Center	0	26,000
	Washington			
Army Res	Lewis-McCord	Reserve Center	0	30,000
	Wisconsin			
Army Res	Fort McCoy	AT/MOB Dining Facility–1428 PN	13,000	13,000
	Worldwide Unspecified			
Army Res	Unspecified Worldwide Locations	Planning and Design	6,887	6,887
Army Res	Unspecified Worldwide Locations	Unspecified Minor Construction	5,425	5,425
Military Construction, Army Reserve Total			**73,712**	**129,712**
	California			
N/MC Res	Lemoore	Naval Operational Support Center Lemoore.	17,330	17,330
	Georgia			
N/MC Res	Fort Gordon	Naval Operational Support Center Fort Gordon.	17,797	17,797
	New Jersey			
N/MC Res	Joint Base McGuire-Dix-Lakehurst	Aircraft Apron, Taxiway & Support Facilities.	11,573	11,573
	Texas			
N/MC Res	Fort Worth	KC130-J EACTS Facility	12,637	12,637
	Worldwide Unspecified			
N/MC Res	Unspecified Worldwide Locations	Planning & Design	4,430	4,430
N/MC Res	Unspecified Worldwide Locations	Unspecified Minor Construction	1,504	1,504

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Account	State/Country and Installation	Project Title	FY 2018 Request	Conference Authorized
Military Construction, Naval Reserve Total			**65,271**	**65,271**
	California			
Air NG	March AFB	TFI Construct RPA Flight Training Unit	15,000	15,000
	Colorado			
Air NG	Peterson AFB	Space Control Facility	8,000	8,000
	Connecticut			
Air NG	Bradley IAP	Construct Base Entry Complex	7,000	7,000
	Indiana			
Air NG	Fort Wayne International Airport	Add to Building 764 for Weapons Release.	0	0
Air NG	Hulman Regional Airport	Construct Small Arms Range	0	8,000
	Kentucky			
Air NG	Louisville IAP	Add/Alter Response Forces Facility	9,000	9,000
	Mississippi			
Air NG	Jackson International Airport	Construct Small Arms Range	0	8,000
	Missouri			
Air NG	Rosecrans Memorial Airport	Replace Communications Facility	10,000	10,000
	New York			
Air NG	Hancock Field	Add to Flight Training Unit, Building 641.	6,800	6,800
	Ohio			
Air NG	Rickenbacker International Airport	Construct Small Arms Range	0	0
Air NG	Toledo Express Airport	Northcom—Construct Alert Hangar	15,000	15,000
	Oklahoma			
Air NG	Tulsa International Airport	Construct Small Arms Range	0	8,000
	Oregon			
Air NG	Klamath Falls IAP	Construct Corrosion Control Hangar	10,500	10,500
Air NG	Klamath Falls IAP	Construct Indoor Range	8,000	8,000
	South Dakota			
Air NG	Joe Foss Field	Aircraft Maintenance Shops	12,000	12,000
	Tennessee			
Air NG	McGhee-Tyson Airport	Replace KC–135 Maintenance Hangar and Shops.	25,000	25,000
	Wisconsin			
Air NG	Dane County Regional Airport/ Truax Field	Construct Small Arms Range	0	8,000
	Worldwide Unspecified			
Air NG	Unspecified Worldwide Locations	Planning and Design	18,000	18,000
Air NG	Unspecified Worldwide Locations	Planning and Design	0	2,000
Air NG	Unspecified Worldwide Locations	Unspecified Minor Construction	17,191	17,191
Military Construction, Air National Guard Total			**161,491**	**195,491**
	Florida			
AF Res	Patrick AFB	Guardian Angel Facility	25,000	25,000
	Georgia			
AF Res	Robins Air Force Base	Consolidated Mission Complex Phase 2	0	32,000
	Guam			

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Account	State/Country and Installation	Project Title	FY 2018 Request	Conference Authorized
AF Res	Joint Region Marianas	Reserve Medical Training Facility	5,200	5,200
	Hawaii			
AF Res	Joint Base Pearl Harbor-Hickam	Consolidated Training Facility	5,500	5,500
	Massachusetts			
AF Res	Westover ARB	Indoor Small Arms Range	10,000	10,000
AF Res	Westover ARB	Maintenance Facility Shops	0	0
	Minnesota			
AF Res	Minneapolis-St. Paul IAP	Indoor Small Arms Range	0	9,000
	North Carolina			
AF Res	Seymour Johnson AFB	KC–46A ADAL for Alt Mission Storage	6,400	6,400
	Texas			
AF Res	NAS JRB Fort Worth	Munitions Training/Admin Facility	0	3,100
	Utah			
AF Res	Hill AFB	Add/Alter Life Support Facility	3,100	3,100
	Worldwide Unspecified			
AF Res	Unspecified Worldwide Locations	Planning & Design	0	0
AF Res	Unspecified Worldwide Locations	Planning & Design	4,725	18,225
AF Res	Unspecified Worldwide Locations	Unspecified Minor Construction	3,610	3,610
Military Construction, Air Force Reserve Total			**63,535**	**121,135**
	Georgia			
FH Con Army	Fort Gordon	Family Housing New Construction	6,100	6,100
	Germany			
FH Con Army	Baumholder	Construction Improvements	34,156	34,156
FH Con Army	South Camp Vilseck	Family Housing New Construction (36 Units).	22,445	22,445
	Korea			
FH Con Army	Camp Humphreys	Family Housing New Construction Incr 2.	34,402	34,402
	Kwajalein			
FH Con Army	Kwajalein Atoll	Family Housing Replacement Construction.	31,000	31,000
	Massachusetts			
FH Con Army	Natick	Family Housing Replacement Construction.	21,000	21,000
	Worldwide Unspecified			
FH Con Army	Unspecified Worldwide Locations	Planning & Design	33,559	33,559
FH Con Army	Unspecified Worldwide Locations	Prior Year Savings: Family Housing Construction, Army.	0	0
Family Housing Construction, Army Total			**182,662**	**182,662**
	Worldwide Unspecified			
FH Ops Army	Unspecified Worldwide Locations	Furnishings	12,816	12,816
FH Ops Army	Unspecified Worldwide Locations	Housing Privatization Support	20,893	20,893

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Account	State/Country and Installation	Project Title	FY 2018 Request	Conference Authorized
FH Ops Army	Unspecified Worldwide Locations	Leasing	148,538	148,538
FH Ops Army	Unspecified Worldwide Locations	Maintenance	57,708	57,708
FH Ops Army	Unspecified Worldwide Locations	Management	37,089	37,089
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous	400	400
FH Ops Army	Unspecified Worldwide Locations	Services	8,930	8,930
FH Ops Army	Unspecified Worldwide Locations	Utilities	60,251	60,251
Family Housing Operation And Maintenance, Army Total			**346,625**	**346,625**
FH Con Navy	Bahrain Island SW Asia	Construction-Base GFOQ	2,138	2,138
FH Con Navy	Mariana Islands Guam	Replace Andersen Housing PH II	40,875	40,875
FH Con Navy	Worldwide Unspecified Unspecified Worldwide Locations	Construction Improvements	36,251	36,251
FH Con Navy	Unspecified Worldwide Locations	Planning & Design	4,418	4,418
FH Con Navy	Unspecified Worldwide Locations	Prior Year Savings: Family Housing Construction, N/MC.	0	0
Family Housing Construction, Navy And Marine Corps Total			**83,682**	**83,682**
FH Ops Navy	Worldwide Unspecified Unspecified Worldwide Locations	Furnishings	14,529	14,529
FH Ops Navy	Unspecified Worldwide Locations	Housing Privatization Support	27,587	27,587
FH Ops Navy	Unspecified Worldwide Locations	Leasing	61,921	61,921
FH Ops Navy	Unspecified Worldwide Locations	Maintenance	95,104	95,104
FH Ops Navy	Unspecified Worldwide Locations	Management	50,989	50,989
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous	336	336
FH Ops Navy	Unspecified Worldwide Locations	Services	15,649	15,649
FH Ops Navy	Unspecified Worldwide Locations	Utilities	62,167	62,167

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Account	State/Country and Installation	Project Title	FY 2018 Request	Conference Authorized
Family Housing Operation And Maintenance, Navy And Marine Corps Total			**328,282**	**328,282**
	Worldwide Unspecified			
FH Con AF	Unspecified Worldwide Locations	Construction Improvements	80,617	80,617
FH Con AF	Unspecified Worldwide Locations	Planning & Design	4,445	4,445
FH Con AF	Unspecified Worldwide Locations	Prior Year Savings: Family Housing Construction.	0	0
Family Housing Construction, Air Force Total			**85,062**	**85,062**
	Worldwide Unspecified			
FH Ops AF	Unspecified Worldwide Locations	Furnishings	29,424	29,424
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization	21,569	21,569
FH Ops AF	Unspecified Worldwide Locations	Leasing	16,818	16,818
FH Ops AF	Unspecified Worldwide Locations	Maintenance	134,189	134,189
FH Ops AF	Unspecified Worldwide Locations	Management	53,464	53,464
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous	1,839	1,839
FH Ops AF	Unspecified Worldwide Locations	Services	13,517	13,517
FH Ops AF	Unspecified Worldwide Locations	Utilities	47,504	47,504
Family Housing Operation And Maintenance, Air Force Total			**318,324**	**318,324**
	Worldwide Unspecified			
FH Ops DW	Unspecified Worldwide Locations	Furnishings	6	6
FH Ops DW	Unspecified Worldwide Locations	Furnishings	641	641
FH Ops DW	Unspecified Worldwide Locations	Furnishings	407	407
FH Ops DW	Unspecified Worldwide Locations	Leasing	12,390	12,390
FH Ops DW	Unspecified Worldwide Locations	Leasing	39,716	39,716
FH Ops DW	Unspecified Worldwide Locations	Maintenance	655	655

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2018 Request	Conference Authorized
FH Ops DW	Unspecified Worldwide Locations	Maintenance	567	567
FH Ops DW	Unspecified Worldwide Locations	Management	319	319
FH Ops DW	Unspecified Worldwide Locations	Services	14	14
FH Ops DW	Unspecified Worldwide Locations	Utilities	268	268
FH Ops DW	Unspecified Worldwide Locations	Utilities	86	86
FH Ops DW	Unspecified Worldwide Locations	Utilities	4,100	4,100
Family Housing Operation And Maintenance, Defense-Wide Total			**59,169**	**59,169**
FHIF	Worldwide Unspecified Unspecified Worldwide Locations	Administrative Expenses—FHIF	2,726	2,726
DoD Family Housing Improvement Fund Total			**2,726**	**2,726**
UHIF	Worldwide Unspecified Unaccompanied Housing Improvement Fund	Administrative Expenses—UHIF	623	623
Unaccompanied Housing Improvement Fund Total			**623**	**623**
BRAC	Worldwide Unspecified Base Realignment & Closure, Army	Base Realignment and Closure	58,000	58,000
Base Realignment and Closure—Army Total			**58,000**	**58,000**
BRAC	Worldwide Unspecified Base Realignment & Closure, Navy	Base Realignment & Closure	93,474	128,474
BRAC	Unspecified Worldwide Locations	DON–100: Planning, Design and Management.	8,428	8,428
BRAC	Unspecified Worldwide Locations	DON–101: Various Locations	23,753	23,753
BRAC	Unspecified Worldwide Locations	DON–138: NAS Brunswick, ME	647	647
BRAC	Unspecified Worldwide Locations	DON–157: MCSA Kansas City, MO	40	40
BRAC	Unspecified Worldwide Locations	DON–172: NWS Seal Beach, Concord, CA.	5,355	5,355

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2018 Request	Conference Authorized
BRAC	Unspecified Worldwide Locations	DON–84: JRB Willow Grove & Cambria Reg AP.	4,737	4,737
BRAC	Unspecified Worldwide Locations	Undistributed	7,210	7,210
Base Realignment and Closure—Navy Total			**143,644**	**178,644**
Total, Military Construction			**9,928,228**	**9,926,446**

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Service	State/Country and Installation	Project	FY 2018 Request	Conference Authorized
	Guantanamo Bay, Cuba			
Army	Guantanamo Bay	OCO: Barracks	115,000	115,000
	Turkey			
Army	Various Locations	Forward Operating Site	0	6,400
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	ERI: Planning and Design	15,700	15,700
Army	Unspecified Worldwide Locations	OCO: Planning and Design	9,000	9,000
Military Construction, Army Total			**139,700**	**146,100**
	Djibouti			
Navy	Camp Lemonier	Aircraft Parking Apron Expansion	0	13,390
	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	ERI: Planning and Design	18,500	18,500
Military Construction, Navy Total			**18,500**	**31,890**
	Estonia			
AF	Amari Air Base	ERI: POL Capacity Phase II	4,700	4,700
AF	Amari Air Base	ERI: Tactical Fighter Aircraft Parking Apron.	9,200	9,200
	Hungary			
AF	Kecskemet AB	ERI: Airfield Upgrades	12,900	12,900
AF	Kecskemet AB	ERI: Construct Parallel Taxiway	30,000	30,000
AF	Kecskemet AB	ERI: Increase POL Storage Capacity	12,500	12,500
	Iceland			
AF	Keflavik	ERI: Airfield Upgrades	14,400	14,400
	Italy			
AF	Aviano AB	Guardian Angel Operations Facility	0	27,325
	Jordan			
AF	Azraq	OCO: MSAB Development	143,000	143,000
	Latvia			
AF	Lielvarde Air Base	ERI: Expand Strategic Ramp Parking	3,850	3,850
	Luxembourg			
AF	Sanem	ERI: ECAOS Deployable Airbase System Storage.	67,400	67,400
	Norway			
AF	Rygge	ERI: Replace/Expand Quick Reaction Alert Pad.	10,300	10,300
	Qatar			
AF	Al Udeid	Consolidated Squadron Operations Facility	0	15,000
	Romania			
AF	Campia Turzii	ERI: Upgrade Utilities Infrastructure	2,950	2,950

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Service	State/Country and Installation	Project	FY 2018 Request	Conference Authorized
	Slovakia			
AF	Malacky	ERI: Airfield Upgrades	4,000	4,000
AF	Malacky	ERI: Increase POL Storage Capacity	20,000	20,000
AF	Sliac Airport	ERI: Airfield Upgrades	22,000	22,000
	Turkey			
AF	Incirlik AB	Dormitory—216PN	0	25,997
AF	Incirlik AB	OCO: Relocate Base Main Access Control Point.	14,600	14,600
AF	Incirlik AB	OCO: Replace Perimeter Fence	8,100	8,100
	Worldwide Unspecified			
AF	Unspecified Worldwide Locations	ERI: Planning and Design	56,630	56,630
AF	Unspecified Worldwide Locations	OCO—Planning and Design	41,500	41,500
Military Construction, Air Force Total			**478,030**	**546,352**
	Italy			
Def-Wide	Sigonella	Construct Hydrant System	0	22,400
	Worldwide Unspecified			
Def-Wide	Unspecified Worldwide Locations	ERI: Planning and Design	1,900	1,900
Military Construction, Defense-Wide Total			**1,900**	**24,300**
Total, Military Construction			**638,130**	**748,642**

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4701. Department of Energy national security programs.

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2018 Request	Conference Authorized
Discretionary Summary By Appropriation		
Energy And Water Development, And Related Agencies		
Appropriation Summary:		
Energy Programs		
Nuclear Energy	133,000	133,000
Atomic Energy Defense Activities		
National nuclear security administration:		
Weapons activities	10,239,344	10,377,475
Defense nuclear nonproliferation	1,793,310	1,883,310
Naval reactors	1,479,751	1,431,551
Federal salaries and expenses	418,595	407,595
Total, National nuclear security administration	**13,931,000**	**14,099,931**
Environmental and other defense activities:		
Defense environmental cleanup	5,537,186	5,440,106
Other defense activities	815,512	816,000
Defense nuclear waste disposal	30,000	30,000
Total, Environmental & other defense activities	**6,382,698**	**6,286,106**
Total, Atomic Energy Defense Activities	**20,313,698**	**20,386,037**
Total, Discretionary Funding	**20,446,698**	**20,519,037**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2018 Request	Conference Authorized
Nuclear Energy		
Idaho sitewide safeguards and security	133,000	133,000
Total, Nuclear Energy	**133,000**	**133,000**
Weapons Activities		
Directed stockpile work		
Life extension programs		
B61 Life extension program	788,572	788,572
W76 Life extension program	224,134	224,134
W88 Alteration program	332,292	332,292
W80–4 Life extension program	399,090	399,090
Total, Life extension programs	**1,744,088**	**1,744,088**
Stockpile systems		
B61 Stockpile systems	59,729	59,729
W76 Stockpile systems	51,400	51,400
W78 Stockpile systems	60,100	60,100
W80 Stockpile systems	80,087	80,087
B83 Stockpile systems	35,762	35,762
W87 Stockpile systems	83,200	83,200
W88 Stockpile systems	131,576	131,576
Stockpile systems		
Total, Stockpile systems	**501,854**	**501,854**
Weapons dismantlement and disposition		
Operations and maintenance	52,000	52,000
Stockpile services		
Production support	470,400	470,400
Research and development support	31,150	31,150
R&D certification and safety	196,840	196,840
Management, technology, and production	285,400	285,400
Total, Stockpile services	**983,790**	**983,790**
Strategic materials		
Uranium sustainment	20,579	20,579
Plutonium sustainment	210,367	210,367
Tritium sustainment	198,152	198,152
Domestic uranium enrichment	60,000	60,000
Strategic materials sustainment	206,196	206,196
Total, Strategic materials	**695,294**	**695,294**
Total, Directed stockpile work	**3,977,026**	**3,977,026**
Research, development, test and evaluation (RDT&E)		
Science		
Advanced certification	57,710	57,710
Primary assessment technologies	89,313	89,313
Dynamic materials properties	122,347	122,347
Advanced radiography	37,600	37,600
Secondary assessment technologies	76,833	76,833
Academic alliances and partnerships	52,963	52,963
Enhanced Capabilities for Subcritical Experiments	50,755	50,755
Total, Science	**487,521**	**487,521**
Engineering		
Enhanced surety	39,717	39,717
Weapon systems engineering assessment technology	23,029	23,029
Nuclear survivability	45,230	45,230

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2018 Request	Conference Authorized
Enhanced surveillance	45,147	45,147
Stockpile Responsiveness	40,000	40,000
Total, Engineering	**193,123**	**193,123**
Inertial confinement fusion ignition and high yield		
Ignition	79,575	77,932
Program decrease		[–1,643]
Support of other stockpile programs	23,565	23,565
Diagnostics, cryogenics and experimental support	77,915	77,915
Pulsed power inertial confinement fusion	7,596	7,596
Joint program in high energy density laboratory plasmas	9,492	9,492
Facility operations and target production	334,791	334,791
Total, Inertial confinement fusion and high yield	**532,934**	**531,291**
Advanced simulation and computing		
Advanced simulation and computing	709,244	709,244
Construction:		
18–D–670, Exascale Class Computer Cooling Equipment, LNL	22,000	22,000
18–D–620, Exascale Computing Facility Modernization Project	3,000	3,000
Total, Construction	**25,000**	**25,000**
Total, Advanced simulation and computing	**734,244**	**734,244**
Advanced manufacturing		
Additive manufacturing	12,000	12,000
Component manufacturing development	38,644	38,644
Processing technology development	29,896	34,896
Program increase		[5,000]
Total, Advanced manufacturing	**80,540**	**85,540**
Total, RDT&E	**2,028,362**	**2,031,719**
Infrastructure and operations (formerly RTBF)		
Operations of facilities	868,000	848,470
Safety and environmental operations	116,000	116,000
Maintenance and repair of facilities	360,000	395,000
Program increase to address high-priority preventative maintenance		[35,000]
Recapitalization	427,342	542,342
Program increase to address high-priority deferred maintenance		[115,000]
Construction:		
18–D–680, Material Staging Facility, PX	0	5,200
Project initiation		[5,200]
18–D–660, Fire Station, Y–12	28,000	28,000
18–D–650, Tritium Production Capability, SRS	6,800	6,800
17–D–640 U1a Complex Enhancements Project, NNSS	22,100	22,100
17–D–630 Expand Electrical Distribution System, LLNL	6,000	6,000
16–D–515 Albuquerque complex project	98,000	98,000
15–D–613 Emergency Operations Center, Y–12	7,000	7,000
07–D–220 Radioactive liquid waste treatment facility upgrade project, LANL	2,100	2,100
07–D–220-04 Transuranic liquid waste facility, LANL	17,895	17,895
06–D–141 Uranium processing facility Y–12, Oak Ridge, TN	663,000	663,000

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2018 Request	Conference Authorized
04–D–125 Chemistry and metallurgy research facility replacement project, LANL	180,900	180,900
Total, Construction	**1,031,795**	**1,036,995**
Total, Infrastructure and operations	**2,803,137**	**2,938,807**
Secure transportation asset		
Operations and equipment	219,464	185,568
Program decrease		[–33,896]
Program direction	105,600	105,600
Total, Secure transportation asset	**325,064**	**291,168**
Defense nuclear security		
Operations and maintenance	686,977	714,977
Support to physical security infrastructure recapitalization and CSTART		[28,000]
Construction:		
17–D–710 West end protected area reduction project, Y–12	0	5,000
Program increase		[5,000]
Total, Defense nuclear security	**686,977**	**719,977**
Information technology and cybersecurity	186,728	186,728
Legacy contractor pensions	232,050	232,050
Total, Weapons Activities	**10,239,344**	**10,377,475**
Defense Nuclear Nonproliferation		
Defense Nuclear Nonproliferation Programs		
Global material security		
International nuclear security	46,339	46,339
Radiological security	146,340	166,340
Protection and safe disposal of radioactive sources		[20,000]
Nuclear smuggling detection	144,429	139,429
Program decrease		[–5,000]
Total, Global material security	**337,108**	**352,108**
Material management and minimization		
HEU reactor conversion	125,500	125,500
Nuclear material removal	32,925	32,925
Material disposition	173,669	173,669
Total, Material management & minimization	**332,094**	**332,094**
Nonproliferation and arms control	129,703	129,703
Defense nuclear nonproliferation R&D	446,095	451,095
Acceleration of low-yield detection experiments and 3D printing efforts		[5,000]
Nonproliferation Construction:		
18–D–150 Surplus Plutonium Disposition Project	9,000	9,000
99–D–143 Mixed Oxide (MOX) Fuel Fabrication Facility, SRS	270,000	340,000
Program increase		[70,000]
Total, Nonproliferation construction	**279,000**	**349,000**
Total, Defense Nuclear Nonproliferation Programs	**1,524,000**	**1,614,000**
Low Enriched Uranium R&D for Naval Reactors	0	0
Legacy contractor pensions	40,950	40,950

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2018 Request	Conference Authorized
Nuclear counterterrorism and incident response program	277,360	277,360
Rescission of prior year balances	–49,000	–49,000
Total, Defense Nuclear Nonproliferation	**1,793,310**	**1,883,310**
Naval Reactors		
Naval reactors development	473,267	473,267
Columbia-Class reactor systems development	156,700	156,700
S8G Prototype refueling	190,000	190,000
Naval reactors operations and infrastructure	466,884	466,884
Construction:		
15–D–904 NRF Overpack Storage Expansion 3	13,700	13,700
15–D–903 KL Fire System Upgrade	15,000	15,000
14–D–901 Spent fuel handling recapitalization project, NRF	116,000	116,000
Total, Construction	**144,700**	**144,700**
Program direction	48,200	46,651
Program decrease		[–1,549]
Total, Naval Reactors	**1,479,751**	**1,431,551**
Federal Salaries And Expenses		
Program direction	418,595	407,595
Program decrease to support maximum of 1,690 employees		[–11,000]
Total, Office Of The Administrator	**418,595**	**407,595**
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	4,889	4,889
Hanford site:		
River corridor and other cleanup operations	58,692	93,692
Acceleration of priority programs		[35,000]
Central plateau remediation	637,879	642,250
Acceleration of priority programs		[4,371]
Richland community and regulatory support	5,121	5,121
Construction:		
18–D–404 WESF Modifications and Capsule Storage	6,500	6,500
15–D–401 Containerized sludge removal annex, RL	8,000	8,000
Total, Construction	**14,500**	**14,500**
Total, Hanford site	**716,192**	**755,563**
Idaho National Laboratory:		
SNF stabilization and disposition—2012	19,975	19,975
Solid waste stabilization and disposition	170,101	170,101
Radioactive liquid tank waste stabilization and disposition	111,352	111,352
Soil and water remediation—2035	44,727	44,727
Idaho community and regulatory support	4,071	4,071
Total, Idaho National Laboratory	**350,226**	**350,226**
NNSA sites		
Lawrence Livermore National Laboratory	1,175	1,175
Separations Process Research Unit	1,800	1,800
Nevada	60,136	60,136
Sandia National Laboratories	2,600	2,600
Los Alamos National Laboratory	191,629	191,629

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2018 Request	Conference Authorized
Total, NNSA sites and Nevada off-sites	**257,340**	**257,340**
Oak Ridge Reservation:		
OR Nuclear facility D & D		
OR-0041—D&D - Y–12	29,369	29,369
OR-0042—D&D -ORNL	48,110	48,110
Construction:		
17–D–401 On-site waste disposal facility	5,000	5,000
14–D–403 Outfall 200 Mercury Treatment facility	17,100	17,100
Total, OR Nuclear facility D & D	**99,579**	**99,579**
U233 Disposition Program	33,784	33,784
OR cleanup and disposition	66,632	66,632
OR reservation community and regulatory support	4,605	4,605
OR Solid waste stabilization and disposition technology development	3,000	3,000
Total, Oak Ridge Reservation	**207,600**	**207,600**
Office of River Protection:		
Waste treatment and immobilization plant		
Construction:		
01–D–416 A-D WTP Subprojects A-D	655,000	655,000
01–D–416 E—Pretreatment Facility	35,000	35,000
Total, 01–D–416 Construction	**690,000**	**690,000**
WTP Commissioning	8,000	8,000
Total, Waste treatment and immobilization plant	**698,000**	**698,000**
Tank farm activities		
Rad liquid tank waste stabilization and disposition	713,311	713,311
Construction:		
15–D–409 Low activity waste pretreatment system, ORP	93,000	93,000
Total, Tank farm activities	**806,311**	**806,311**
Total, Office of River protection	**1,504,311**	**1,504,311**
Savannah River Sites:		
Nuclear Material Management	323,482	350,482
Acceleration of priority programs		[27,000]
Environmental Cleanup		
Environmental Cleanup	159,478	159,478
Construction:		
08–D–402, Emergency Operations Center	500	500
Total, Environmental Cleanup	**159,978**	**159,978**
SR community and regulatory support	11,249	11,249
Radioactive liquid tank waste:		
Radioactive liquid tank waste stabilization and disposition	597,258	597,258
Construction:		
18–D–401, SDU #8/9	500	500
17–D–402—Saltstone Disposal Unit #7	40,000	40,000
05–D–405 Salt waste processing facility, Savannah River Site	150,000	150,000
Total, Construction	**190,500**	**190,500**
Total, Radioactive liquid tank waste	**787,758**	**787,758**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2018 Request	Conference Authorized
Total, Savannah River site	**1,282,467**	**1,309,467**
Waste Isolation Pilot Plant		
Operations and maintenance	206,617	206,617
Central characterization project	22,500	22,500
Transportation	21,854	21,854
Construction:		
15–D–411 Safety significant confinement ventilation system, WIPP	46,000	46,000
15–D–412 Exhaust shaft, WIPP	19,600	19,600
Total, Construction	**65,600**	**65,600**
Total, Waste Isolation Pilot Plant	**316,571**	**316,571**
Program direction	300,000	300,000
Program support	6,979	6,979
WCF Mission Related Activities	22,109	2,000
Program decrease		[–20,109]
Minority Serving Institution Partnership	6,000	6,000
Safeguards and Security		
Oak Ridge Reservation	16,500	16,500
Paducah	14,049	14,049
Portsmouth	12,713	12,713
Richland/Hanford Site	75,600	75,600
Savannah River Site	142,314	142,314
Waste Isolation Pilot Project	5,200	5,200
West Valley	2,784	2,784
Total, Safeguards and Security	**269,160**	**269,160**
Cyber Security	43,342	0
Program decrease		[–43,342]
Technology development	25,000	25,000
HQEF-0040—Excess Facilities	225,000	125,000
Program decrease		[–100,000]
Total, Defense Environmental Cleanup	**5,537,186**	**5,440,106**
Other Defense Activities		
Environment, health, safety and security		
Environment, health, safety and security	130,693	128,946
Program decrease		[–1,747]
Program direction	68,765	68,000
Program decrease		[–765]
Total, Environment, Health, safety and security	**199,458**	**196,946**
Independent enterprise assessments		
Independent enterprise assessments	24,068	24,068
Program direction	50,863	50,863
Total, Independent enterprise assessments	**74,931**	**74,931**
Specialized security activities	237,912	240,912
Classified topic		[3,000]
Office of Legacy Management		
Legacy management	137,674	137,674
Program direction	16,932	16,932
Total, Office of Legacy Management	**154,606**	**154,606**
Defense-related activities		
Defense related administrative support		
Chief financial officer	48,484	48,484

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2018 Request	Conference Authorized
Chief information officer	91,443	91,443
Project management oversight and assessments	3,073	3,073
Total, Defense related administrative support	**143,000**	**139,927**
Office of hearings and appeals	5,605	5,605
Subtotal, Other defense activities	**815,512**	**816,000**
Total, Other Defense Activities	**815,512**	**816,000**
Defense Nuclear Waste Disposal		
Yucca mountain and interim storage	30,000	30,000
Total, Defense Nuclear Waste Disposal	**30,000**	**30,000**

Approved December 12, 2017.

LEGISLATIVE HISTORY—H.R. 2810 (S. 1519):

HOUSE REPORTS: Nos. 115–200, Pts. 1 and 2 (both from Comm. on Armed Services) and 115–404 (Comm. of Conference).

SENATE REPORTS: No. 115–125 (Comm. on Armed Services) accompanying S. 1519.

CONGRESSIONAL RECORD, Vol. 163 (2017):
July 12–14, considered and passed House.
Sept. 13, 14, 18, considered and passed Senate, amended.
Sept. 19, Senate considered and adopted amendment No. 545.
Sept. 25, Senate modified amendments Nos. 1065 and 1086.
Nov. 14, House agreed to conference report.
Nov. 16, Senate agreed to conference report.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2017):
Dec. 12, Presidential remarks and statement.

Public Law 115–92
115th Congress

An Act

To amend the Federal Food, Drug, and Cosmetic Act to authorize additional emergency uses for medical products to reduce deaths and severity of injuries caused by agents of war, and for other purposes.

Dec. 12, 2017
[H.R. 4374]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL EMERGENCY USES FOR MEDICAL PRODUCTS TO REDUCE DEATHS AND SEVERITY OF INJURIES CAUSED BY AGENTS OF WAR.

(a) FDA AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.—Section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3) is amended—

(1) in subsection (b)— Determinations.

(A) in paragraph (1), by amending subparagraph (B) to read as follows:

"(B) a determination by the Secretary of Defense that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to United States military forces, including personnel operating under the authority of title 10 or title 50, United States Code, of attack with—

"(i) a biological, chemical, radiological, or nuclear agent or agents; or

"(ii) an agent or agents that may cause, or are otherwise associated with, an imminently life-threatening and specific risk to United States military forces;"; and

(B) by adding at the end the following:

"(6) MILITARY EMERGENCIES.—In the case of a determination described in paragraph (1)(B), the Secretary shall determine, within 45 calendar days of such determination, whether to make a declaration under paragraph (1), and, if appropriate, shall promptly make such a declaration."; and Time period.

(2) in subsection (c)—

(A) in paragraph (3), by striking "; and" and inserting ";";

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

"(4) in the case of a determination described in subsection (b)(1)(B)(ii), that the request for emergency use is made by the Secretary of Defense; and".

(b) EMERGENCY USES FOR MEDICAL PRODUCTS.— 21 USC 360bbb–3c.

(1) IN GENERAL.—The Secretary of Defense may request that the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, take actions to expedite the development of a medical product, review of investigational new drug applications under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)), review of investigational device exemptions under section 520(g) of such Act (21 U.S.C. 360j(g)), and review of applications for approval and clearance of medical products under sections 505, 510(k), and 515 of such Act (21 U.S.C. 355, 360(k), 360(e)) and section 351 of the Public Health Service Act (42 U.S.C. 262), including applications for licensing of vaccines or blood as biological products under such section 351, or applications for review of regenerative medicine advanced therapy products under section 506(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(g)), if there is a military emergency, or significant potential for a military emergency, involving a specific and imminently life-threatening risk to United States military forces of attack with an agent or agents, and the medical product that is the subject of such application, submission, or notification would be reasonably likely to diagnose, prevent, treat, or mitigate such life-threatening risk.

Review.
Notification.

(2) ACTIONS.—Upon a request by the Secretary of Defense under paragraph (1), the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall take action to expedite the development and review of an applicable application or notification with respect to a medical product described in paragraph (1), which may include, as appropriate—

(A) holding meetings with the sponsor and the review team throughout the development of the medical product;

(B) providing timely advice to, and interactive communication with, the sponsor regarding the development of the medical product to ensure that the development program to gather the nonclinical and clinical data necessary for approval or clearance is as efficient as practicable;

(C) involving senior managers and experienced review staff, as appropriate, in a collaborative, cross-disciplinary review;

(D) assigning a cross-disciplinary project lead for the review team to facilitate an efficient review of the development program and to serve as a scientific liaison between the review team and the sponsor;

(E) taking steps to ensure that the design of the clinical trials is as efficient as practicable, when scientifically appropriate, such as by minimizing the number of patients exposed to a potentially less efficacious treatment;

(F) applying any applicable Food and Drug Administration program intended to expedite the development and review of a medical product; and

(G) in appropriate circumstances, permitting expanded access to the medical product during the investigational phase, in accordance with applicable requirements of the Food and Drug Administration.

Time periods.
Determination.

(3) ENHANCED COLLABORATION AND COMMUNICATION.—In order to facilitate enhanced collaboration and communication

with respect to the most current priorities of the Department of Defense—

(A) the Food and Drug Administration shall meet with the Department of Defense and any other appropriate development partners, such as the Biomedical Advanced Research and Development Authority, on a semi-annual basis for the purposes of conducting a full review of the relevant products in the Department of Defense portfolio; and Review.

(B) the Director of the Center for Biologics Evaluation and Research shall meet quarterly with the Department of Defense to discuss the development status of regenerative medicine advanced therapy, blood, and vaccine medical products and projects that are the highest priorities to the Department of Defense (which may include freeze dried plasma products and platelet alternatives),

unless the Secretary of Defense determines that any such meetings are not necessary.

(4) MEDICAL PRODUCT.—In this subsection, the term "medical product" means a drug (as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)), a device (as defined in such section 201), or a biological product (as defined in section 351 of the Public Health Service Act (42 U.S.C. 262)). Definition.

(c) REPEAL.—Effective as of the enactment of the National Defense Authorization Act for Fiscal Year 2018, subsection (d) of section 1107a of title 10, United States Code, as added by section 716 of the National Defense Authorization Act for Fiscal Year 2018, is repealed. Effective date. 10 USC 1107a note.

Approved December 12, 2017.

LEGISLATIVE HISTORY—H.R. 4374:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Nov. 15, considered and passed House.
Nov. 16, considered and passed Senate.

Public Law 115–93
115th Congress

An Act

Dec. 18, 2017
[H.R. 228]

To amend the Indian Employment, Training and Related Services Demonstration Act of 1992 to facilitate the ability of Indian tribes to integrate the employment, training, and related services from diverse Federal sources, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Indian Employment, Training and Related Services Consolidation Act of 2017.
25 USC 3401 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Employment, Training and Related Services Consolidation Act of 2017".

SEC. 2. AMENDMENT OF SHORT TITLE.

(a) IN GENERAL.—Section 1 of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 note; 106 Stat. 2302) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Indian Employment, Training and Related Services Act of 1992'.".

25 USC 3401 note.

(b) REFERENCES.—Any reference in law to the "Indian Employment, Training and Related Services Demonstration Act of 1992" shall be deemed to be a reference to the "Indian Employment, Training and Related Services Act of 1992".

SEC. 3. STATEMENT OF PURPOSE.

Section 2 of the Indian Employment, Training and Related Services Act of 1992 (25 U.S.C. 3401), as amended by section 2 of this Act, is amended—

(1) by striking "The purposes of this Act are to demonstrate how Indian tribal governments can" and inserting "The purpose of this Act is to facilitate the ability of Indian tribes and tribal organizations to";

(2) by inserting "from diverse Federal sources" after "they provide";

(3) by striking "and serve tribally-determined" and inserting ", and serve tribally determined"; and

(4) by inserting ", while reducing administrative, reporting, and accounting costs" after "policy of self-determination".

SEC. 4. DEFINITIONS.

Section 3 of the Indian Employment, Training and Related Services Act of 1992 (25 U.S.C. 3402), as amended by section 2 of this Act, is amended—

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

"(2) INDIAN TRIBE.—

"(A) IN GENERAL.—The terms 'Indian tribe' and 'tribe' have the meaning given the term 'Indian tribe' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

"(B) INCLUSION.—The term 'Indian tribe' includes tribal organizations (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).";

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

"(4) PROGRAM.—The term 'program' means a program described in section 5(a).".

SEC. 5. INTEGRATION OF SERVICES AUTHORIZED.

Section 4 of the Indian Employment, Training and Related Services Act of 1992 (25 U.S.C. 3403), as amended by section 2 of this Act, is amended to read as follows:

"SEC. 4. INTEGRATION OF SERVICES AUTHORIZED.

"The Secretary shall, after approving a plan submitted by an Indian tribe in accordance with section 8, authorize the Indian tribe to, in accordance with the plan—

"(1) integrate the programs and Federal funds received by the Indian tribe in accordance with waiver authority granted under section 7(d); and

"(2) coordinate the employment, training, and related services provided with those funds in a consolidated and comprehensive tribal plan.". Coordination.

SEC. 6. PROGRAMS AFFECTED AND TRANSFER OF FUNDS.

Section 5 of the Indian Employment, Training and Related Services Act of 1992 (25 U.S.C. 3404), as amended by section 2 of this Act, is amended to read as follows:

"SEC. 5. PROGRAMS AFFECTED.

"(a) PROGRAMS AFFECTED.—

"(1) IN GENERAL.—The programs that may be integrated pursuant to a plan approved under section 8 shall be only programs—

"(A) implemented for the purpose of—

"(i) job training;

"(ii) welfare to work and tribal work experience;

"(iii) creating or enhancing employment opportunities;

"(iv) skill development;

"(v) assisting Indian youth and adults to succeed in the workforce;

"(vi) encouraging self-sufficiency;

"(vii) familiarizing individual participants with the world of work;

"(viii) facilitating the creation of job opportunities;

"(ix) economic development; or

"(x) any services related to the activities described in clauses (i) through (x); and

"(B) under which an Indian tribe or members of an Indian tribe—

"(i) are eligible to receive funds—

"(I) under a statutory or administrative formula making funds available to an Indian tribe; or

"(II) based solely or in part on their status as Indians under Federal law; or

"(ii) have secured funds as a result of a noncompetitive process or a specific designation.

"(2) TREATMENT OF BLOCK GRANT FUNDS.—For purposes of this section, programs funded by block grant funds provided to an Indian tribe, regardless of whether the block grant is for the benefit of the Indian tribe because of the status of the Indian tribe or the status of the beneficiaries the grant serves, shall be eligible to be integrated into the plan.

Coordination.

"(b) PROGRAM AUTHORIZATION.—The Secretary shall, in cooperation with the Attorney General, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Education, the Secretary of Energy, the Secretary of Health and Human Services, the Secretary of Homeland Security, the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Transportation, and the Secretary of Veterans Affairs, after the Secretary approves a plan submitted by an Indian tribe or tribal organization under section 8, authorize the Indian tribe or tribal organization, as applicable, to coordinate, in accordance with the plan, federally funded employment, training, and related services programs and funding in a manner that integrates the programs and funding into a consolidated and comprehensive program.".

SEC. 7. PLAN REQUIREMENTS.

Section 6 of the Indian Employment, Training and Related Services Act of 1992 (25 U.S.C. 3405), as amended by section 2 of this Act, is amended to read as follows:

"SEC. 6. PLAN REQUIREMENTS.

"A plan submitted to the Secretary for approval under this Act shall—

"(1) identify the programs to be integrated and consolidated;

"(2) be consistent with the purposes of this Act;

"(3) describe—

"(A) a comprehensive strategy identifying the full range of potential employment opportunities on and near the service area of the Indian tribe;

"(B) the education, training, and related services to be provided to assist Indians to access those employment opportunities;

"(C) the way in which services and program funds are to be integrated, consolidated, and delivered; and

"(D) the results expected, including the expected number of program participants in unsubsidized employment during the second quarter after exit from the program, from the plan;

"(4) identify the projected expenditures under the plan in a single budget covering all consolidated funds;

"(5) identify any agency of the Indian tribe to be involved in the delivery of the services integrated under the plan;

"(6) identify any statutory provisions, regulations, policies, or procedures that the Indian tribe believes need to be waived to implement the plan; and

"(7) be approved by the governing body of the Indian tribe.".

SEC. 8. PLAN REVIEW; WAIVER AUTHORITY; AND DISPUTE RESOLUTION.

Section 7 of the Indian Employment, Training and Related Services Act of 1992 (25 U.S.C. 3406), as amended by section 2 of this Act, is amended to read as follows:

"SEC. 7 PLAN REVIEW.

"(a) IN GENERAL.—Upon receipt of a plan from an Indian tribe, the Secretary shall consult with— Consultation.

"(1) the head of each Federal agency overseeing a program identified in the plan; and

"(2) the Indian tribe that submitted the plan.

"(b) IDENTIFICATION OF WAIVERS.—The parties identified in subsection (a) shall identify any waivers of applicable statutory, regulatory, or administrative requirements, or of Federal agency policies or procedures necessary to enable the Indian tribe to efficiently implement the plan.

"(c) TRIBAL WAIVER REQUEST.—In consultation with the Secretary, a participating Indian tribe may request that the head of each affected agency waive any statutory, regulatory, or administrative requirement, policy, or procedure identified subsection (b). Consultation.

"(d) WAIVER AUTHORITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), notwithstanding any other provision of law, the head of each affected Federal agency shall waive any applicable statutory, regulatory, or administrative requirement, regulation, policy, or procedure promulgated by the agency that has been identified by the parties under subparagraph (b).

"(2) EXCEPTION.—The head of an affected Federal agency shall not grant a waiver under paragraph (1) if the head of the affected agency determines that a waiver will be inconsistent with— Determination.

"(A) the purposes of this Act; or

"(B) the provision of law from which the program included in the plan derives its authority that is specifically applicable to Indians.

"(e) DECISION ON WAIVER REQUEST.— Deadlines.

"(1) IN GENERAL.—Not later than 90 days after the head of an affected agency receives a waiver request, the head of the affected agency shall decide whether to grant or deny the request.

"(2) DENIAL OF REQUEST.—If the head of the affected agency denies a waiver request, not later than 30 days after the date on which the denial is made, the head of the affected agency shall provide the requesting Indian tribe and the Secretary with written notice of the denial and the reasons for the denial. Notice.

"(3) FAILURE TO ACT ON REQUEST.—If the head of an affected agency does not make a decision under paragraph (1) by the deadline identified in that paragraph, the request shall be considered to be granted.

"(f) SECRETARIAL REVIEW.—If the head of an affected agency denies a waiver request under subsection (e)(2), not later than 30 days after the date on which the request is denied, the Secretary shall review the denial and determine whether granting the waiver— Deadline. Determination.

"(1) will be inconsistent with the provisions of this Act; or

"(2) will prevent the affected agency from fulfilling the obligations of the affected agency under this Act.

Deadlines.

"(g) INTERAGENCY DISPUTE RESOLUTION.—

"(1) IN GENERAL.—Not later than 30 days after the date on which the Secretary determines that granting the waiver will not be inconsistent with the provisions of this Act and will not prevent the affected agency from fulfilling the obligations of the affected agency under this Act, the Secretary shall establish and initiate an interagency dispute resolution process involving—

"(A) the Secretary;

"(B) the participating Indian tribe; and

"(C) the head of the affected agency.

"(2) DURATION.—A dispute subject to paragraph (1) shall be resolved not later than 30 days after the date on which the process is initiated.

"(h) FINAL AUTHORITY.—If the dispute resolution process fails to resolve the dispute between a participating Indian tribe and an affected agency, the head of the affected agency shall have the final authority to resolve the dispute.

Deadline.

"(i) FINAL DECISION.—Not later than 10 days after the date on which the dispute is resolved under this section, the Secretary shall provide the requesting Indian tribe with—

"(1) the final decision on the waiver request; and

Notice.

"(2) notice of the right to file an appeal in accordance with the applicable provisions described in section 8(d).".

SEC. 9. PLAN APPROVAL; SECRETARIAL AUTHORITY; REVIEW OF DECISION.

Section 8 of the Indian Employment, Training and Related Services Act of 1992 (25 U.S.C. 3407), as amended by section 2 of this Act, is amended to read as follows:

"SEC. 8. PLAN APPROVAL; SECRETARIAL AUTHORITY; REVIEW OF DECISION.

"(a) IN GENERAL.—The Secretary shall have exclusive authority to approve or disapprove a plan submitted by an Indian tribe in accordance with section 6.

"(b) APPROVAL PROCESS.—

Deadline.
Coordination.

"(1) IN GENERAL.—Not later than 90 days after the date on which the Secretary receives a plan, the Secretary shall, after coordinating with the Secretary of each Federal agency providing funds to be used to implement the plan, approve or deny the plan.

"(2) APPROVAL.—If the Secretary approves a plan under paragraph (1), the Secretary shall authorize the transfer of program funds identified in the plan in accordance with section 13.

Notification.

"(3) DENIAL.—If the Secretary denies the plan under paragraph (1), the Secretary shall provide to the Indian tribe a written notification of disapproval of the plan that contains a specific finding that clearly demonstrates, or that is supported by a controlling legal authority, that the plan does not meet the requirements described in section 6.

"(4) PARTIAL APPROVAL.—

"(A) IN GENERAL.—If a plan is denied under paragraph (3) solely on the basis that a request for a waiver that is part of the plan has not been approved (or is subject to dispute resolution) under section 7, the Secretary shall, upon a request from the tribe, grant partial approval for those portions of the plan not affected by the request for a waiver.

"(B) APPROVAL AFTER RESOLUTION.—With respect to a plan described in subparagraph (A), on resolution of the request for a waiver under section 7, the Secretary shall, on a request from the tribe, approve the plan or amended plan not later than 90 days after the date on which the Secretary receives the request. Deadline.

"(5) FAILURE TO ACT.—If the Secretary does not make a decision under paragraph (1) within 90 days of the date on which the Secretary receives the plan, the plan shall be considered to be approved. Time period.

"(c) EXTENSION OF TIME.—Notwithstanding any other provision of law, the Secretary may extend or otherwise alter the 90-day period identified in subsection (b)(1) for not more than 90 additional days, if, before the expiration of the period, the Secretary obtains the express written consent of the Indian tribe.

"(d) REVIEW OF DENIAL.—

"(1) PROCEDURE UPON REFUSAL TO APPROVE PLAN.—If the Secretary denies a plan under subsection (b)(3), the Secretary shall—

"(A) state any objections in writing to the Indian tribe;

"(B) provide assistance to the Indian tribe to overcome the stated objections; and

"(C) unless the Indian tribe brings a civil action under paragraph (2), provide the Indian tribe with a hearing on the record with the right to engage in full discovery relevant to any issue raised in the matter and the opportunity for appeal on the objections raised, under such rules and regulations as the Secretary may promulgate. Hearing.

"(2) CIVIL ACTIONS.—

"(A) IN GENERAL.—The district courts of the United States shall have original jurisdiction of a civil action against the appropriate Secretary arising under this section. Courts.

"(B) ADMINISTRATIVE HEARING AND APPEAL NOT REQUIRED.—An Indian tribe may bring a civil action under this paragraph without regard to whether the Indian tribe had a hearing or filed an appeal under paragraph (1).

"(C) RELIEF.—In an action brought under this paragraph, the court may order appropriate relief (including injunctive relief to reverse a denial of a plan under this section or to compel an officer or employee of the United States, or any agency thereof, to perform a duty provided under this Act or regulations promulgated thereunder) against any action by an officer or employee of the United States or any agency thereof contrary to this Act or regulations promulgated thereunder.

"(3) FINAL AGENCY ACTION.—Notwithstanding any other provision of law, a decision by an official of the Department of the Interior or the Department of Health and Human Services, as appropriate (collectively referred to in this paragraph

as the 'Department') that constitutes final agency action and that relates to an appeal within the Department that is conducted under paragraph (1)(C) shall be made—

"(A) by an official of the Department who holds a position at a higher organizational level within the Department than the level of the departmental agency (such as the Indian Health Service or the Bureau of Indian Affairs) in which the decision that is the subject of the appeal was made; or

"(B) by an administrative law judge.".

SEC. 10. EMPLOYER TRAINING PLACEMENTS.

Section 10 of the Indian Employment, Training and Related Services Act of 1992 (25 U.S.C. 3409), as amended by section 2 of this Act, is amended to read as follows:

"SEC. 10. EMPLOYER TRAINING PLACEMENTS.

"(a) IN GENERAL.—Subject to subsection (b), an Indian tribe that has in place an approved plan under this Act may use the funds made available for the plan under this Act—

"(1) to place participants in training positions with employers; and

Time period.

"(2) to pay the participants a training allowance or wage for a training period of not more than 24 months, which may be nonconsecutive.

Contracts.

"(b) REQUIREMENTS.—An Indian tribe may carry out subsection (a) only if the Indian tribe enters into a written agreement with each applicable employer under which the employer shall agree—

"(1) to provide on-the-job training to the participants; and

"(2) on satisfactory completion of the training period described in subsection (a)(2), to prioritize the provision of permanent employment to the participants.".

SEC. 11. FEDERAL RESPONSIBILITIES.

Section 11 of the Indian Employment, Training and Related Services Act of 1992 (25 U.S.C. 3410), as amended by section 2 of this Act, is amended to read as follows:

"SEC. 11. FEDERAL RESPONSIBILITIES.

"(a) LEAD AGENCY.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the lead agency responsible for implementation of this Act shall be the Bureau of Indian Affairs.

"(2) INCLUSIONS.—The responsibilities of the Director of the Bureau of Indian Affairs in carrying out this Act shall include—

Coordination.
Reports.

"(A) in coordination with the head of each Federal agency overseeing a program identified in the plan, the development of a single model report for each Indian tribe that has in place an approved plan under this Act to submit to the Director reports on any consolidated activities undertaken and joint expenditures made under the plan;

"(B) the provision, directly or through contract, of appropriate voluntary and technical assistance to participating Indian tribes;

"(C) the development and use of a single monitoring and oversight system for plans approved under this Act;

"(D)(i) the receipt of all funds covered by a plan approved under this Act; and

"(ii) the distribution of the funds to the respective Indian tribes by not later than 45 days after the date of receipt of the funds from the appropriate Federal department or agency; and Deadline.

"(E)(i) the performance of activities described in section 7 relating to agency waivers; and

"(ii) the establishment of an interagency dispute resolution process.

"(3) MEMORANDUM OF AGREEMENT.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Indian Employment, Training and Related Services Consolidation Act of 2017, the Secretary (acting through the Director of the Bureau of Indian Affairs), in conjunction with the Secretaries of Agriculture, Commerce, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, Labor, Transportation, and Veterans Affairs and the Attorney General, shall enter into an interdepartmental memorandum of agreement providing for the implementation of this Act. Deadline.

"(B) INCLUSIONS.—The memorandum of agreement under subparagraph (A) shall include provisions relating to—

"(i) an annual meeting of participating Indian tribes and Federal departments and agencies, to be co-chaired by—

"(I) a representative of the President; and

"(II) a representative of the participating Indian tribes;

"(ii) an annual review of the achievements under this Act, including the number and percentage of program participants in unsubsidized employment during the second quarter after exit from the program, and any statutory, regulatory, administrative, or policy obstacles that prevent participating Indian tribes from fully and efficiently carrying out the purposes of this Act; and Review.

"(iii) a forum comprised of participating Indian tribes and Federal departments and agencies to identify and resolve interagency conflicts and conflicts between the Federal Government and Indian tribes in the administration of this Act.

"(b) REPORT FORMAT.—

"(1) IN GENERAL.—The lead agency shall develop and distribute to Indian tribes that have in place an approved plan under this Act a single report format, in accordance with the requirements of this Act.

"(2) REQUIREMENTS.—The lead agency shall ensure that the report format developed under paragraph (1), together with records maintained by each participating Indian tribe, contains information sufficient— Records.

"(A) to determine whether the Indian tribe has complied with the requirements of the approved plan of the Indian tribe;

"(B) to determine the number and percentage of program participants in unsubsidized employment during the second quarter after exit from the program; and

"(C) to provide assurances to the head of each applicable Federal department or agency that the Indian tribe has complied with all directly applicable statutory and regulatory requirements not waived under section 7.

"(3) LIMITATION.—The report format developed under paragraph (1) shall not require a participating Indian tribe to report on the expenditure of funds expressed by fund source or single agency code transferred to the Indian tribe under an approved plan under this Act but instead shall require the Indian tribe to submit a single report on the expenditure of consolidated funds under such plan.".

SEC. 12. NO REDUCTION IN AMOUNTS.

Section 12 of the Indian Employment, Training and Related Services Act of 1992 (25 U.S.C. 3411), as amended by section 2 of this Act, is amended to read as follows:

"SEC. 12. NO REDUCTION IN AMOUNTS.

"(a) IN GENERAL.—In no case shall the amount of Federal funds available to an Indian tribe that has in place an approved plan under this Act be reduced as a result of—

"(1) the enactment of this Act; or

"(2) the approval or implementation of a plan of an Indian tribe under this Act.

"(b) INTERACTION WITH OTHER LAWS.—The inclusion of a program in a tribal plan under this Act shall not—

"(1) modify, limit, or otherwise affect the eligibility of the program for contracting under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.); or

"(2) eliminate the applicability of any provision of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.), as the provision relates to a specific program eligible for contracting under that Act.".

SEC. 13. TRANSFER OF FUNDS.

Section 13 of the Indian Employment, Training and Related Services Act of 1992 (25 U.S.C. 3412), as amended by section 2 of this Act, is amended to read as follows:

"SEC. 13. TRANSFER OF FUNDS.

Deadline.

"(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 30 days after the date of apportionment to the applicable Federal department or agency, the head of a Federal agency overseeing a program identified in a plan approved under this Act shall transfer to the Director of the Bureau of Indian Affairs for distribution to an Indian tribe any funds identified in the approved plan of the Indian tribe.

"(b) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, at the request of the Indian tribe, all program funds transferred to an Indian tribe in accordance with the approved plan of the Indian tribe shall be transferred to the Indian tribe pursuant to an existing contract, compact, or funding agreement awarded pursuant to title I or IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.).".

SEC. 14. ADMINISTRATION OF FUNDS.

Section 14 of the Indian Employment, Training and Related Services Act of 1992 (25 U.S.C. 3413), as amended by section 2 of this Act, is amended—

(1) by redesignating subsection (b) as subsection (d);

(2) by striking the section designation and heading and all that follows through subsection (a) and inserting the following:

"SEC. 14. ADMINISTRATION OF FUNDS.

"(a) REQUIREMENTS.—

"(1) IN GENERAL.—

"(A) CONSOLIDATION AND REALLOCATION OF FUNDS.—Notwithstanding any other provision of law, all amounts transferred to a tribe pursuant to an approved plan may be consolidated, reallocated, and rebudgeted as specified in the approved plan to best meet the employment, training, and related needs of the local community served by the Indian tribe.

"(B) AUTHORIZED USE OF FUNDS.—The amounts used to carry out a plan approved under this Act shall be administered in such manner as the Secretary determines to be appropriate to ensure the amounts are spent on activities authorized under the approved plan.

"(C) EFFECT.—Nothing in this section interferes with the ability of the Secretary or the lead agency to use accounting procedures that conform to generally accepted accounting principles, auditing procedures, and safeguarding of funds that conform to chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act of 1984').

"(2) SEPARATE RECORDS AND AUDITS NOT REQUIRED.—Notwithstanding any other provision of law (including regulations and circulars of any agency (including Office of Management and Budget Circular A–133)), an Indian tribe that has in place an approved plan under this Act shall not be required—

"(A) to maintain separate records that trace any service or activity conducted under the approved plan to the program for which the funds were initially authorized or transferred;

"(B) to allocate expenditures among such a program; or

"(C) to audit expenditures by the original source of the program.

"(b) CARRYOVER.—

"(1) IN GENERAL.—Any funds transferred to an Indian tribe under this Act that are not obligated or expended prior to the beginning of the fiscal year after the fiscal year for which the funds were appropriated shall remain available for obligation or expenditure without fiscal year limitation, subject to the condition that the funds shall be obligated or expended in accordance with the approved plan of the Indian tribe.

"(2) NO ADDITIONAL DOCUMENTATION.—The Indian tribe shall not be required to provide any additional justification or documentation of the purposes of the approved plan as a condition of receiving or expending the funds.

"(c) INDIRECT COSTS.—Notwithstanding any other provision of law, an Indian tribe shall be entitled to recover 100 percent of any indirect costs incurred by the Indian tribe as a result of the transfer of funds to the Indian tribe under this Act."; and

(3) in subsection (d) (as redesignated by paragraph (1))—

(A) by striking "All administrative" and inserting the following:

"(1) IN GENERAL.—All administrative"; and

(B) by striking "regulations)" and all that follows through the end of the subsection and inserting the following: "regulations).

"(2) TREATMENT.—The amount equal to the difference between the amount of the commingled funds and the actual administrative cost of the programs, as described in paragraph (1), shall be considered to be properly spent for Federal audit purposes if the amount is used to achieve the purposes of this Act.

"(e) MATCHING FUNDS.—Notwithstanding any other provision of law, any funds transferred to an Indian tribe under this Act shall be treated as non-Federal funds for purposes of meeting matching requirements under any other Federal law, except those administered by the Department of Labor or the Department of Health and Human Services.

Applicability.

"(f) CLAIMS.—The following provisions of law shall apply to plans approved under this Act:

"(1) Section 314 of the Department of the Interior and Related Agencies Appropriations Act, 1991 (Public Law 101–512; 104 Stat. 1959).

"(2) Chapter 171 of title 28 (commonly known as the 'Federal Tort Claims Act').

"(g) INTEREST OR OTHER INCOME.—

"(1) IN GENERAL.—An Indian tribe shall be entitled to retain interest earned on any funds transferred to the tribe under an approved plan and such interest shall not diminish the amount of funds the Indian tribe is authorized to receive under the plan in the year the interest is earned or in any subsequent fiscal year.

"(2) PRUDENT INVESTMENT.—Funds transferred under a plan shall be managed in accordance with the prudent investment standard.".

SEC. 15. LABOR MARKET INFORMATION ON INDIAN WORK FORCE.

Section 17(a) of the Indian Employment, Training and Related Services Act of 1992 (25 U.S.C. 3416(a)), as amended by section 2 of this Act, is amended in the first sentence—

(1) by striking "The Secretary" and all that follows through "manner," and inserting "The Secretary of Labor, in consultation with the Secretary, Indian tribes, and the Director of the Bureau of the Census, shall"; and

(2) by striking ", by gender,".

SEC. 16. REPEALS; CONFORMING AMENDMENTS.

(a) REPEALS.—Sections 15 and 16 of the Indian Employment, Training and Related Services Act of 1992 (25 U.S.C. 3414, 3415), as amended by section 2 of this Act, are repealed.

(b) CONFORMING AMENDMENTS.—Sections 17 and 18 of the Indian Employment, Training and Related Services Act of 1992

(25 U.S.C. 3416, 3417) (as amended by this Act) are redesignated as sections 15 and 16, respectively.

SEC. 17. EFFECT OF ACT.

25 USC 3401 note.

Nothing in this Act or any amendment made by this Act—

(1) affects any plan approved under the Indian Employment, Training and Related Services Act of 1992 (25 U.S.C. 3401 et seq.) (as so redesignated) before the date of enactment of this Act;

(2) requires any Indian tribe or tribal organization to resubmit a plan described in paragraph (1); or

(3) modifies the effective period of any plan described in paragraph (1).

Approved December 18, 2017.

LEGISLATIVE HISTORY—H.R. 228 (S. 91):

SENATE REPORTS: No. 115–26 (Comm. on Indian Affairs) accompanying S. 91.
CONGRESSIONAL RECORD, Vol. 163 (2017):
Feb. 27, considered and passed House.
Nov. 29, considered and passed Senate.

Public Law 115–94
115th Congress

An Act

Dec. 18, 2017
[S. 371]

To make technical changes and other improvements to the Department of State Authorities Act, Fiscal Year 2017.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Department of State Authorities Act, Fiscal Year 2017, Improvements Act.
22 USC 2651 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of State Authorities Act, Fiscal Year 2017, Improvements Act".

SEC. 2. REPORTS.

(a) OMNIBUS DIPLOMATIC SECURITY AND ANTITERRORISM ACT OF 1986.—Section 104(a) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986, as added by section 101 of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323), is amended by inserting "and the Committees on Appropriations of the Senate and the House of Representatives" after "appropriate congressional committees".

22 USC 4803.

(b) ANNUAL REPORT ON EMBASSY CONSTRUCTION COSTS.—Section 118(a) of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323) is amended by inserting "and the Committees on Appropriations of the Senate and the House of Representatives" after "appropriate congressional committees".

22 USC 304.

(c) OVERSIGHT OF AND ACCOUNTABILITY FOR PEACEKEEPER ABUSES.—Section 301(a) of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323) is amended by inserting "and the Committees on Appropriations of the Senate and the House of Representatives" after "appropriate congressional committees".

22 USC 287 note.

(d) WORKFORCE RIGHTSIZING REPORT.—Section 405(c) of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323) is amended by inserting "and the Committees on Appropriations of the Senate and the House of Representatives" after "appropriate congressional committees".

130 Stat. 1929.

(e) CONSULAR IMMUNITY.—Subsection (b)(2) of section 4 of the Diplomatic Relations Act (22 U.S.C. 254c), as added by section 501 of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323), is amended by striking "of the House of Representatives and the Committee on Foreign Relations" and inserting "and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations".

(f) WESTERN HEMISPHERE DRUG POLICY COMMISSION REPORT.—Section 602(c) of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323) is amended—

130 Stat. 1937.

(1) by inserting "and the Committee on Appropriations" after "Committee on Foreign Affairs"; and

(2) by inserting "and the Committee on Appropriations" after "Committee on Foreign Relations";

SEC. 3. PEACEKEEPING TRAINING.

Section 301 of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323) is amended— 22 USC 287 note.

(1) in subsection (e)—

(A) in paragraph (1), by striking "enhance the discovery" and inserting "investigate allegations";

(B) in paragraph (2), by striking "adequately respond to complaints about such offenses by carrying out swift and effective disciplinary action against the personnel" and inserting "appropriately hold accountable personnel"; and

(C) in paragraph (3), by inserting ", including compensation to victims, as appropriate" after "responses to such offenses";

(2) in subsection (f)(2), by striking "any individual who commits an act" and inserting "personnel who are found to have committed acts"; and

(3) in subsection (g)(1), by striking "noteworthy".

SEC. 4. QUALIFICATIONS OF THE UNITED NATIONS SECRETARY GENERAL.

Section 310 of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323) is amended— 22 USC 287 note.

(1) in subsection (b), by striking "The descriptions referred to in subsection (a) shall include the following elements" and inserting "In addition to the descriptions referred to in subsection (a), each such candidate shall be urged to describe the following"; and

(2) in subsection (c), by striking "such l" and inserting "such agenda".

SEC. 5. POLICY REGARDING THE UNITED NATIONS HUMAN RIGHTS COUNCIL.

Section 311(a)(2) of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323) is amended— 130 Stat. 1924.

(1) in subparagraph (C), by striking "or" at the end;

(2) in subparagraph (D), by striking "and" at the end; and

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

"(E) which has been designated as a Tier 3 country in the annual Department of State Trafficking in Persons Report under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107); or

"(F) which is identified as having failed to prevent or address gross violations of human rights in the annual Department of State Human Rights Report under the Foreign Assistance Act of 1961 and the Trade Act of 1974; and".

SEC. 6. COMPARATIVE REPORT ON PEACEKEEPING OPERATIONS.

Section 313 of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323) is amended— 130 Stat. 1926.

(1) by inserting "and the Committees on Appropriations of the Senate and the House of Representatives" after "appropriate congressional committees";

(2) by amending paragraph (1) to read as follows:

Cost estimate.

"(1) a comparison of the costs of current United Nations peacekeeping operations, including the costs incurred by the United States for such operations, and the estimated cost of such operations if implemented unilaterally by the United States;";

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

(4) by inserting after paragraph (1), as amended by paragraph (2) of this section, the following new paragraph:

Assessment.

"(2) an assessment of the operational, structural, and doctrinal differences between the military and civilian infrastructures of the United States and United Nations and other assumptions that impact cost estimates; and".

SEC. 7. LATERAL ENTRY INTO THE FOREIGN SERVICE.

Section 404(a) of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323) is amended by striking "outstanding".

130 Stat. 1928.

SEC. 8. COMBATING INTOLERANCE.

The section heading of section 419 of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323) is amended by striking "**ANTI-SEMITISM**" and inserting "**INTOLERANCE**".

130 Stat. 1935.

SEC. 9. TECHNICAL CORRECTIONS REGARDING COMPLETION OF WESTERN HEMISPHERE DRUG POLICY COMMISSION REPORT.

Section 603 of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323) is amended—

130 Stat. 1937.

(1) in subsection (f)(1), by striking "section 362" and inserting "section 602(c)"; and

(2) by amending subsection (h) to read as follows:

"(h) COMPENSATION.—Members of the Commission shall serve without pay or benefits.".

SEC. 10. TECHNICAL CORRECTION REGARDING POWERS OF WESTERN HEMISPHERE DRUG POLICY COMMISSION.

Section 604 of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323) is amended by adding at the end the following new subsection:

130 Stat. 1938.

"(f) GIFTS, BEQUESTS, AND DEVISES.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money, services, or property, both real and personal, for the purpose of carrying out any duty, power, or authority of the Commission.".

SEC. 11. BROADCASTING BOARD OF GOVERNORS.

Section 703(b)(2) of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323) is amended by striking "any significant restructuring,".

22 USC 1465b note.

SEC. 12. RANSOMS TO FOREIGN TERRORIST ORGANIZATIONS.

Section 709(a) of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323) is amended by inserting ", to the extent practicable," before "transmit".

130 Stat. 1943.

SEC. 13. RESTORATION OF TIBET REPORT.

Section 613 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228, 22 U.S.C. 6901 note), as amended by section 715(b)(1) of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323), is further amended—

(1) in subsection (a), by striking "IN GENERAL" and inserting the following: "POLICY.—

"(1) IN GENERAL.—";

(2) by redesignating subsection (b) as paragraph (2) and moving such paragraph, as so redesignated, two ems to the right; and

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

"(b) PERIODIC REPORTS.—Not later than 180 days after the date of the enactment of the Department of State Authorities Act, Fiscal Year 2017, Improvements Act, and annually thereafter until December 31, 2021, the President shall transmit to the appropriate congressional committees a report on— President.

"(1) the steps taken by the President and the Secretary in accordance with subsection (a)(1) to implement the Tibetan Policy Act of 2002; and

"(2) the status of any discussions between the People's Republic of China and the Dalai Lama or his representatives or a successor selected by a method of the 14th Dalai Lama's own choosing or the representatives of such successor.".

SEC. 14. DEPARTMENT OF STATE REORGANIZATIONS. Reports.

The report required under subsection (l) of section 7034 of the Consolidated Appropriations Act, 2017 (Public Law 115–31) shall also be provided to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations in the Senate concurrent with the submission of such report to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate pursuant to such subsection.

Approved December 18, 2017.

LEGISLATIVE HISTORY—S. 371:

CONGRESSIONAL RECORD, Vol. 163 (2017):
May 1, considered and passed Senate.
July 28, considered and passed House, amended.
Dec. 4, Senate concurred in House amendment.

Public Law 115–95
115th Congress

An Act

Dec. 20, 2017
[S. 1266]

To authorize the Secretary of Veterans Affairs to enter into contracts with nonprofit organizations to investigate medical centers of the Department of Veterans Affairs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Enhancing Veteran Care Act.
38 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Enhancing Veteran Care Act".

38 USC 1701 note.

SEC. 2. INVESTIGATION OF MEDICAL CENTERS OF THE DEPARTMENT OF VETERANS AFFAIRS.

Assessment. Reports.

(a) IN GENERAL.—The Secretary of Veterans Affairs may contract with a nonprofit organization that accredits health care organizations and programs in the United States to investigate a medical center of the Department of Veterans Affairs to assess and report deficiencies of the facilities at such medical center.

(b) AUTHORITY OF DIRECTORS.—

(1) IN GENERAL.—Subject to coordination under paragraph (2), the Secretary shall delegate the authority under subsection (a) to contract for an investigation at a medical center of the Department to the Director of the Veterans Integrated Service Network in which the medical center is located or the director of such medical center.

Notification.

(2) COORDINATION.—Before entering into a contract under paragraph (1), the Director of a Veterans Integrated Service Network or the director of a medical center, as the case may be, shall notify the Secretary of Veterans Affairs, the Inspector General of the Department of Veterans Affairs, and the Comptroller General of the United States for purposes of coordinating any investigation conducted pursuant to such contract with any other investigations that may be ongoing.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed—

(1) to prevent the Office of the Inspector General of the Department of Veterans Affairs from conducting any review, audit, evaluation, or inspection regarding a topic for which an investigation is conducted under this section; or

(2) to modify the requirement that employees of the Department assist with any review, audit, evaluation, or inspection

conducted by the Office of the Inspector General of the Department.

Approved December 20, 2017.

LEGISLATIVE HISTORY—S. 1266:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Nov. 9, considered and passed Senate.
Dec. 5, 6, considered and passed House.

Public Law 115–96
115th Congress

An Act

Dec. 22, 2017
[H.R. 1370]

To amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to issue Department of Homeland Security-wide guidance and develop training programs as part of the Department of Homeland Security Blue Campaign, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DIVISION A—FURTHER ADDITIONAL CONTINUING APPROPRIATIONS ACT, 2018

Further Additional Continuing Appropriations Act, 2018.

SECTION 1001. The Continuing Appropriations Act, 2018 (division D of Public Law 115–56) is further amended—

(1) by striking the date specified in section 106(3) and inserting "January 19, 2018"; and

(2) by adding after section 142 the following:

Ante, pp. 1141, 1280.
Expiration date.

Applicability.

"SEC. 143. Notwithstanding section 104, amounts made available by section 111 for 'Department of Homeland Security—Coast Guard—Retired Pay' may be obligated to carry out Retired Pay Reform, as authorized by part 1 of subtitle D of title VI of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92, as amended), and the matter under such heading in division F of the Consolidated Appropriations Act, 2017 (Public Law 115–31; 131 Stat. 409) shall be applied during the period covered by this Act by inserting 'payment of continuation pay under section 356 of title 37, United States Code,' after 'payment for career status bonuses,'.

"SEC. 144. In addition to amounts provided by section 101, amounts are provided for 'Department of Health and Human Services—Indian Health Service—Indian Health Services' at a rate for operations of $11,761,000 and amounts are provided for 'Department of Health and Human Services—Indian Health Service—Indian Health Facilities' at a rate for operations of $1,104,000, for an additional amount for costs of staffing and operating newly constructed facilities; and such amounts may be apportioned up to the rate for operations necessary to staff and operate newly constructed facilities.

"SEC. 145. Amounts made available by section 101 for 'Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance' may be apportioned up to the rate for operations necessary to maintain program operations for carrying out section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) and section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) at the level provided in fiscal year 2017.

"SEC. 146. Notwithstanding section 101, amounts are provided for the purposes described in the third paragraph under the heading 'Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund' at a rate for operations of $112,000,000; and such amounts may be apportioned up to the rate for operations necessary to prepare for or respond to an influenza pandemic.

"SEC. 147. Notwithstanding section 251(a)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 and the timetable in section 254(a) of such Act, the final sequestration report for fiscal year 2018 pursuant to section 254(f)(1) of such Act and any order for fiscal year 2018 pursuant to section 254(f)(5) of such Act shall be issued, for the Congressional Budget Office, 10 days after the date specified in section 106(3), and for the Office of Management and Budget, 15 days after the date specified in section 106(3).". Reports. Time periods.

SEC. 1002. (a) Notwithstanding the dates specified in section 403(b) of the FISA Amendments Act of 2008 (Public Law 110–261; 122 Stat. 2474), the amendments made by such section shall not take effect until the date specified in section 106(3) of the Continuing Appropriations Act, 2018 (division D of Public Law 115–56), as amended. Effective date. 50 USC 1881 note.

(b) If during the period beginning on the date of the enactment of this Act and ending on the date specified in section 106(3) of the Continuing Appropriations Act, 2018 (division D of Public Law 115–56), as amended, any Act amending the dates specified in section 403(b) of the FISA Amendments Act of 2008 (Public Law 110–261; 122 Stat. 2474) is enacted, this section shall be repealed. Time period.

This division may be cited as the "Further Additional Continuing Appropriations Act, 2018".

DIVISION B—MISSILE DEFENSE

Department of Defense Missile Defeat and Defense Enhancements Appropriations Act, 2018.

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2018, and for other purposes, namely:

TITLE I—MISSILE DEFEAT AND DEFENSE ENHANCEMENTS

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy" for necessary costs to repair damage to the U.S.S. John S. McCain and the U.S.S. Fitzgerald, $673,500,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force" for necessary costs to detect, defeat, and defend against

the use of ballistic missiles, $18,750,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide" for necessary costs to detect, defeat, and defend against the use of ballistic missiles, $23,735,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army" for necessary costs to detect, defeat, and defend against the use of ballistic missiles, $884,000,000, to remain available until September 30, 2020: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force" for necessary costs to detect, defeat, and defend against the use of ballistic missiles, $12,000,000 to remain available until September 30, 2020: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force" for necessary costs to detect, defeat, and defend against the use of ballistic missiles, $288,055,000 to remain available until September 30, 2020: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide" for necessary costs to detect, defeat, and defend against the use of ballistic missiles, $1,239,140,000 to remain available until September 30, 2020: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army" for necessary costs to detect, defeat, and defend against the use of ballistic missiles, $20,700,000 to remain available until September 30, 2019: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy" for necessary costs to detect, defeat, and defend against the use of ballistic missiles, $60,000,000 to remain available until September 30, 2019: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force" for necessary costs to detect, defeat, and defend against the use of ballistic missiles, $255,744,000 to remain available until September 30, 2019: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide" for necessary costs to detect, defeat, and defend against the use of ballistic missiles, $1,010,220,000 to remain available until September 30, 2019: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE II—MISSILE CONSTRUCTION ENHANCEMENTS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for "Military Construction, Defense-Wide", $200,000,000, to remain available until September 30, 2022, to carry out construction of a missile field in Alaska: *Provided*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE III—GENERAL PROVISIONS

SEC. 2001. Notwithstanding any other provision of law, funds made available in this division are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2018.

SEC. 2002. (a) Funds made available in title I of this division shall be allocated to programs, projects, and activities in accordance with the detailed congressional budget justifications submitted by the Department of Defense to accompany the Fiscal Year 2018 Budget Amendments requested by the President on November 6, 2017: *Provided*, That changes to the allocation of such funds shall be subject to the reprogramming requirements set forth in the annual appropriations Act.

(b) Funds made available in this division may be obligated and expended notwithstanding sections 102 and 104 of division D of Public Law 115–56.

President. Designations.

SEC. 2003. Each amount designated in this division by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

This division may be cited as the "Department of Defense Missile Defeat and Defense Enhancements Appropriations Act, 2018".

CHIP and Public Health Funding Extension Act.

DIVISION C—HEALTH PROVISIONS

TITLE I—PUBLIC HEALTH EXTENDERS

SEC. 3101. EXTENSION FOR COMMUNITY HEALTH CENTERS, THE NATIONAL HEALTH SERVICE CORPS, AND TEACHING HEALTH CENTERS THAT OPERATE GME PROGRAMS.

(a) COMMUNITY HEALTH CENTERS FUNDING.—Section 10503(b)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)) is amended—

(1) in subparagraph (D), by striking "and" at the end; and

(2) by inserting after subparagraph (E) the following:

"(F) $550,000,000 for the period of the first and second quarters of fiscal year 2018; and".

(b) NATIONAL HEALTH SERVICE CORPS.—Section 10503(b)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(2)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by inserting after subparagraph (E) the following:

"(F) $65,000,000 for period of the first and second quarters of fiscal year 2018.".

(c) TEACHING HEALTH CENTERS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.—Subsection (g) of section 340H of the Public Health Service Act (42 U.S.C. 256h) is amended—

(1) by striking "To carry out" and inserting the following: "(1) IN GENERAL.—To carry out";

(2) by striking "and $15,000,000 for the first quarter of fiscal year 2018" and inserting "and $30,000,000 for the period of the first and second quarters of fiscal year 2018, to remain available until expended"; and

(3) by adding at the end the following:

"(2) ADMINISTRATIVE EXPENSES.—Of the amount made available to carry out this section for any fiscal year, the Secretary may not use more than 5 percent of such amount for the expenses of administering this section.".

(d) APPLICATION.—Amounts appropriated pursuant to this section are subject to the requirements contained in Public Law 115–31 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act (42 U.S.C. 254b–256).

(e) CONFORMING AMENDMENTS.—Section 3014(h) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "section 10503(b)(1)(E) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b-2(b)(1)(E)), as amended by section 221 of the Medicare Access and CHIP Reauthorization Act of 2015" and inserting "subparagraphs (E) and (F) of section 10503(b)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b-2(b)(1))"; and

(2) in paragraph (4), by inserting "and section 3101(d) of the CHIP and Public Health Funding Extension Act" after "section 221(c) of the Medicare Access and CHIP Reauthorization Act of 2015".

SEC. 3102. EXTENSION FOR SPECIAL DIABETES PROGRAMS.

(a) SPECIAL DIABETES PROGRAM FOR TYPE I DIABETES.—Section 330B(b)(2) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by inserting after subparagraph (C) the following:

"(D) $37,500,000 for the period of the first and second quarters of fiscal year 2018, to remain available until expended.".

(b) SPECIAL DIABETES PROGRAM FOR INDIANS.—Subparagraph (D) of section 330C(c)(2) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)) is amended by inserting "and $37,500,000 for the second quarter of fiscal year 2018" before the period at the end.

SEC. 3103. PREVENTION AND PUBLIC HEALTH FUND.

Section 4002(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11(b)) is amended—

(1) in paragraph (3), by striking "each of fiscal years 2018 and 2019" and inserting "fiscal year 2018";

(2) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9);

(3) by inserting after paragraph (3) the following new paragraph:

"(4) for fiscal year 2019, $800,000,000;";

(4) in paragraph (5), as so redesignated, by striking "$1,000,000,000" and inserting "$800,000,000"; and

(5) in paragraph (6), as so redesignated, by striking "$1,500,000,000" and inserting "$1,250,000,000".

TITLE II—CHILDREN'S HEALTH INSURANCE PROGRAM (CHIP)

SEC. 3201. FUNDING EXTENSION OF THE CHILDREN'S HEALTH INSURANCE PROGRAM.

(a) APPROPRIATION; TOTAL ALLOTMENT.—Section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)) is amended—

(1) in paragraph (19), by striking "and";

(2) in paragraph (20), by striking the period at the end and inserting "; and"; and

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

"(21) for fiscal year 2018, for purposes of making 1 semi-annual allotment—

"(A) $2,850,000,000 for the period beginning on October 1, 2017, and ending on March 31, 2018.".

(b) ALLOTMENTS.—

(1) IN GENERAL.—Section 2104(m) of the Social Security Act (42 U.S.C. 1397dd(m)) is amended—

(A) in paragraph (2)(B)(ii), in the matter preceding subclause (I), by inserting "and paragraph (10)" after "clauses (iii) and (iv)";

(B) in paragraph (5)—

(i) by striking "or (4)" and inserting "(4), or (10)"; and

(ii) by striking "or 2017" and inserting ", 2017, or 2018";

(C) in paragraph (9)—

(i) in the heading, by striking "FISCAL YEARS 2015 AND 2017" and inserting "CERTAIN FISCAL YEARS";

(ii) by striking "or (4)" and inserting ", (4), or (10)"; and

(iii) by striking "or fiscal year 2017" and inserting ", 2017, or 2018"; and

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

"(10) FOR FISCAL YEAR 2018.—

"(A) FIRST HALF.—

"(i) IN GENERAL.—Subject to paragraphs (5) and (7), from the amount made available under subparagraph (A) of paragraph (21) of subsection (a) for the semi-annual period described in such subparagraph, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for such semi-annual period in an amount equal to ½ of the amount described in clause (ii) for the State.

"(ii) FULL YEAR AMOUNT BASED ON GROWTH FACTOR UPDATED AMOUNT.—The amount described in this clause for a State is equal to the sum of—

"(I) the sum of the 2 semi-annual allotments made to the State under paragraph (4) for fiscal year 2017; and

"(II) the amount of any payments made to the State under subsection (n) for fiscal year 2017, multiplied by the allotment increase factor under paragraph (6) for fiscal year 2018.".

(2) CONFORMING AMENDMENTS.—Section 2104(m)(2) of such Act (42 U.S.C. 1397dd(m)(2)) is amended—

(A) in the paragraph heading, by striking "2010 THROUGH 2016" and inserting "BEGINNING WITH FISCAL YEAR 2010"; and

(B) by striking "the allotment increase factor under paragraph (5)" each place it appears and inserting "the allotment increase factor under paragraph (6)".

(3) APPLICATION OF REGULAR EXPENDITURE RULES.—Amounts allotted to a State under section 2104(m)(10)(A) of the Social Security Act (42 U.S.C. 1397dd(m)(10)(A)) (as added by paragraph (1)) shall be subject to the same requirements of title XXI of such Act and applicable regulations of the Secretary of Health and Human Services as apply to other allotments made to States for a fiscal year under section 2104 of such Act. 42 USC 1397dd note.

(c) EXTENSION OF CHIP ALLOCATION REDISTRIBUTION SPECIAL RULE FOR CERTAIN SHORTFALL STATES.—

(1) IN GENERAL.—Section 2104(f)(2)(B)(ii) of the Social Security Act (42 U.S.C. 1397dd(f)(2)(B)), as amended by section 201 of Public Law 115–90, is amended—

(A) in the clause heading, by striking "FIRST QUARTER" and inserting "FIRST HALF";

(B) by redesignating subclause (III) as subclause (VI); and

(C) by striking subclauses (I) and (II) and inserting the following:

"(I) IN GENERAL.—For each month beginning during the period beginning on October 1, 2017, and ending March 31, 2018, subject to the succeeding subclauses of this clause, the Secretary shall redistribute any amounts available for redistribution under paragraph (1) for fiscal year 2018, to each State that is an emergency shortfall State for the month (as defined in subclause (II)) such amount as the Secretary determines will eliminate the estimated shortfall described in subclause (II) for such State for the month (as may be adjusted under subparagraph (C)) before the Secretary may redistribute such amounts to any shortfall State that is not an emergency shortfall State. In the case of any amounts redistributed under this subclause to a State that is not an emergency shortfall State, such amounts shall be determined in accordance with clause (i). Time period. Determination.

"(II) EMERGENCY SHORTFALL STATE DEFINED.—For purposes of this clause, the term 'emergency shortfall State' means, with respect to a month beginning during the period beginning October 1, 2017, and ending March 31, 2018, a shortfall State for which the Secretary estimates, in accordance with subparagraph (A) (unless otherwise specified in this subclause) and on a monthly basis using the most recent data available to the Secretary as of such month, that the projected expenditures under the State child health plan and under section 2105(g) (calculated as if the reference under

section 2105(g)(4)(A) to '2017' were a reference to '2018' and insofar as the allotments are available to the State under this subsection or subsection (e) or (m)) for such month will exceed the sum of the amounts described in clauses (i) through (iii) of subparagraph (A) for such month, including after application of any amount redistributed under paragraph (1) for a previous month for fiscal year 2018 in accordance with this clause, to such State. A shortfall State may be an emergency shortfall State under the previous sentence without regard to whether any amounts were redistributed to such State under paragraph (1) for a previous month in fiscal year 2018.

"(III) FUNDS REDISTRIBUTED IN THE ORDER IN WHICH STATES REALIZE FUNDING SHORTFALLS.—The Secretary shall redistribute the amounts available for redistribution under paragraph (1) to emergency shortfall States described in subclause (II) in the order in which such States realize monthly funding shortfalls under this title for fiscal year 2018. The Secretary shall only make redistributions under this clause to the extent that such amounts are available for such redistributions.

"(IV) PRORATION RULE.—If the amounts available for redistribution under paragraph (1) for a month during the period described in subclause (I) are less than the total amounts of the estimated shortfalls determined for the month for emergency shortfall States described in subclause (II), the amount computed under subclause (I) for each emergency shortfall State shall be reduced proportionally.

"(V) UNOBLIGATED REDISTRIBUTED FUNDS.—The Secretary shall withhold any funds redistributed under paragraph (1) for fiscal year 2018 before January 1, 2018, but which have not been obligated for amounts expended by a State as of that date, and shall redistribute such funds in accordance with the preceding subclauses of this clause.".

42 USC 1397dd note.

(2) RULE OF CONSTRUCTION.—Nothing in the amendments made by paragraph (1) shall be construed as authorizing the Secretary of Health and Human Services to de-obligate any funds redistributed under clause (ii) of section 2104(f)(2)(B) of the Social Security Act (42 U.S.C. 1397dd(f)(2)(B)) that have been obligated for amounts expended by an emergency shortfall State described in such clause as of January 1, 2018.

42 USC 201 note.

This division may be cited as the "CHIP and Public Health Funding Extension Act".

DIVISION D—OTHER MATTERS

SEC. 4001. VA CHOICE.

There is appropriated, out of any funds in the Treasury not otherwise appropriated, $2,100,000,000, to remain available until

expended, to be deposited in the Veterans Choice Fund under section 802 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note).

DIVISION E—BUDGETARY EFFECTS

SEC. 5001. BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of division C and each succeeding division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of division C and each succeeding division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of division C and each succeeding division shall not be estimated—

(1) for purposes of section 251 of such Act; and

(2) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

SEC. 5002. BUDGETARY EFFECTS OF RECONCILIATION ACT.

(a) DEFINITION OF RECONCILIATION ACT.—In this section, the term "reconciliation Act" means an Act enacted into law before, on, or after the date of enactment of this Act that was considered pursuant to the reconciliation instructions in H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

(b) PAYGO SCORECARD.—The budgetary effects of the reconciliation Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(d)).

Approved December 22, 2017.

LEGISLATIVE HISTORY—H.R. 1370:

HOUSE REPORTS: No. 115–143, Pt. 1 (Comm. on Homeland Security).
CONGRESSIONAL RECORD, Vol. 163 (2017):
May 23, considered and passed House.
Nov. 6, considered and passed Senate, amended.
Dec. 21, House concurred in Senate amendment with an amendment. Senate concurred in House amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2017):
Dec. 22, Presidential remarks.

Public Law 115–97
115th Congress

An Act

Dec. 22, 2017
[H.R. 1]

To provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SECTION 11000. SHORT TITLE, ETC.

(a) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Individual Tax Reform

PART I—TAX RATE REFORM

SEC. 11001. MODIFICATION OF RATES.

26 USC 1.

(a) IN GENERAL.—Section 1 is amended by adding at the end the following new subsection:

"(j) MODIFICATIONS FOR TAXABLE YEARS 2018 THROUGH 2025.—

"(1) IN GENERAL.—In the case of a taxable year beginning after December 31, 2017, and before January 1, 2026—

"(A) subsection (i) shall not apply, and

"(B) this section (other than subsection (i)) shall be applied as provided in paragraphs (2) through (6).

"(2) RATE TABLES.—

"(A) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—The following table shall be applied in lieu of the table contained in subsection (a):

"If taxable income is:	**The tax is:**
Not over $19,050	10% of taxable income.
Over $19,050 but not over $77,400	$1,905, plus 12% of the excess over $19,050.
Over $77,400 but not over $165,000	$8,907, plus 22% of the excess over $77,400.
Over $165,000 but not over $315,000	$28,179, plus 24% of the excess over $165,000.
Over $315,000 but not over $400,000	$64,179, plus 32% of the excess over $315,000.

"If taxable income is:	The tax is:
Over $400,000 but not over $600,000	$91,379, plus 35% of the excess over $400,000.
Over $600,000	$161,379, plus 37% of the excess over $600,000.

"(B) HEADS OF HOUSEHOLDS.—The following table shall be applied in lieu of the table contained in subsection (b):

"If taxable income is:	The tax is:
Not over $13,600	10% of taxable income.
Over $13,600 but not over $51,800	$1,360, plus 12% of the excess over $13,600.
Over $51,800 but not over $82,500	$5,944, plus 22% of the excess over $51,800.
Over $82,500 but not over $157,500	$12,698, plus 24% of the excess over $82,500.
Over $157,500 but not over $200,000	$30,698, plus 32% of the excess over $157,500.
Over $200,000 but not over $500,000	$44,298, plus 35% of the excess over $200,000.
Over $500,000	$149,298, plus 37% of the excess over $500,000.

"(C) UNMARRIED INDIVIDUALS OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS.—The following table shall be applied in lieu of the table contained in subsection (c):

"If taxable income is:	The tax is:
Not over $9,525	10% of taxable income.
Over $9,525 but not over $38,700	$952.50, plus 12% of the excess over $9,525.
Over $38,700 but not over $82,500	$4,453.50, plus 22% of the excess over $38,700.
Over $82,500 but not over $157,500	$14,089.50, plus 24% of the excess over $82,500.
Over $157,500 but not over $200,000	$32,089.50, plus 32% of the excess over $157,500.
Over $200,000 but not over $500,000	$45,689.50, plus 35% of the excess over $200,000.
Over $500,000	$150,689.50, plus 37% of the excess over $500,000.

"(D) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—The following table shall be applied in lieu of the table contained in subsection (d):

"If taxable income is:	The tax is:
Not over $9,525	10% of taxable income.
Over $9,525 but not over $38,700	$952.50, plus 12% of the excess over $9,525.
Over $38,700 but not over $82,500	$4,453.50, plus 22% of the excess over $38,700.
Over $82,500 but not over $157,500	$14,089.50, plus 24% of the excess over $82,500.
Over $157,500 but not over $200,000	$32,089.50, plus 32% of the excess over $157,500.
Over $200,000 but not over $300,000	$45,689.50, plus 35% of the excess over $200,000.

"If taxable income is:	The tax is:
Over $300,000	$80,689.50, plus 37% of the excess over $300,000.

"(E) ESTATES AND TRUSTS.—The following table shall be applied in lieu of the table contained in subsection (e):

"If taxable income is:	The tax is:
Not over $2,550	10% of taxable income.
Over $2,550 but not over $9,150	$255, plus 24% of the excess over $2,550.
Over $9,150 but not over $12,500	$1,839, plus 35% of the excess over $9,150.
Over $12,500	$3,011.50, plus 37% of the excess over $12,500.

"(F) REFERENCES TO RATE TABLES.—Any reference in this title to a rate of tax under subsection (c) shall be treated as a reference to the corresponding rate bracket under subparagraph (C) of this paragraph, except that the reference in section 3402(q)(1) to the third lowest rate of tax applicable under subsection (c) shall be treated as a reference to the fourth lowest rate of tax under subparagraph (C).

"(3) ADJUSTMENTS.—

"(A) NO ADJUSTMENT IN 2018.—The tables contained in paragraph (2) shall apply without adjustment for taxable years beginning after December 31, 2017, and before January 1, 2019.

"(B) SUBSEQUENT YEARS.—For taxable years beginning after December 31, 2018, the Secretary shall prescribe tables which shall apply in lieu of the tables contained in paragraph (2) in the same manner as under paragraphs (1) and (2) of subsection (f) (applied without regard to clauses (i) and (ii) of subsection (f)(2)(A)), except that in prescribing such tables—

"(i) subsection (f)(3) shall be applied by substituting 'calendar year 2017' for 'calendar year 2016' in subparagraph (A)(ii) thereof,

"(ii) subsection (f)(7)(B) shall apply to any unmarried individual other than a surviving spouse or head of household, and

"(iii) subsection (f)(8) shall not apply.

"(4) SPECIAL RULES FOR CERTAIN CHILDREN WITH UNEARNED INCOME.—

"(A) IN GENERAL.—In the case of a child to whom subsection (g) applies for the taxable year, the rules of subparagraphs (B) and (C) shall apply in lieu of the rule under subsection (g)(1).

"(B) MODIFICATIONS TO APPLICABLE RATE BRACKETS.—In determining the amount of tax imposed by this section for the taxable year on a child described in subparagraph (A), the income tax table otherwise applicable under this subsection to the child shall be applied with the following modifications:

"(i) 24-PERCENT BRACKET.—The maximum taxable income which is taxed at a rate below 24 percent shall not be more than the sum of—

"(I) the earned taxable income of such child, plus

"(II) the minimum taxable income for the 24-percent bracket in the table under paragraph (2)(E) (as adjusted under paragraph (3)) for the taxable year.

"(ii) 35-PERCENT BRACKET.—The maximum taxable income which is taxed at a rate below 35 percent shall not be more than the sum of—

"(I) the earned taxable income of such child, plus

"(II) the minimum taxable income for the 35-percent bracket in the table under paragraph (2)(E) (as adjusted under paragraph (3)) for the taxable year.

"(iii) 37-PERCENT BRACKET.—The maximum taxable income which is taxed at a rate below 37 percent shall not be more than the sum of—

"(I) the earned taxable income of such child, plus

"(II) the minimum taxable income for the 37-percent bracket in the table under paragraph (2)(E) (as adjusted under paragraph (3)) for the taxable year.

"(C) COORDINATION WITH CAPITAL GAINS RATES.—For purposes of applying section 1(h) (after the modifications under paragraph (5)(A))—

"(i) the maximum zero rate amount shall not be more than the sum of—

"(I) the earned taxable income of such child, plus

"(II) the amount in effect under paragraph (5)(B)(i)(IV) for the taxable year, and

"(ii) the maximum 15-percent rate amount shall not be more than the sum of—

"(I) the earned taxable income of such child, plus

"(II) the amount in effect under paragraph (5)(B)(ii)(IV) for the taxable year.

"(D) EARNED TAXABLE INCOME.—For purposes of this paragraph, the term 'earned taxable income' means, with respect to any child for any taxable year, the taxable income of such child reduced (but not below zero) by the net unearned income (as defined in subsection (g)(4)) of such child.

"(5) APPLICATION OF CURRENT INCOME TAX BRACKETS TO CAPITAL GAINS BRACKETS.—

"(A) IN GENERAL.—Section 1(h)(1) shall be applied—

"(i) by substituting 'below the maximum zero rate amount' for 'which would (without regard to this paragraph) be taxed at a rate below 25 percent' in subparagraph (B)(i), and

"(ii) by substituting 'below the maximum 15-percent rate amount' for 'which would (without regard

to this paragraph) be taxed at a rate below 39.6 percent' in subparagraph (C)(ii)(I).

"(B) MAXIMUM AMOUNTS DEFINED.—For purposes of applying section 1(h) with the modifications described in subparagraph (A)—

"(i) MAXIMUM ZERO RATE AMOUNT.—The maximum zero rate amount shall be—

"(I) in the case of a joint return or surviving spouse, $77,200,

"(II) in the case of an individual who is a head of household (as defined in section 2(b)), $51,700,

"(III) in the case of any other individual (other than an estate or trust), an amount equal to ½ of the amount in effect for the taxable year under subclause (I), and

"(IV) in the case of an estate or trust, $2,600.

"(ii) MAXIMUM 15-PERCENT RATE AMOUNT.—The maximum 15-percent rate amount shall be—

"(I) in the case of a joint return or surviving spouse, $479,000 (½ such amount in the case of a married individual filing a separate return),

"(II) in the case of an individual who is the head of a household (as defined in section 2(b)), $452,400,

"(III) in the case of any other individual (other than an estate or trust), $425,800, and

"(IV) in the case of an estate or trust, $12,700.

"(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2018, each of the dollar amounts in clauses (i) and (ii) of subparagraph (B) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under subsection (f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2017' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

If any increase under this subparagraph is not a multiple of $50, such increase shall be rounded to the next lowest multiple of $50.

"(6) SECTION 15 NOT TO APPLY.—Section 15 shall not apply to any change in a rate of tax by reason of this subsection.".

(b) DUE DILIGENCE TAX PREPARER REQUIREMENT WITH RESPECT TO HEAD OF HOUSEHOLD FILING STATUS.—Subsection (g) of section 6695 is amended to read as follows:

26 USC 6695.

"(g) FAILURE TO BE DILIGENT IN DETERMINING ELIGIBILITY FOR CERTAIN TAX BENEFITS.—Any person who is a tax return preparer with respect to any return or claim for refund who fails to comply with due diligence requirements imposed by the Secretary by regulations with respect to determining—

"(1) eligibility to file as a head of household (as defined in section 2(b)) on the return, or

"(2) eligibility for, or the amount of, the credit allowable by section 24, 25A(a)(1), or 32,

shall pay a penalty of $500 for each such failure.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017. 26 USC 1 note.

SEC. 11002. INFLATION ADJUSTMENTS BASED ON CHAINED CPI.

(a) IN GENERAL.—Subsection (f) of section 1 is amended by striking paragraph (3) and by inserting after paragraph (2) the following new paragraph: 26 USC 1.

"(3) COST-OF-LIVING ADJUSTMENT.—For purposes of this subsection—

"(A) IN GENERAL.—The cost-of-living adjustment for any calendar year is the percentage (if any) by which—

"(i) the C-CPI-U for the preceding calendar year, exceeds

"(ii) the CPI for calendar year 2016, multiplied by the amount determined under subparagraph (B).

"(B) AMOUNT DETERMINED.—The amount determined under this clause is the amount obtained by dividing—

"(i) the C-CPI-U for calendar year 2016, by

"(ii) the CPI for calendar year 2016.

"(C) SPECIAL RULE FOR ADJUSTMENTS WITH A BASE YEAR AFTER 2016.—For purposes of any provision of this title which provides for the substitution of a year after 2016 for '2016' in subparagraph (A)(ii), subparagraph (A) shall be applied by substituting 'the C-CPI-U for calendar year 2016' for 'the CPI for calendar year 2016' and all that follows in clause (ii) thereof.".

(b) C-CPI-U.—Subsection (f) of section 1 is amended by striking paragraph (7), by redesignating paragraph (6) as paragraph (7), and by inserting after paragraph (5) the following new paragraph:

"(6) C-CPI-U.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'C-CPI-U' means the Chained Consumer Price Index for All Urban Consumers (as published by the Bureau of Labor Statistics of the Department of Labor). The values of the Chained Consumer Price Index for All Urban Consumers taken into account for purposes of determining the cost-of-living adjustment for any calendar year under this subsection shall be the latest values so published as of the date on which such Bureau publishes the initial value of the Chained Consumer Price Index for All Urban Consumers for the month of August for the preceding calendar year.

"(B) DETERMINATION FOR CALENDAR YEAR.—The C-CPI-U for any calendar year is the average of the C-CPI-U as of the close of the 12-month period ending on August 31 of such calendar year.".

(c) APPLICATION TO PERMANENT TAX TABLES.—

(1) IN GENERAL.—Section 1(f)(2)(A) is amended to read as follows:

"(A) except as provided in paragraph (8), by increasing the minimum and maximum dollar amounts for each bracket for which a tax is imposed under such table by the cost-of-living adjustment for such calendar year, determined—

"(i) except as provided in clause (ii), by substituting '1992' for '2016' in paragraph (3)(A)(ii), and

"(ii) in the case of adjustments to the dollar amounts at which the 36 percent rate bracket begins

or at which the 39.6 percent rate bracket begins, by substituting '1993' for '2016' in paragraph (3)(A)(ii),".

26 USC 1.

(2) CONFORMING AMENDMENTS.—Section 1(i) is amended—

(A) by striking "for '1992' in subparagraph (B)" in paragraph (1)(C) and inserting "for '2016' in subparagraph (A)(ii)", and

(B) by striking "subsection (f)(3)(B) shall be applied by substituting '2012' for '1992'" in paragraph (3)(C) and inserting "subsection (f)(3)(A)(ii) shall be applied by substituting '2012' for '2016'".

(d) APPLICATION TO OTHER INTERNAL REVENUE CODE OF 1986 PROVISIONS.—

(1) The following sections are each amended by striking "for 'calendar year 1992' in subparagraph (B)" and inserting "for 'calendar year 2016' in subparagraph (A)(ii)":

(A) Section 23(h)(2).
(B) Paragraphs (1)(A)(ii) and (2)(A)(ii) of section 25A(h).
(C) Section 25B(b)(3)(B).
(D) Subsection (b)(2)(B)(ii)(II), and clauses (i) and (ii) of subsection (j)(1)(B), of section 32.
(E) Section 36B(f)(2)(B)(ii)(II).
(F) Section 41(e)(5)(C)(i).
(G) Subsections (e)(3)(D)(ii) and (h)(3)(H)(i)(II) of section 42.
(H) Section 45R(d)(3)(B)(ii).
(I) Section 55(d)(4)(A)(ii).
(J) Section 62(d)(3)(B).
(K) Section 63(c)(4)(B).
(L) Section 125(i)(2)(B).
(M) Section 135(b)(2)(B)(ii).
(N) Section 137(f)(2).
(O) Section 146(d)(2)(B).
(P) Section 147(c)(2)(H)(ii).
(Q) Section 151(d)(4)(B).
(R) Section 179(b)(6)(A)(ii).
(S) Subsections (b)(5)(C)(i)(II) and (g)(8)(B) of section 219.
(T) Section 220(g)(2).
(U) Section 221(f)(1)(B).
(V) Section 223(g)(1)(B).
(W) Section 408A(c)(3)(D)(ii).
(X) Section 430(c)(7)(D)(vii)(II).
(Y) Section 512(d)(2)(B).
(Z) Section 513(h)(2)(C)(ii).
(AA) Section 831(b)(2)(D)(ii).
(BB) Section 877A(a)(3)(B)(i)(II).
(CC) Section 2010(c)(3)(B)(ii).
(DD) Section 2032A(a)(3)(B).
(EE) Section 2503(b)(2)(B).
(FF) Section 4261(e)(4)(A)(ii).
(GG) Section 5000A(c)(3)(D)(ii).
(HH) Section 6323(i)(4)(B).
(II) Section 6334(g)(1)(B).
(JJ) Section 6601(j)(3)(B).
(KK) Section 6651(i)(1).
(LL) Section 6652(c)(7)(A).
(MM) Section 6695(h)(1).

(NN) Section 6698(e)(1).
(OO) Section 6699(e)(1).
(PP) Section 6721(f)(1).
(QQ) Section 6722(f)(1).
(RR) Section 7345(f)(2).
(SS) Section 7430(c)(1).
(TT) Section 9831(d)(2)(D)(ii)(II).

(2) Sections 41(e)(5)(C)(ii) and 68(b)(2)(B) are each amended— 26 USC 41, 68.

(A) by striking "1(f)(3)(B)" and inserting "1(f)(3)(A)(ii)", and

(B) by striking "1992" and inserting "2016".

(3) Section 42(h)(6)(G) is amended—

(A) by striking "for 'calendar year 1987'" in clause (i)(II) and inserting "for 'calendar year 2016' in subparagraph (A)(ii) thereof", and

(B) by striking "if the CPI for any calendar year" and all that follows in clause (ii) and inserting "if the C-CPI-U for any calendar year (as defined in section 1(f)(6)) exceeds the C-CPI-U for the preceding calendar year by more than 5 percent, the C-CPI-U for the base calendar year shall be increased such that such excess shall never be taken into account under clause (i). In the case of a base calendar year before 2017, the C-CPI-U for such year shall be determined by multiplying the CPI for such year by the amount determined under section 1(f)(3)(B).".

(4) Section 59(j)(2)(B) is amended by striking "for '1992' in subparagraph (B)" and inserting "for '2016' in subparagraph (A)(ii)".

(5) Section 132(f)(6)(A)(ii) is amended by striking "for 'calendar year 1992'" and inserting "for 'calendar year 2016' in subparagraph (A)(ii) thereof".

(6) Section 162(o)(3) is amended by striking "adjusted for changes in the Consumer Price Index (as defined in section 1(f)(5)) since 1991" and inserting "adjusted by increasing any such amount under the 1991 agreement by an amount equal to—

"(A) such amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1990' for 'calendar year 2016' in subparagraph (A)(ii) thereof".

(7) So much of clause (ii) of section 213(d)(10)(B) as precedes the last sentence is amended to read as follows:

"(ii) MEDICAL CARE COST ADJUSTMENT.—For purposes of clause (i), the medical care cost adjustment for any calendar year is the percentage (if any) by which—

"(I) the medical care component of the C-CPI-U (as defined in section 1(f)(6)) for August of the preceding calendar year, exceeds

"(II) such component of the CPI (as defined in section 1(f)(4)) for August of 1996, multiplied by the amount determined under section 1(f)(3)(B).".

(8) Subparagraph (B) of section 280F(d)(7) is amended to read as follows:

"(B) AUTOMOBILE PRICE INFLATION ADJUSTMENT.—For purposes of this paragraph—

"(i) IN GENERAL.—The automobile price inflation adjustment for any calendar year is the percentage (if any) by which—

"(I) the C-CPI-U automobile component for October of the preceding calendar year, exceeds

"(II) the automobile component of the CPI (as defined in section 1(f)(4)) for October of 1987, multiplied by the amount determined under 1(f)(3)(B).

"(ii) C-CPI-U AUTOMOBILE COMPONENT.—The term 'C-CPI-U automobile component' means the automobile component of the Chained Consumer Price Index for All Urban Consumers (as described in section 1(f)(6)).".

26 USC 911.

(9) Section 911(b)(2)(D)(ii)(II) is amended by striking "for '1992' in subparagraph (B)" and inserting "for '2016' in subparagraph (A)(ii)".

(10) Paragraph (2) of section 1274A(d) is amended to read as follows:

"(2) ADJUSTMENT FOR INFLATION.—In the case of any debt instrument arising out of a sale or exchange during any calendar year after 1989, each dollar amount contained in the preceding provisions of this section shall be increased by an amount equal to—

"(A) such amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1988' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

Any increase under the preceding sentence shall be rounded to the nearest multiple of $100 (or, if such increase is a multiple of $50, such increase shall be increased to the nearest multiple of $100).".

(11) Section 4161(b)(2)(C)(i)(II) is amended by striking "for '1992' in subparagraph (B)" and inserting "for '2016' in subparagraph (A)(ii)".

(12) Section 4980I(b)(3)(C)(v)(II) is amended by striking "for '1992' in subparagraph (B)" and inserting "for '2016' in subparagraph (A)(ii)".

(13) Section 6039F(d) is amended by striking "subparagraph (B) thereof shall be applied by substituting '1995' for '1992'" and inserting "subparagraph (A)(ii) thereof shall be applied by substituting '1995' for '2016'".

(14) Section 7872(g)(5) is amended to read as follows:

"(5) ADJUSTMENT OF LIMIT FOR INFLATION.—In the case of any loan made during any calendar year after 1986, the dollar amount in paragraph (2) shall be increased by an amount equal to—

"(A) such amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1985' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

Any increase under the preceding sentence shall be rounded to the nearest multiple of $100 (or, if such increase is a multiple

of $50, such increase shall be increased to the nearest multiple of $100).".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017. 26 USC 1 note.

PART II—DEDUCTION FOR QUALIFIED BUSINESS INCOME OF PASS-THRU ENTITIES

SEC. 11011. DEDUCTION FOR QUALIFIED BUSINESS INCOME.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by adding at the end the following new section:

"SEC. 199A. QUALIFIED BUSINESS INCOME. 26 USC 199A.

"(a) IN GENERAL.—In the case of a taxpayer other than a corporation, there shall be allowed as a deduction for any taxable year an amount equal to the sum of—

"(1) the lesser of—

"(A) the combined qualified business income amount of the taxpayer, or

"(B) an amount equal to 20 percent of the excess (if any) of—

"(i) the taxable income of the taxpayer for the taxable year, over

"(ii) the sum of any net capital gain (as defined in section 1(h)), plus the aggregate amount of the qualified cooperative dividends, of the taxpayer for the taxable year, plus

"(2) the lesser of—

"(A) 20 percent of the aggregate amount of the qualified cooperative dividends of the taxpayer for the taxable year, or

"(B) taxable income (reduced by the net capital gain (as so defined)) of the taxpayer for the taxable year.

The amount determined under the preceding sentence shall not exceed the taxable income (reduced by the net capital gain (as so defined)) of the taxpayer for the taxable year.

"(b) COMBINED QUALIFIED BUSINESS INCOME AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'combined qualified business income amount' means, with respect to any taxable year, an amount equal to—

"(A) the sum of the amounts determined under paragraph (2) for each qualified trade or business carried on by the taxpayer, plus

"(B) 20 percent of the aggregate amount of the qualified REIT dividends and qualified publicly traded partnership income of the taxpayer for the taxable year.

"(2) DETERMINATION OF DEDUCTIBLE AMOUNT FOR EACH TRADE OR BUSINESS.—The amount determined under this paragraph with respect to any qualified trade or business is the lesser of—

"(A) 20 percent of the taxpayer's qualified business income with respect to the qualified trade or business, or

"(B) the greater of—

"(i) 50 percent of the W–2 wages with respect to the qualified trade or business, or

"(ii) the sum of 25 percent of the W–2 wages with respect to the qualified trade or business, plus 2.5 percent of the unadjusted basis immediately after acquisition of all qualified property.

"(3) MODIFICATIONS TO LIMIT BASED ON TAXABLE INCOME.—

"(A) EXCEPTION FROM LIMIT.—In the case of any taxpayer whose taxable income for the taxable year does not exceed the threshold amount, paragraph (2) shall be applied without regard to subparagraph (B).

"(B) PHASE-IN OF LIMIT FOR CERTAIN TAXPAYERS.—

"(i) IN GENERAL.—If—

"(I) the taxable income of a taxpayer for any taxable year exceeds the threshold amount, but does not exceed the sum of the threshold amount plus $50,000 ($100,000 in the case of a joint return), and

"(II) the amount determined under paragraph (2)(B) (determined without regard to this subparagraph) with respect to any qualified trade or business carried on by the taxpayer is less than the amount determined under paragraph (2)(A) with respect such trade or business,

then paragraph (2) shall be applied with respect to such trade or business without regard to subparagraph (B) thereof and by reducing the amount determined under subparagraph (A) thereof by the amount determined under clause (ii).

"(ii) AMOUNT OF REDUCTION.—The amount determined under this subparagraph is the amount which bears the same ratio to the excess amount as—

"(I) the amount by which the taxpayer's taxable income for the taxable year exceeds the threshold amount, bears to

"(II) $50,000 ($100,000 in the case of a joint return).

"(iii) EXCESS AMOUNT.—For purposes of clause (ii), the excess amount is the excess of—

"(I) the amount determined under paragraph (2)(A) (determined without regard to this paragraph), over

"(II) the amount determined under paragraph (2)(B) (determined without regard to this paragraph).

"(4) WAGES, ETC.—

"(A) IN GENERAL.—The term 'W–2 wages' means, with respect to any person for any taxable year of such person, the amounts described in paragraphs (3) and (8) of section 6051(a) paid by such person with respect to employment of employees by such person during the calendar year ending during such taxable year.

"(B) LIMITATION TO WAGES ATTRIBUTABLE TO QUALIFIED BUSINESS INCOME.—Such term shall not include any amount which is not properly allocable to qualified business income for purposes of subsection (c)(1).

"(C) RETURN REQUIREMENT.—Such term shall not include any amount which is not properly included in a return filed with the Social Security Administration on

or before the 60th day after the due date (including extensions) for such return.

"(5) ACQUISITIONS, DISPOSITIONS, AND SHORT TAXABLE YEARS.—The Secretary shall provide for the application of this subsection in cases of a short taxable year or where the taxpayer acquires, or disposes of, the major portion of a trade or business or the major portion of a separate unit of a trade or business during the taxable year.

"(6) QUALIFIED PROPERTY.—For purposes of this section:

"(A) IN GENERAL.—The term 'qualified property' means, with respect to any qualified trade or business for a taxable year, tangible property of a character subject to the allowance for depreciation under section 167—

"(i) which is held by, and available for use in, the qualified trade or business at the close of the taxable year,

"(ii) which is used at any point during the taxable year in the production of qualified business income, and

"(iii) the depreciable period for which has not ended before the close of the taxable year.

"(B) DEPRECIABLE PERIOD.—The term 'depreciable period' means, with respect to qualified property of a taxpayer, the period beginning on the date the property was first placed in service by the taxpayer and ending on the later of—

"(i) the date that is 10 years after such date, or

"(ii) the last day of the last full year in the applicable recovery period that would apply to the property under section 168 (determined without regard to subsection (g) thereof).

"(c) QUALIFIED BUSINESS INCOME.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified business income' means, for any taxable year, the net amount of qualified items of income, gain, deduction, and loss with respect to any qualified trade or business of the taxpayer. Such term shall not include any qualified REIT dividends, qualified cooperative dividends, or qualified publicly traded partnership income.

"(2) CARRYOVER OF LOSSES.—If the net amount of qualified income, gain, deduction, and loss with respect to qualified trades or businesses of the taxpayer for any taxable year is less than zero, such amount shall be treated as a loss from a qualified trade or business in the succeeding taxable year.

"(3) QUALIFIED ITEMS OF INCOME, GAIN, DEDUCTION, AND LOSS.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified items of income, gain, deduction, and loss' means items of income, gain, deduction, and loss to the extent such items are—

"(i) effectively connected with the conduct of a trade or business within the United States (within the meaning of section 864(c), determined by substituting 'qualified trade or business (within the meaning of section 199A)' for 'nonresident alien individual or a foreign corporation' or for 'a foreign corporation' each place it appears), and

"(ii) included or allowed in determining taxable income for the taxable year.

"(B) EXCEPTIONS.—The following investment items shall not be taken into account as a qualified item of income, gain, deduction, or loss:

"(i) Any item of short-term capital gain, short-term capital loss, long-term capital gain, or long-term capital loss.

"(ii) Any dividend, income equivalent to a dividend, or payment in lieu of dividends described in section 954(c)(1)(G).

"(iii) Any interest income other than interest income which is properly allocable to a trade or business.

"(iv) Any item of gain or loss described in subparagraph (C) or (D) of section 954(c)(1) (applied by substituting 'qualified trade or business' for 'controlled foreign corporation').

"(v) Any item of income, gain, deduction, or loss taken into account under section 954(c)(1)(F) (determined without regard to clause (ii) thereof and other than items attributable to notional principal contracts entered into in transactions qualifying under section 1221(a)(7)).

"(vi) Any amount received from an annuity which is not received in connection with the trade or business.

"(vii) Any item of deduction or loss properly allocable to an amount described in any of the preceding clauses.

"(4) TREATMENT OF REASONABLE COMPENSATION AND GUARANTEED PAYMENTS.—Qualified business income shall not include—

"(A) reasonable compensation paid to the taxpayer by any qualified trade or business of the taxpayer for services rendered with respect to the trade or business,

"(B) any guaranteed payment described in section 707(c) paid to a partner for services rendered with respect to the trade or business, and

"(C) to the extent provided in regulations, any payment described in section 707(a) to a partner for services rendered with respect to the trade or business.

"(d) QUALIFIED TRADE OR BUSINESS.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified trade or business' means any trade or business other than—

"(A) a specified service trade or business, or

"(B) the trade or business of performing services as an employee.

"(2) SPECIFIED SERVICE TRADE OR BUSINESS.—The term 'specified service trade or business' means any trade or business—

"(A) which is described in section 1202(e)(3)(A) (applied without regard to the words 'engineering, architecture,') or which would be so described if the term 'employees or owners' were substituted for 'employees' therein, or

"(B) which involves the performance of services that consist of investing and investment management, trading,

or dealing in securities (as defined in section 475(c)(2)), partnership interests, or commodities (as defined in section 475(e)(2)).

"(3) EXCEPTION FOR SPECIFIED SERVICE BUSINESSES BASED ON TAXPAYER'S INCOME.—

"(A) IN GENERAL.—If, for any taxable year, the taxable income of any taxpayer is less than the sum of the threshold amount plus $50,000 ($100,000 in the case of a joint return), then—

"(i) any specified service trade or business of the taxpayer shall not fail to be treated as a qualified trade or business due to paragraph (1)(A), but

"(ii) only the applicable percentage of qualified items of income, gain, deduction, or loss, and the W–2 wages and the unadjusted basis immediately after acquisition of qualified property, of the taxpayer allocable to such specified service trade or business shall be taken into account in computing the qualified business income, W–2 wages, and the unadjusted basis immediately after acquisition of qualified property of the taxpayer for the taxable year for purposes of applying this section.

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the term 'applicable percentage' means, with respect to any taxable year, 100 percent reduced (not below zero) by the percentage equal to the ratio of—

"(i) the taxable income of the taxpayer for the taxable year in excess of the threshold amount, bears to

"(ii) $50,000 ($100,000 in the case of a joint return).

"(e) OTHER DEFINITIONS.—For purposes of this section—

"(1) TAXABLE INCOME.—Taxable income shall be computed without regard to the deduction allowable under this section.

"(2) THRESHOLD AMOUNT.—

"(A) IN GENERAL.—The term 'threshold amount' means $157,500 (200 percent of such amount in the case of a joint return).

"(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2018, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2017' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

The amount of any increase under the preceding sentence shall be rounded as provided in section 1(f)(7).

"(3) QUALIFIED REIT DIVIDEND.—The term 'qualified REIT dividend' means any dividend from a real estate investment trust received during the taxable year which—

"(A) is not a capital gain dividend, as defined in section 857(b)(3), and

"(B) is not qualified dividend income, as defined in section 1(h)(11).

"(4) QUALIFIED COOPERATIVE DIVIDEND.—The term 'qualified cooperative dividend' means any patronage dividend (as defined in section 1388(a)), any per-unit retain allocation (as defined in section 1388(f)), and any qualified written notice of allocation (as defined in section 1388(c)), or any similar amount received from an organization described in subparagraph (B)(ii), which—

"(A) is includible in gross income, and

"(B) is received from—

"(i) an organization or corporation described in section 501(c)(12) or 1381(a), or

"(ii) an organization which is governed under this title by the rules applicable to cooperatives under this title before the enactment of subchapter T.

"(5) QUALIFIED PUBLICLY TRADED PARTNERSHIP INCOME.—The term 'qualified publicly traded partnership income' means, with respect to any qualified trade or business of a taxpayer, the sum of—

"(A) the net amount of such taxpayer's allocable share of each qualified item of income, gain, deduction, and loss (as defined in subsection (c)(3) and determined after the application of subsection (c)(4)) from a publicly traded partnership (as defined in section 7704(a)) which is not treated as a corporation under section 7704(c), plus

"(B) any gain recognized by such taxpayer upon disposition of its interest in such partnership to the extent such gain is treated as an amount realized from the sale or exchange of property other than a capital asset under section 751(a).

"(f) SPECIAL RULES.—

"(1) APPLICATION TO PARTNERSHIPS AND S CORPORATIONS.—

"(A) IN GENERAL.—In the case of a partnership or S corporation—

"(i) this section shall be applied at the partner or shareholder level,

"(ii) each partner or shareholder shall take into account such person's allocable share of each qualified item of income, gain, deduction, and loss, and

"(iii) each partner or shareholder shall be treated for purposes of subsection (b) as having W–2 wages and unadjusted basis immediately after acquisition of qualified property for the taxable year in an amount equal to such person's allocable share of the W–2 wages and the unadjusted basis immediately after acquisition of qualified property of the partnership or S corporation for the taxable year (as determined under regulations prescribed by the Secretary).

For purposes of clause (iii), a partner's or shareholder's allocable share of W–2 wages shall be determined in the same manner as the partner's or shareholder's allocable share of wage expenses. For purposes of such clause, partner's or shareholder's allocable share of the unadjusted basis immediately after acquisition of qualified property shall be determined in the same manner as the partner's or shareholder's allocable share of depreciation. For purposes of this subparagraph, in the case of an S corporation,

an allocable share shall be the shareholder's pro rata share of an item.

"(B) APPLICATION TO TRUSTS AND ESTATES.—Rules similar to the rules under section 199(d)(1)(B)(i) (as in effect on December 1, 2017) for the apportionment of W–2 wages shall apply to the apportionment of W–2 wages and the apportionment of unadjusted basis immediately after acquisition of qualified property under this section.

"(C) TREATMENT OF TRADES OR BUSINESS IN PUERTO RICO.—

"(i) IN GENERAL.—In the case of any taxpayer with qualified business income from sources within the commonwealth of Puerto Rico, if all such income is taxable under section 1 for such taxable year, then for purposes of determining the qualified business income of such taxpayer for such taxable year, the term 'United States' shall include the Commonwealth of Puerto Rico.

"(ii) SPECIAL RULE FOR APPLYING LIMIT.—In the case of any taxpayer described in clause (i), the determination of W–2 wages of such taxpayer with respect to any qualified trade or business conducted in Puerto Rico shall be made without regard to any exclusion under section 3401(a)(8) for remuneration paid for services in Puerto Rico.

"(2) COORDINATION WITH MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55, qualified business income shall be determined without regard to any adjustments under sections 56 through 59.

"(3) DEDUCTION LIMITED TO INCOME TAXES.—The deduction under subsection (a) shall only be allowed for purposes of this chapter.

"(4) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out the purposes of this section, including regulations—

"(A) for requiring or restricting the allocation of items and wages under this section and such reporting requirements as the Secretary determines appropriate, and

"(B) for the application of this section in the case of tiered entities.

"(g) DEDUCTION ALLOWED TO SPECIFIED AGRICULTURAL OR HORTICULTURAL COOPERATIVES.—

"(1) IN GENERAL.—In the case of any taxable year of a specified agricultural or horticultural cooperative beginning after December 31, 2017, there shall be allowed a deduction in an amount equal to the lesser of—

"(A) 20 percent of the excess (if any) of—

"(i) the gross income of a specified agricultural or horticultural cooperative, over

"(ii) the qualified cooperative dividends (as defined in subsection (e)(4)) paid during the taxable year for the taxable year, or

"(B) the greater of—

"(i) 50 percent of the W–2 wages of the cooperative with respect to its trade or business, or

"(ii) the sum of 25 percent of the W–2 wages of the cooperative with respect to its trade or business,

plus 2.5 percent of the unadjusted basis immediately after acquisition of all qualified property of the cooperative.

"(2) LIMITATION.—The amount determined under paragraph (1) shall not exceed the taxable income of the specified agricultural or horticultural for the taxable year.

"(3) SPECIFIED AGRICULTURAL OR HORTICULTURAL COOPERATIVE.—For purposes of this subsection, the term 'specified agricultural or horticultural cooperative' means an organization to which part I of subchapter T applies which is engaged in—

"(A) the manufacturing, production, growth, or extraction in whole or significant part of any agricultural or horticultural product,

"(B) the marketing of agricultural or horticultural products which its patrons have so manufactured, produced, grown, or extracted, or

"(C) the provision of supplies, equipment, or services to farmers or to organizations described in subparagraph (A) or (B).

"(h) ANTI-ABUSE RULES.—The Secretary shall—

"(1) apply rules similar to the rules under section 179(d)(2) in order to prevent the manipulation of the depreciable period of qualified property using transactions between related parties, and

"(2) prescribe rules for determining the unadjusted basis immediately after acquisition of qualified property acquired in like-kind exchanges or involuntary conversions.

"(i) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2025.".

(b) TREATMENT OF DEDUCTION IN COMPUTING ADJUSTED GROSS AND TAXABLE INCOME.—

(1) DEDUCTION NOT ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Section 62(a) is amended by adding at the end the following new sentence: "The deduction allowed by section 199A shall not be treated as a deduction described in any of the preceding paragraphs of this subsection.". 26 USC 62.

(2) DEDUCTION ALLOWED TO NONITEMIZERS.—Section 63(b) is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) the deduction provided in section 199A.".

(3) DEDUCTION ALLOWED TO ITEMIZERS WITHOUT LIMITS ON ITEMIZED DEDUCTIONS.—Section 63(d) is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) the deduction provided in section 199A.".

(4) CONFORMING AMENDMENT.—Section 3402(m)(1) is amended by inserting "and the estimated deduction allowed under section 199A" after "chapter 1".

(c) ACCURACY-RELATED PENALTY ON DETERMINATION OF APPLICABLE PERCENTAGE.—Section 6662(d)(1) is amended by inserting at the end the following new subparagraph:

"(C) SPECIAL RULE FOR TAXPAYERS CLAIMING SECTION 199A DEDUCTION.—In the case of any taxpayer who claims the deduction allowed under section 199A for the taxable

year, subparagraph (A) shall be applied by substituting '5 percent' for '10 percent'.".

(d) CONFORMING AMENDMENTS.—

(1) Section 172(d) is amended by adding at the end the following new paragraph: 26 USC 172.

"(8) QUALIFIED BUSINESS INCOME DEDUCTION.—The deduction under section 199A shall not be allowed.".

(2) Section 246(b)(1) is amended by inserting "199A," before "243(a)(1)".

(3) Section 613(a) is amended by inserting "and without the deduction under section 199A" after "and without the deduction under section 199".

(4) Section 613A(d)(1) is amended by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively, and by inserting after subparagraph (B), the following new subparagraph:

"(C) any deduction allowable under section 199A,".

(5) Section 170(b)(2)(D) is amended by striking "and" in clause (iv), by striking the period at the end of clause (v), and by adding at the end the following new clause:

"(vi) section 199A(g).".

(6) The table of sections for part VI of subchapter B of chapter 1 is amended by inserting at the end the following new item: 26 USC prec. 161.

"Sec. 199A. Qualified business income.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017. 26 USC 62 note.

SEC. 11012. LIMITATION ON LOSSES FOR TAXPAYERS OTHER THAN CORPORATIONS.

(a) IN GENERAL.—Section 461 is amended by adding at the end the following new subsection:

"(l) LIMITATION ON EXCESS BUSINESS LOSSES OF NONCORPORATE TAXPAYERS.—

"(1) LIMITATION.—In the case of taxable year of a taxpayer other than a corporation beginning after December 31, 2017, and before January 1, 2026—

"(A) subsection (j) (relating to limitation on excess farm losses of certain taxpayers) shall not apply, and

"(B) any excess business loss of the taxpayer for the taxable year shall not be allowed.

"(2) DISALLOWED LOSS CARRYOVER.—Any loss which is disallowed under paragraph (1) shall be treated as a net operating loss carryover to the following taxable year under section 172.

"(3) EXCESS BUSINESS LOSS.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'excess business loss' means the excess (if any) of—

"(i) the aggregate deductions of the taxpayer for the taxable year which are attributable to trades or businesses of such taxpayer (determined without regard to whether or not such deductions are disallowed for such taxable year under paragraph (1)), over

"(ii) the sum of—

"(I) the aggregate gross income or gain of such taxpayer for the taxable year which is attributable to such trades or businesses, plus

"(II) $250,000 (200 percent of such amount in the case of a joint return).

"(B) ADJUSTMENT FOR INFLATION.—In the case of any taxable year beginning after December 31, 2018, the $250,000 amount in subparagraph (A)(ii)(II) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2017' for '2016' in subparagraph (A)(ii) thereof.

If any amount as increased under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

"(4) APPLICATION OF SUBSECTION IN CASE OF PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation—

"(A) this subsection shall be applied at the partner or shareholder level, and

"(B) each partner's or shareholder's allocable share of the items of income, gain, deduction, or loss of the partnership or S corporation for any taxable year from trades or businesses attributable to the partnership or S corporation shall be taken into account by the partner or shareholder in applying this subsection to the taxable year of such partner or shareholder with or within which the taxable year of the partnership or S corporation ends.

For purposes of this paragraph, in the case of an S corporation, an allocable share shall be the shareholder's pro rata share of an item.

"(5) ADDITIONAL REPORTING.—The Secretary shall prescribe such additional reporting requirements as the Secretary determines necessary to carry out the purposes of this subsection.

"(6) COORDINATION WITH SECTION 469.—This subsection shall be applied after the application of section 469.".

26 USC 461 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

PART III—TAX BENEFITS FOR FAMILIES AND INDIVIDUALS

SEC. 11021. INCREASE IN STANDARD DEDUCTION.

26 USC 63.

(a) IN GENERAL.—Subsection (c) of section 63 is amended by adding at the end the following new paragraph:

"(7) SPECIAL RULES FOR TAXABLE YEARS 2018 THROUGH 2025.—In the case of a taxable year beginning after December 31, 2017, and before January 1, 2026—

"(A) INCREASE IN STANDARD DEDUCTION.—Paragraph (2) shall be applied—

"(i) by substituting '$18,000' for '$4,400' in subparagraph (B), and

"(ii) by substituting '$12,000' for '$3,000' in subparagraph (C).

"(B) ADJUSTMENT FOR INFLATION.—

"(i) IN GENERAL.—Paragraph (4) shall not apply to the dollar amounts contained in paragraphs (2)(B) and (2)(C).

"(ii) ADJUSTMENT OF INCREASED AMOUNTS.—In the case of a taxable year beginning after 2018, the $18,000 and $12,000 amounts in subparagraph (A) shall each be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2017' for '2016' in subparagraph (A)(ii) thereof.

If any increase under this clause is not a multiple of $50, such increase shall be rounded to the next lowest multiple of $50.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017. 26 USC 63 note.

SEC. 11022. INCREASE IN AND MODIFICATION OF CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24 is amended by adding at the end the following new subsection: 26 USC 24.

"(h) SPECIAL RULES FOR TAXABLE YEARS 2018 THROUGH 2025.—

"(1) IN GENERAL.—In the case of a taxable year beginning after December 31, 2017, and before January 1, 2026, this section shall be applied as provided in paragraphs (2) through (7).

"(2) CREDIT AMOUNT.—Subsection (a) shall be applied by substituting '$2,000' for '$1,000'.

"(3) LIMITATION.—In lieu of the amount determined under subsection (b)(2), the threshold amount shall be $400,000 in the case of a joint return ($200,000 in any other case).

"(4) PARTIAL CREDIT ALLOWED FOR CERTAIN OTHER DEPENDENTS.—

"(A) IN GENERAL.—The credit determined under subsection (a) (after the application of paragraph (2)) shall be increased by $500 for each dependent of the taxpayer (as defined in section 152) other than a qualifying child described in subsection (c).

"(B) EXCEPTION FOR CERTAIN NONCITIZENS.—Subparagraph (A) shall not apply with respect to any individual who would not be a dependent if subparagraph (A) of section 152(b)(3) were applied without regard to all that follows 'resident of the United States'.

"(C) CERTAIN QUALIFYING CHILDREN.—In the case of any qualifying child with respect to whom a credit is not allowed under this section by reason of paragraph (7), such child shall be treated as a dependent to whom subparagraph (A) applies.

"(5) MAXIMUM AMOUNT OF REFUNDABLE CREDIT.—

"(A) IN GENERAL.—The amount determined under subsection (d)(1)(A) with respect to any qualifying child shall not exceed $1,400, and such subsection shall be applied without regard to paragraph (4) of this subsection.

"(B) ADJUSTMENT FOR INFLATION.—In the case of a taxable year beginning after 2018, the $1,400 amount in

subparagraph (A) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2017' for '2016' in subparagraph (A)(ii) thereof.

If any increase under this clause is not a multiple of $100, such increase shall be rounded to the next lowest multiple of $100.

"(6) EARNED INCOME THRESHOLD FOR REFUNDABLE CREDIT.—Subsection (d)(1)(B)(i) shall be applied by substituting '$2,500' for '$3,000'.

"(7) SOCIAL SECURITY NUMBER REQUIRED.—No credit shall be allowed under this section to a taxpayer with respect to any qualifying child unless the taxpayer includes the social security number of such child on the return of tax for the taxable year. For purposes of the preceding sentence, the term 'social security number' means a social security number issued to an individual by the Social Security Administration, but only if the social security number is issued—

"(A) to a citizen of the United States or pursuant to subclause (I) (or that portion of subclause (III) that relates to subclause (I)) of section 205(c)(2)(B)(i) of the Social Security Act, and

"(B) before the due date for such return.".

26 USC 24 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11023. INCREASED LIMITATION FOR CERTAIN CHARITABLE CONTRIBUTIONS.

26 USC 170.

(a) IN GENERAL.—Section 170(b)(1) is amended by redesignating subparagraph (G) as subparagraph (H) and by inserting after subparagraph (F) the following new subparagraph:

"(G) INCREASED LIMITATION FOR CASH CONTRIBUTIONS.—

"(i) IN GENERAL.—In the case of any contribution of cash to an organization described in subparagraph (A), the total amount of such contributions which may be taken into account under subsection (a) for any taxable year beginning after December 31, 2017, and before January 1, 2026, shall not exceed 60 percent of the taxpayer's contribution base for such year.

"(ii) CARRYOVER.—If the aggregate amount of contributions described in clause (i) exceeds the applicable limitation under clause (i) for any taxable year described in such clause, such excess shall be treated (in a manner consistent with the rules of subsection (d)(1)) as a charitable contribution to which clause (i) applies in each of the 5 succeeding years in order of time.

"(iii) COORDINATION WITH SUBPARAGRAPHS (A) AND (B).—

"(I) IN GENERAL.—Contributions taken into account under this subparagraph shall not be taken into account under subparagraph (A).

"(II) LIMITATION REDUCTION.—For each taxable year described in clause (i), and each taxable year to which any contribution under this subparagraph is carried over under clause (ii), subparagraph (A) shall be applied by reducing (but not below zero) the contribution limitation allowed for the taxable year under such subparagraph by the aggregate contributions allowed under this subparagraph for such taxable year, and subparagraph (B) shall be applied by treating any reference to subparagraph (A) as a reference to both subparagraph (A) and this subparagraph.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions in taxable years beginning after December 31, 2017. 26 USC 170 note.

SEC. 11024. INCREASED CONTRIBUTIONS TO ABLE ACCOUNTS.

(a) INCREASE IN LIMITATION FOR CONTRIBUTIONS FROM COMPENSATION OF INDIVIDUALS WITH DISABILITIES.—

(1) IN GENERAL.—Section 529A(b)(2)(B) is amended to read as follows: 26 USC 529A.

"(B) except in the case of contributions under subsection (c)(1)(C), if such contribution to an ABLE account would result in aggregate contributions from all contributors to the ABLE account for the taxable year exceeding the sum of—

"(i) the amount in effect under section 2503(b) for the calendar year in which the taxable year begins, plus

"(ii) in the case of any contribution by a designated beneficiary described in paragraph (7) before January 1, 2026, the lesser of—

"(I) compensation (as defined by section 219(f)(1)) includible in the designated beneficiary's gross income for the taxable year, or

"(II) an amount equal to the poverty line for a one-person household, as determined for the calendar year preceding the calendar year in which the taxable year begins.".

(2) RESPONSIBILITY FOR CONTRIBUTION LIMITATION.—Paragraph (2) of section 529A(b) is amended by adding at the end the following: "A designated beneficiary (or a person acting on behalf of such beneficiary) shall maintain adequate records for purposes of ensuring, and shall be responsible for ensuring, that the requirements of subparagraph (B)(ii) are met."

(3) ELIGIBLE DESIGNATED BENEFICIARY.—Section 529A(b) is amended by adding at the end the following:

"(7) SPECIAL RULES RELATED TO CONTRIBUTION LIMIT.—For purposes of paragraph (2)(B)(ii)—

"(A) DESIGNATED BENEFICIARY.—A designated beneficiary described in this paragraph is an employee (including an employee within the meaning of section 401(c)) with respect to whom—

"(i) no contribution is made for the taxable year to a defined contribution plan (within the meaning of section 414(i)) with respect to which the requirements of section 401(a) or 403(a) are met,

"(ii) no contribution is made for the taxable year to an annuity contract described in section 403(b), and

"(iii) no contribution is made for the taxable year to an eligible deferred compensation plan described in section 457(b).

"(B) POVERTY LINE.—The term 'poverty line' has the meaning given such term by section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).".

(b) ALLOWANCE OF SAVER'S CREDIT FOR ABLE CONTRIBUTIONS BY ACCOUNT HOLDER.—Section 25B(d)(1) is amended by striking "and" at the end of subparagraph (B)(ii), by striking the period at the end of subparagraph (C) and inserting ", and", and by inserting at the end the following:

26 USC 25B.

"(D) the amount of contributions made before January 1, 2026, by such individual to the ABLE account (within the meaning of section 529A) of which such individual is the designated beneficiary.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

26 USC 25B note.

SEC. 11025. ROLLOVERS TO ABLE PROGRAMS FROM 529 PROGRAMS.

(a) IN GENERAL.—Clause (i) of section 529(c)(3)(C) is amended by striking "or" at the end of subclause (I), by striking the period at the end of subclause (II) and inserting ", or", and by adding at the end the following:

26 USC 529.

"(III) before January 1, 2026, to an ABLE account (as defined in section 529A(e)(6)) of the designated beneficiary or a member of the family of the designated beneficiary.

Subclause (III) shall not apply to so much of a distribution which, when added to all other contributions made to the ABLE account for the taxable year, exceeds the limitation under section 529A(b)(2)(B)(i).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

26 USC 529 note.

SEC. 11026. TREATMENT OF CERTAIN INDIVIDUALS PERFORMING SERVICES IN THE SINAI PENINSULA OF EGYPT.

26 USC 112 note.

(a) IN GENERAL.—For purposes of the following provisions of the Internal Revenue Code of 1986, with respect to the applicable period, a qualified hazardous duty area shall be treated in the same manner as if it were a combat zone (as determined under section 112 of such Code):

(1) Section 2(a)(3) (relating to special rule where deceased spouse was in missing status).

(2) Section 112 (relating to the exclusion of certain combat pay of members of the Armed Forces).

(3) Section 692 (relating to income taxes of members of Armed Forces on death).

(4) Section 2201 (relating to members of the Armed Forces dying in combat zone or by reason of combat-zone-incurred wounds, etc.).

(5) Section 3401(a)(1) (defining wages relating to combat pay for members of the Armed Forces).

(6) Section 4253(d) (relating to the taxation of phone service originating from a combat zone from members of the Armed Forces).

(7) Section 6013(f)(1) (relating to joint return where individual is in missing status).

(8) Section 7508 (relating to time for performing certain acts postponed by reason of service in combat zone).

(b) QUALIFIED HAZARDOUS DUTY AREA.—For purposes of this section, the term "qualified hazardous duty area" means the Sinai Peninsula of Egypt, if as of the date of the enactment of this section any member of the Armed Forces of the United States is entitled to special pay under section 310 of title 37, United States Code (relating to special pay; duty subject to hostile fire or imminent danger), for services performed in such location. Such term includes such location only during the period such entitlement is in effect.

(c) APPLICABLE PERIOD.—

(1) IN GENERAL.—Except as provided in paragraph (2), the applicable period is—

(A) the portion of the first taxable year ending after June 9, 2015, which begins on such date, and

(B) any subsequent taxable year beginning before January 1, 2026.

(2) WITHHOLDING.—In the case of subsection (a)(5), the applicable period is—

(A) the portion of the first taxable year ending after the date of the enactment of this Act which begins on such date, and

(B) any subsequent taxable year beginning before January 1, 2026.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the provisions of this section shall take effect on June 9, 2015.

(2) WITHHOLDING.—Subsection (a)(5) shall apply to remuneration paid after the date of the enactment of this Act.

SEC. 11027. TEMPORARY REDUCTION IN MEDICAL EXPENSE DEDUCTION FLOOR.

(a) IN GENERAL.—Subsection (f) of section 213 is amended to read as follows: 26 USC 213.

"(f) SPECIAL RULES FOR 2013 THROUGH 2018.—In the case of any taxable year—

"(1) beginning after December 31, 2012, and ending before January 1, 2017, in the case of a taxpayer if such taxpayer or such taxpayer's spouse has attained age 65 before the close of such taxable year, and

"(2) beginning after December 31, 2016, and ending before January 1, 2019, in the case of any taxpayer,

subsection (a) shall be applied with respect to a taxpayer by substituting '7.5 percent' for '10 percent'.".

(b) MINIMUM TAX PREFERENCE NOT TO APPLY.—Section 56(b)(1)(B) is amended by adding at the end the following new sentence: "This subparagraph shall not apply to taxable years beginning after December 31, 2016, and ending before January 1, 2019".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2016. 26 USC 56 note.

SEC. 11028. RELIEF FOR 2016 DISASTER AREAS.

(a) IN GENERAL.—For purposes of this section, the term "2016 disaster area" means any area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act during calendar year 2016.

(b) SPECIAL RULES FOR USE OF RETIREMENT FUNDS WITH RESPECT TO AREAS DAMAGED BY 2016 DISASTERS.—

(1) TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS.—

(A) IN GENERAL.—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any qualified 2016 disaster distribution.

(B) AGGREGATE DOLLAR LIMITATION.—

(i) IN GENERAL.—For purposes of this subsection, the aggregate amount of distributions received by an individual which may be treated as qualified 2016 disaster distributions for any taxable year shall not exceed the excess (if any) of—

(I) $100,000, over

(II) the aggregate amounts treated as qualified 2016 disaster distributions received by such individual for all prior taxable years.

(ii) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to clause (i)) be a qualified 2016 disaster distribution, a plan shall not be treated as violating any requirement of this title merely because the plan treats such distribution as a qualified 2016 disaster distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $100,000.

(iii) CONTROLLED GROUP.—For purposes of clause (ii), the term "controlled group" means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986.

(C) AMOUNT DISTRIBUTED MAY BE REPAID.—

(i) IN GENERAL.—Any individual who receives a qualified 2016 disaster distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16) of the Internal Revenue Code of 1986, as the case may be.

(ii) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to clause (i) with respect to a qualified 2016 disaster distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having

received the qualified 2016 disaster distribution in an eligible rollover distribution (as defined in section 402(c)(4) of the Internal Revenue Code of 1986) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(iii) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to clause (i) with respect to a qualified 2016 disaster distribution from an individual retirement plan (as defined by section 7701(a)(37) of the Internal Revenue Code of 1986), then, to the extent of the amount of the contribution, the qualified 2016 disaster distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(D) DEFINITIONS.—For purposes of this paragraph—

(i) QUALIFIED 2016 DISASTER DISTRIBUTION.—Except as provided in subparagraph (B), the term "qualified 2016 disaster distribution" means any distribution from an eligible retirement plan made on or after January 1, 2016, and before January 1, 2018, to an individual whose principal place of abode at any time during calendar year 2016 was located in a disaster area described in subsection (a) and who has sustained an economic loss by reason of the events giving rise to the Presidential declaration described in subsection (a) which was applicable to such area.

(ii) ELIGIBLE RETIREMENT PLAN.—The term "eligible retirement plan" shall have the meaning given such term by section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(E) INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD.—

(i) IN GENERAL.—In the case of any qualified 2016 disaster distribution, unless the taxpayer elects not to have this subparagraph apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable-year period beginning with such taxable year.

(ii) SPECIAL RULE.—For purposes of clause (i), rules similar to the rules of subparagraph (E) of section 408A(d)(3) of the Internal Revenue Code of 1986 shall apply.

(F) SPECIAL RULES.—

(i) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405 of the Internal Revenue Code of 1986, qualified 2016 disaster distribution shall not be treated as eligible rollover distributions.

(ii) QUALIFIED 2016 DISASTER DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes of the Internal Revenue Code

of 1986, a qualified 2016 disaster distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A) of the Internal Revenue Code of 1986.

(2) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(A) IN GENERAL.—If this paragraph applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subparagraph (B)(ii)(I).

(B) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

(i) IN GENERAL.—This paragraph shall apply to any amendment to any plan or annuity contract which is made—

(I) pursuant to any provision of this section, or pursuant to any regulation under any provision of this section, and

(II) on or before the last day of the first plan year beginning on or after January 1, 2018, or such later date as the Secretary prescribes.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), subclause (II) shall be applied by substituting the date which is 2 years after the date otherwise applied under subclause (II).

(ii) CONDITIONS.—This paragraph shall not apply to any amendment to a plan or contract unless such amendment applies retroactively for such period, and shall not apply to any such amendment unless the plan or contract is operated as if such amendment were in effect during the period—

(I) beginning on the date that this section or the regulation described in clause (i)(I) takes effect (or in the case of a plan or contract amendment not required by this section or such regulation, the effective date specified by the plan), and

(II) ending on the date described in clause (i)(II) (or, if earlier, the date the plan or contract amendment is adopted).

(c) SPECIAL RULES FOR PERSONAL CASUALTY LOSSES RELATED TO 2016 MAJOR DISASTER.—

(1) IN GENERAL.—If an individual has a net disaster loss for any taxable year beginning after December 31, 2015, and before January 1, 2018—

(A) the amount determined under section 165(h)(2)(A)(ii) of the Internal Revenue Code of 1986 shall be equal to the sum of—

(i) such net disaster loss, and

(ii) so much of the excess referred to in the matter preceding clause (i) of section 165(h)(2)(A) of such Code (reduced by the amount in clause (i) of this subparagraph) as exceeds 10 percent of the adjusted gross income of the individual,

(B) section 165(h)(1) of such Code shall be applied by substituting "$500" for "$500 ($100 for taxable years beginning after December 31, 2009)",

(C) the standard deduction determined under section 63(c) of such Code shall be increased by the net disaster loss, and

(D) section 56(b)(1)(E) of such Code shall not apply to so much of the standard deduction as is attributable to the increase under subparagraph (C) of this paragraph.

(2) NET DISASTER LOSS.—For purposes of this subsection, the term "net disaster loss" means the excess of qualified disaster-related personal casualty losses over personal casualty gains (as defined in section 165(h)(3)(A) of the Internal Revenue Code of 1986).

(3) QUALIFIED DISASTER-RELATED PERSONAL CASUALTY LOSSES.—For purposes of this paragraph, the term "qualified disaster-related personal casualty losses" means losses described in section 165(c)(3) of the Internal Revenue Code of 1986 which arise in a disaster area described in subsection (a) on or after January 1, 2016, and which are attributable to the events giving rise to the Presidential declaration described in subsection (a) which was applicable to such area.

PART IV—EDUCATION

SEC. 11031. TREATMENT OF STUDENT LOANS DISCHARGED ON ACCOUNT OF DEATH OR DISABILITY.

(a) IN GENERAL.—Section 108(f) is amended by adding at the end the following new paragraph: 26 USC 108.

"(5) DISCHARGES ON ACCOUNT OF DEATH OR DISABILITY.—

"(A) IN GENERAL.—In the case of an individual, gross income does not include any amount which (but for this subsection) would be includible in gross income for such taxable year by reasons of the discharge (in whole or in part) of any loan described in subparagraph (B) after December 31, 2017, and before January 1, 2026, if such discharge was—

"(i) pursuant to subsection (a) or (d) of section 437 of the Higher Education Act of 1965 or the parallel benefit under part D of title IV of such Act (relating to the repayment of loan liability),

"(ii) pursuant to section 464(c)(1)(F) of such Act, or

"(iii) otherwise discharged on account of the death or total and permanent disability of the student.

"(B) LOANS DESCRIBED.—A loan is described in this subparagraph if such loan is—

"(i) a student loan (as defined in paragraph (2)), or

"(ii) a private education loan (as defined in section 140(7) of the Consumer Credit Protection Act (15 U.S.C. 1650(7))).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to discharges of indebtedness after December 31, 2017. 26 USC 108 note.

SEC. 11032. 529 ACCOUNT FUNDING FOR ELEMENTARY AND SECONDARY EDUCATION.

(a) IN GENERAL.—

(1) IN GENERAL.—Section 529(c) is amended by adding at the end the following new paragraph:

"(7) TREATMENT OF ELEMENTARY AND SECONDARY TUITION.—Any reference in this subsection to the term 'qualified higher education expense' shall include a reference to expenses for tuition in connection with enrollment or attendance at an elementary or secondary public, private, or religious school.".

26 USC 529.

(2) LIMITATION.—Section 529(e)(3)(A) is amended by adding at the end the following: "The amount of cash distributions from all qualified tuition programs described in subsection (b)(1)(A)(ii) with respect to a beneficiary during any taxable year shall, in the aggregate, include not more than $10,000 in expenses described in subsection (c)(7) incurred during the taxable year.".

26 USC 529 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after December 31, 2017.

PART V—DEDUCTIONS AND EXCLUSIONS

SEC. 11041. SUSPENSION OF DEDUCTION FOR PERSONAL EXEMPTIONS.

(a) IN GENERAL.—Subsection (d) of section 151 is amended—

(1) by striking "In the case of" in paragraph (4) and inserting "Except as provided in paragraph (5), in the case of", and

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

"(5) SPECIAL RULES FOR TAXABLE YEARS 2018 THROUGH 2025.—In the case of a taxable year beginning after December 31, 2017, and before January 1, 2026—

"(A) EXEMPTION AMOUNT.—The term 'exemption amount' means zero.

"(B) REFERENCES.—For purposes of any other provision of this title, the reduction of the exemption amount to zero under subparagraph (A) shall not be taken into account in determining whether a deduction is allowed or allowable, or whether a taxpayer is entitled to a deduction, under this section.".

(b) APPLICATION TO ESTATES AND TRUSTS.—Section 642(b)(2)(C) is amended by adding at the end the following new clause:

"(iii) YEARS WHEN PERSONAL EXEMPTION AMOUNT IS ZERO.—

"(I) IN GENERAL.—In the case of any taxable year in which the exemption amount under section 151(d) is zero, clause (i) shall be applied by substituting '$4,150' for 'the exemption amount under section 151(d)'.

"(II) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2018, the $4,150 amount in subparagraph (A) shall be increased in the same manner as provided in section 6334(d)(4)(C).".

(c) MODIFICATION OF WAGE WITHHOLDING RULES.—

(1) IN GENERAL.—Section 3402(a)(2) is amended by striking "means the amount" and all that follows and inserting "means the amount by which the wages exceed the taxpayer's withholding allowance, prorated to the payroll period.".

(2) CONFORMING AMENDMENTS.—

(A) Section 3401 is amended by striking subsection (e).

(B) Paragraphs (1) and (2) of section 3402(f) are amended to read as follows: 26 USC 3402.

"(1) IN GENERAL.—Under rules determined by the Secretary, an employee receiving wages shall on any day be entitled to a withholding allowance determined based on—

"(A) whether the employee is an individual for whom a deduction is allowable with respect to another taxpayer under section 151;

"(B) if the employee is married, whether the employee's spouse is entitled to an allowance, or would be so entitled if such spouse were an employee receiving wages, under subparagraph (A) or (D), but only if such spouse does not have in effect a withholding allowance certificate claiming such allowance;

"(C) the number of individuals with respect to whom, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable a credit under section 24(a) for the taxable year under subtitle A in respect of which amounts deducted and withheld under this chapter in the calendar year in which such day falls are allowed as a credit;

"(D) any additional amounts to which the employee elects to take into account under subsection (m), but only if the employee's spouse does not have in effect a withholding allowance certificate making such an election;

"(E) the standard deduction allowable to such employee (one-half of such standard deduction in the case of an employee who is married (as determined under section 7703) and whose spouse is an employee receiving wages subject to withholding); and

"(F) whether the employee has withholding allowance certificates in effect with respect to more than 1 employer.

"(2) ALLOWANCE CERTIFICATES.—

"(A) ON COMMENCEMENT OF EMPLOYMENT.—On or before the date of the commencement of employment with an employer, the employee shall furnish the employer with a signed withholding allowance certificate relating to the withholding allowance claimed by the employee, which shall in no event exceed the amount to which the employee is entitled.

"(B) CHANGE OF STATUS.—If, on any day during the calendar year, an employee's withholding allowance is in excess of the withholding allowance to which the employee would be entitled had the employee submitted a true and accurate withholding allowance certificate to the employer on that day, the employee shall within 10 days thereafter furnish the employer with a new withholding allowance certificate. If, on any day during the calendar year, an employee's withholding allowance is greater than the withholding allowance claimed, the employee may furnish the employer with a new withholding allowance certificate relating to the withholding allowance to which the employee is so entitled, which shall in no event exceed the amount to which the employee is entitled on such day.

"(C) CHANGE OF STATUS WHICH AFFECTS NEXT CALENDAR YEAR.—If on any day during the calendar year the

withholding allowance to which the employee will be, or may reasonably be expected to be, entitled at the beginning of the employee's next taxable year under subtitle A is different from the allowance to which the employee is entitled on such day, the employee shall, in such cases and at such times as the Secretary shall by regulations prescribe, furnish the employer with a withholding allowance certificate relating to the withholding allowance which the employee claims with respect to such next taxable year, which shall in no event exceed the withholding allowance to which the employee will be, or may reasonably be expected to be, so entitled.".

(C) Subsections (b)(1), (b)(2), (f)(3), (f)(4), (f)(5), (f)(7) (including the heading thereof), (g)(4), (l)(1), (l)(2), and (n) of section 3402 are each amended by striking "exemption" each place it appears and inserting "allowance".

(D) The heading of section 3402(f) is amended by striking "EXEMPTIONS" and inserting "ALLOWANCE".

(E) Section 3402(m) is amended by striking "additional withholding allowances or additional reductions in withholding under this subsection. In determining the number of additional withholding allowances" and inserting "an additional withholding allowance or additional reductions in withholding under this subsection. In determining the additional withholding allowance".

26 USC 3405.

(F) Paragraphs (3) and (4) of section 3405(a) (and the heading for such paragraph (4)) are each amended by striking "exemption" each place it appears and inserting "allowance".

(G) Section 3405(a)(4) is amended by striking "shall be determined" and all that follows through "3 withholding exemptions" and inserting "shall be determined under rules prescribed by the Secretary".

(d) EXCEPTION FOR DETERMINING PROPERTY EXEMPT FROM LEVY.—Section 6334(d) is amended by adding at the end the following new paragraph:

"(4) YEARS WHEN PERSONAL EXEMPTION AMOUNT IS ZERO.—

"(A) IN GENERAL.—In the case of any taxable year in which the exemption amount under section 151(d) is zero, paragraph (2) shall not apply and for purposes of paragraph (1) the term 'exempt amount' means an amount equal to—

"(i) the sum of the amount determined under subparagraph (B) and the standard deduction, divided by

"(ii) 52.

"(B) AMOUNT DETERMINED.—For purposes of subparagraph (A), the amount determined under this subparagraph is $4,150 multiplied by the number of the taxpayer's dependents for the taxable year in which the levy occurs.

"(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2018, the $4,150 amount in subparagraph (B) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which

the taxable year begins, determined by substituting '2017' for '2016' in subparagraph (A)(ii) thereof.

If any increase determined under the preceding sentence is not a multiple of $100, such increase shall be rounded to the next lowest multiple of $100.

"(D) VERIFIED STATEMENT.—Unless the taxpayer submits to the Secretary a written and properly verified statement specifying the facts necessary to determine the proper amount under subparagraph (A), subparagraph (A) shall be applied as if the taxpayer were a married individual filing a separate return with no dependents.".

(e) PERSONS REQUIRED TO MAKE RETURNS OF INCOME.—Section 6012 is amended by adding at the end the following new subsection: 26 USC 6012.

"(f) SPECIAL RULE FOR TAXABLE YEARS 2018 THROUGH 2025.—In the case of a taxable year beginning after December 31, 2017, and before January 1, 2026, subsection (a)(1) shall not apply, and every individual who has gross income for the taxable year shall be required to make returns with respect to income taxes under subtitle A, except that a return shall not be required of—

"(1) an individual who is not married (determined by applying section 7703) and who has gross income for the taxable year which does not exceed the standard deduction applicable to such individual for such taxable year under section 63, or

"(2) an individual entitled to make a joint return if—

"(A) the gross income of such individual, when combined with the gross income of such individual's spouse, for the taxable year does not exceed the standard deduction which would be applicable to the taxpayer for such taxable year under section 63 if such individual and such individual's spouse made a joint return,

"(B) such individual and such individual's spouse have the same household as their home at the close of the taxable year,

"(C) such individual's spouse does not make a separate return, and

"(D) neither such individual nor such individual's spouse is an individual described in section 63(c)(5) who has income (other than earned income) in excess of the amount in effect under section 63(c)(5)(A).".

(f) EFFECTIVE DATE.— 26 USC 151 note.

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2017.

(2) WAGE WITHHOLDING.—The Secretary of the Treasury may administer section 3402 for taxable years beginning before January 1, 2019, without regard to the amendments made by subsections (a) and (c).

SEC. 11042. LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC. TAXES.

(a) IN GENERAL.—Subsection (b) of section 164 is amended by adding at the end the following new paragraph:

"(6) LIMITATION ON INDIVIDUAL DEDUCTIONS FOR TAXABLE YEARS 2018 THROUGH 2025.—In the case of an individual and a taxable year beginning after December 31, 2017, and before January 1, 2026—

"(A) foreign real property taxes shall not be taken into account under subsection (a)(1), and

"(B) the aggregate amount of taxes taken into account under paragraphs (1), (2), and (3) of subsection (a) and paragraph (5) of this subsection for any taxable year shall not exceed $10,000 ($5,000 in the case of a married individual filing a separate return).

The preceding sentence shall not apply to any foreign taxes described in subsection (a)(3) or to any taxes described in paragraph (1) and (2) of subsection (a) which are paid or accrued in carrying on a trade or business or an activity described in section 212. For purposes of subparagraph (B), an amount paid in a taxable year beginning before January 1, 2018, with respect to a State or local income tax imposed for a taxable year beginning after December 31, 2017, shall be treated as paid on the last day of the taxable year for which such tax is so imposed.".

26 USC 164 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2016.

SEC. 11043. LIMITATION ON DEDUCTION FOR QUALIFIED RESIDENCE INTEREST.

26 USC 163.

(a) IN GENERAL.—Section 163(h)(3) is amended by adding at the end the following new subparagraph:

"(F) SPECIAL RULES FOR TAXABLE YEARS 2018 THROUGH 2025.—

"(i) IN GENERAL.—In the case of taxable years beginning after December 31, 2017, and before January 1, 2026—

"(I) DISALLOWANCE OF HOME EQUITY INDEBTEDNESS INTEREST.—Subparagraph (A)(ii) shall not apply.

"(II) LIMITATION ON ACQUISITION INDEBTEDNESS.—Subparagraph (B)(ii) shall be applied by substituting '$750,000 ($375,000' for '$1,000,000 ($500,000'.

"(III) TREATMENT OF INDEBTEDNESS INCURRED ON OR BEFORE DECEMBER 15, 2017.—Subclause (II) shall not apply to any indebtedness incurred on or before December 15, 2017, and, in applying such subclause to any indebtedness incurred after such date, the limitation under such subclause shall be reduced (but not below zero) by the amount of any indebtedness incurred on or before December 15, 2017, which is treated as acquisition indebtedness for purposes of this subsection for the taxable year.

"(IV) BINDING CONTRACT EXCEPTION.—In the case of a taxpayer who enters into a written binding contract before December 15, 2017, to close on the purchase of a principal residence before January 1, 2018, and who purchases such residence before April 1, 2018, subclause (III) shall be applied by substituting 'April 1, 2018' for 'December 15, 2017'.

"(ii) TREATMENT OF LIMITATION IN TAXABLE YEARS AFTER DECEMBER 31, 2025.—In the case of taxable years

beginning after December 31, 2025, the limitation under subparagraph (B)(ii) shall be applied to the aggregate amount of indebtedness of the taxpayer described in subparagraph (B)(i) without regard to the taxable year in which the indebtedness was incurred.

"(iii) TREATMENT OF REFINANCINGS OF INDEBTEDNESS.—

"(I) IN GENERAL.—In the case of any indebtedness which is incurred to refinance indebtedness, such refinanced indebtedness shall be treated for purposes of clause (i)(III) as incurred on the date that the original indebtedness was incurred to the extent the amount of the indebtedness resulting from such refinancing does not exceed the amount of the refinanced indebtedness.

"(II) LIMITATION ON PERIOD OF REFINANCING.—Subclause (I) shall not apply to any indebtedness after the expiration of the term of the original indebtedness or, if the principal of such original indebtedness is not amortized over its term, the expiration of the term of the 1st refinancing of such indebtedness (or if earlier, the date which is 30 years after the date of such 1st refinancing).

"(iv) COORDINATION WITH EXCLUSION OF INCOME FROM DISCHARGE OF INDEBTEDNESS.—Section 108(h)(2) shall be applied without regard to this subparagraph.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017. 26 USC 163 note.

SEC. 11044. MODIFICATION OF DEDUCTION FOR PERSONAL CASUALTY LOSSES.

(a) IN GENERAL.—Subsection (h) of section 165 is amended by adding at the end the following new paragraph: 26 USC 165.

"(5) LIMITATION FOR TAXABLE YEARS 2018 THROUGH 2025.—

"(A) IN GENERAL.—In the case of an individual, except as provided in subparagraph (B), any personal casualty loss which (but for this paragraph) would be deductible in a taxable year beginning after December 31, 2017, and before January 1, 2026, shall be allowed as a deduction under subsection (a) only to the extent it is attributable to a Federally declared disaster (as defined in subsection (i)(5)).

"(B) EXCEPTION RELATED TO PERSONAL CASUALTY GAINS.—If a taxpayer has personal casualty gains for any taxable year to which subparagraph (A) applies—

"(i) subparagraph (A) shall not apply to the portion of the personal casualty loss not attributable to a Federally declared disaster (as so defined) to the extent such loss does not exceed such gains, and

"(ii) in applying paragraph (2) for purposes of subparagraph (A) to the portion of personal casualty loss which is so attributable to such a disaster, the amount of personal casualty gains taken into account under paragraph (2)(A) shall be reduced by the portion of such gains taken into account under clause (i).".

26 USC 165 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to losses incurred in taxable years beginning after December 31, 2017.

SEC. 11045. SUSPENSION OF MISCELLANEOUS ITEMIZED DEDUCTIONS.

26 USC 67.

(a) IN GENERAL.—Section 67 is amended by adding at the end the following new subsection:

"(g) SUSPENSION FOR TAXABLE YEARS 2018 THROUGH 2025.—Notwithstanding subsection (a), no miscellaneous itemized deduction shall be allowed for any taxable year beginning after December 31, 2017, and before January 1, 2026.".

26 USC 67 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11046. SUSPENSION OF OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.

(a) IN GENERAL.—Section 68 is amended by adding at the end the following new subsection:

"(f) SECTION NOT TO APPLY.—This section shall not apply to any taxable year beginning after December 31, 2017, and before January 1, 2026.".

26 USC 68 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11047. SUSPENSION OF EXCLUSION FOR QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.

(a) IN GENERAL.—Section 132(f) is amended by adding at the end the following new paragraph:

"(8) SUSPENSION OF QUALIFIED BICYCLE COMMUTING REIMBURSEMENT EXCLUSION.—Paragraph (1)(D) shall not apply to any taxable year beginning after December 31, 2017, and before January 1, 2026.".

26 USC 132 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11048. SUSPENSION OF EXCLUSION FOR QUALIFIED MOVING EXPENSE REIMBURSEMENT.

(a) IN GENERAL.—Section 132(g) is amended—

(1) by striking "For purposes of this section, the term" and inserting "For purposes of this section—

"(1) IN GENERAL.—The term", and

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

"(2) SUSPENSION FOR TAXABLE YEARS 2018 THROUGH 2025.—Except in the case of a member of the Armed Forces of the United States on active duty who moves pursuant to a military order and incident to a permanent change of station, subsection (a)(6) shall not apply to any taxable year beginning after December 31, 2017, and before January 1, 2026.".

26 USC 132 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 11049. SUSPENSION OF DEDUCTION FOR MOVING EXPENSES.

(a) IN GENERAL.—Section 217 is amended by adding at the end the following new subsection:

"(k) SUSPENSION OF DEDUCTION FOR TAXABLE YEARS 2018 THROUGH 2025.—Except in the case of an individual to whom subsection (g) applies, this section shall not apply to any taxable

year beginning after December 31, 2017, and before January 1, 2026.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017. 26 USC 217 note.

SEC. 11050. LIMITATION ON WAGERING LOSSES.

(a) IN GENERAL.—Section 165(d) is amended by adding at the end the following: "For purposes of the preceding sentence, in the case of taxable years beginning after December 31, 2017, and before January 1, 2026, the term 'losses from wagering transactions' includes any deduction otherwise allowable under this chapter incurred in carrying on any wagering transaction.". 26 USC 165.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017. 26 USC 165 note.

SEC. 11051. REPEAL OF DEDUCTION FOR ALIMONY PAYMENTS.

(a) IN GENERAL.—Part VII of subchapter B is amended by striking section 215 (and by striking the item relating to such section in the table of sections for such subpart).

(b) CONFORMING AMENDMENTS.— 26 USC prec. 211.

(1) CORRESPONDING REPEAL OF PROVISIONS PROVIDING FOR INCLUSION OF ALIMONY IN GROSS INCOME.—

(A) Subsection (a) of section 61 is amended by striking paragraph (8) and by redesignating paragraphs (9) through (15) as paragraphs (8) through (14), respectively.

(B) Part II of subchapter B of chapter 1 is amended by striking section 71 (and by striking the item relating to such section in the table of sections for such part). 26 USC prec. 71.

(C) Subpart F of part I of subchapter J of chapter 1 is amended by striking section 682 (and by striking the item relating to such section in the table of sections for such subpart). 26 USC prec. 681.

(2) RELATED TO REPEAL OF SECTION 215.—

(A) Section 62(a) is amended by striking paragraph (10).

(B) Section 3402(m)(1) is amended by striking "(other than paragraph (10) thereof)".

(C) Section 6724(d)(3) is amended by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

(3) RELATED TO REPEAL OF SECTION 71.—

(A) Section 121(d)(3) is amended—

(i) by striking "(as defined in section 71(b)(2))" in subparagraph (B), and

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

"(C) DIVORCE OR SEPARATION INSTRUMENT.—For purposes of this paragraph, the term 'divorce or separation instrument' means—

"(i) a decree of divorce or separate maintenance or a written instrument incident to such a decree,

"(ii) a written separation agreement, or

"(iii) a decree (not described in clause (i)) requiring a spouse to make payments for the support or maintenance of the other spouse.".

(B) Section 152(d)(5) is amended to read as follows:

"(5) SPECIAL RULES FOR SUPPORT.—

"(A) IN GENERAL.—For purposes of this subsection—

"(i) payments to a spouse of alimony or separate maintenance payments shall not be treated as a payment by the payor spouse for the support of any dependent, and

"(ii) in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.

"(B) ALIMONY OR SEPARATE MAINTENANCE PAYMENT.—For purposes of subparagraph (A), the term 'alimony or separate maintenance payment' means any payment in cash if—

"(i) such payment is received by (or on behalf of) a spouse under a divorce or separation instrument (as defined in section 121(d)(3)(C)),

"(ii) in the case of an individual legally separated from the individual's spouse under a decree of divorce or of separate maintenance, the payee spouse and the payor spouse are not members of the same household at the time such payment is made, and

"(iii) there is no liability to make any such payment for any period after the death of the payee spouse and there is no liability to make any payment (in cash or property) as a substitute for such payments after the death of the payee spouse.".

26 USC 219. (C) Section 219(f)(1) is amended by striking the third sentence.

(D) Section 220(f)(7) is amended by striking "subparagraph (A) of section 71(b)(2)" and inserting "clause (i) of section 121(d)(3)(C)".

(E) Section 223(f)(7) is amended by striking "subparagraph (A) of section 71(b)(2)" and inserting "clause (i) of section 121(d)(3)(C)".

(F) Section 382(l)(3)(B)(iii) is amended by striking "section 71(b)(2)" and inserting "section 121(d)(3)(C)".

(G) Section 408(d)(6) is amended by striking "subparagraph (A) of section 71(b)(2)" and inserting "clause (i) of section 121(d)(3)(C)".

(4) ADDITIONAL CONFORMING AMENDMENTS.—Section 7701(a)(17) is amended—

(A) by striking "sections 682 and 2516" and inserting "section 2516", and

(B) by striking "such sections" each place it appears and inserting "such section".

26 USC 61 note. (c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) any divorce or separation instrument (as defined in section 71(b)(2) of the Internal Revenue Code of 1986 as in effect before the date of the enactment of this Act) executed after December 31, 2018, and

(2) any divorce or separation instrument (as so defined) executed on or before such date and modified after such date if the modification expressly provides that the amendments made by this section apply to such modification.

PART VI—INCREASE IN ESTATE AND GIFT TAX EXEMPTION

SEC. 11061. INCREASE IN ESTATE AND GIFT TAX EXEMPTION.

(a) IN GENERAL.—Section 2010(c)(3) is amended by adding at the end the following new subparagraph: 26 USC 2010.

"(C) INCREASE IN BASIC EXCLUSION AMOUNT.—In the case of estates of decedents dying or gifts made after December 31, 2017, and before January 1, 2026, subparagraph (A) shall be applied by substituting '$10,000,000' for '$5,000,000'.".

(b) CONFORMING AMENDMENT.—Subsection (g) of section 2001 is amended to read as follows:

"(g) MODIFICATIONS TO TAX PAYABLE.—

"(1) MODIFICATIONS TO GIFT TAX PAYABLE TO REFLECT DIFFERENT TAX RATES.—For purposes of applying subsection (b)(2) with respect to 1 or more gifts, the rates of tax under subsection (c) in effect at the decedent's death shall, in lieu of the rates of tax in effect at the time of such gifts, be used both to compute—

"(A) the tax imposed by chapter 12 with respect to such gifts, and

"(B) the credit allowed against such tax under section 2505, including in computing—

"(i) the applicable credit amount under section 2505(a)(1), and

"(ii) the sum of the amounts allowed as a credit for all preceding periods under section 2505(a)(2).

"(2) MODIFICATIONS TO ESTATE TAX PAYABLE TO REFLECT DIFFERENT BASIC EXCLUSION AMOUNTS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this section with respect to any difference between—

"(A) the basic exclusion amount under section 2010(c)(3) applicable at the time of the decedent's death, and

"(B) the basic exclusion amount under such section applicable with respect to any gifts made by the decedent.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying and gifts made after December 31, 2017. 26 USC 2001 note.

PART VII—EXTENSION OF TIME LIMIT FOR CONTESTING IRS LEVY

SEC. 11071. EXTENSION OF TIME LIMIT FOR CONTESTING IRS LEVY.

(a) EXTENSION OF TIME FOR RETURN OF PROPERTY SUBJECT TO LEVY.—Subsection (b) of section 6343 is amended by striking "9 months" and inserting "2 years".

(b) PERIOD OF LIMITATION ON SUITS.—Subsection (c) of section 6532 is amended—

(1) by striking "9 months" in paragraph (1) and inserting "2 years", and

(2) by striking "9-month" in paragraph (2) and inserting "2-year".

26 USC 6343 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) levies made after the date of the enactment of this Act, and

(2) levies made on or before such date if the 9-month period has not expired under section 6343(b) of the Internal Revenue Code of 1986 (without regard to this section) as of such date.

PART VIII—INDIVIDUAL MANDATE

SEC. 11081. ELIMINATION OF SHARED RESPONSIBILITY PAYMENT FOR INDIVIDUALS FAILING TO MAINTAIN MINIMUM ESSENTIAL COVERAGE.

26 USC 5000A.

(a) IN GENERAL.—Section 5000A(c) is amended—

(1) in paragraph (2)(B)(iii), by striking "2.5 percent" and inserting "Zero percent", and

(2) in paragraph (3)—

(A) by striking "$695" in subparagraph (A) and inserting "$0", and

(B) by striking subparagraph (D).

26 USC 5000A note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2018.

Subtitle B—Alternative Minimum Tax

SEC. 12001. REPEAL OF TAX FOR CORPORATIONS.

(a) IN GENERAL.—Section 55(a) is amended by striking "There" and inserting "In the case of a taxpayer other than a corporation, there".

(b) CONFORMING AMENDMENTS.—

(1) Section 38(c)(6) is amended by adding at the end the following new subparagraph:

"(E) CORPORATIONS.—In the case of a corporation, this subsection shall be applied by treating the corporation as having a tentative minimum tax of zero.".

(2) Section 53(d)(2) is amended by inserting ", except that in the case of a corporation, the tentative minimum tax shall be treated as zero" before the period at the end.

(3)(A) Section 55(b)(1) is amended to read as follows:

"(1) AMOUNT OF TENTATIVE TAX.—

"(A) IN GENERAL.—The tentative minimum tax for the taxable year is the sum of—

"(i) 26 percent of so much of the taxable excess as does not exceed $175,000, plus

"(ii) 28 percent of so much of the taxable excess as exceeds $175,000.

The amount determined under the preceding sentence shall be reduced by the alternative minimum tax foreign tax credit for the taxable year.

"(B) TAXABLE EXCESS.—For purposes of this subsection, the term 'taxable excess' means so much of the alternative minimum taxable income for the taxable year as exceeds the exemption amount.

"(C) MARRIED INDIVIDUAL FILING SEPARATE RETURN.—In the case of a married individual filing a separate return,

subparagraph (A) shall be applied by substituting 50 percent of the dollar amount otherwise applicable under clause (i) and clause (ii) thereof. For purposes of the preceding sentence, marital status shall be determined under section 7703.".

(B) Section 55(b)(3) is amended by striking "paragraph (1)(A)(i)" and inserting "paragraph (1)(A)". 26 USC 55.

(C) Section 59(a) is amended—

(i) by striking "subparagraph (A)(i) or (B)(i) of section 55(b)(1) (whichever applies) in lieu of the highest rate of tax specified in section 1 or 11 (whichever applies)" in paragraph (1)(C) and inserting "section 55(b)(1) in lieu of the highest rate of tax specified in section 1", and

(ii) in paragraph (2), by striking "means" and all that follows and inserting "means the amount determined under the first sentence of section 55(b)(1)(A).".

(D) Section 897(a)(2)(A) is amended by striking "section 55(b)(1)(A)" and inserting "section 55(b)(1)".

(E) Section 911(f) is amended—

(i) in paragraph (1)(B)—

(I) by striking "section 55(b)(1)(A)(ii)" and inserting "section 55(b)(1)(B)", and

(II) by striking "section 55(b)(1)(A)(i)" and inserting "section 55(b)(1)(A)", and

(ii) in paragraph (2)(B), by striking "section 55(b)(1)(A)(ii)" each place it appears and inserting "section 55(b)(1)(B)".

(4) Section 55(c)(1) is amended by striking ", the section 936 credit allowable under section 27(b), and the Puerto Rico economic activity credit under section 30A".

(5) Section 55(d), as amended by section 11002, is amended—

(A) by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively,

(B) in paragraph (2) (as so redesignated), by inserting "and" at the end of subparagraph (B), by striking ", and" at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D), and

(C) in paragraph (3) (as so redesignated)—

(i) by striking "(b)(1)(A)(i)" in subparagraph (B)(i) and inserting "(b)(1)(A)", and

(ii) by striking "paragraph (3)" in subparagraph (B)(iii) and inserting "paragraph (2)".

(6) Section 55 is amended by striking subsection (e).

(7) Section 56(b)(2) is amended by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

(8)(A) Section 56 is amended by striking subsections (c) and (g).

(B) Section 847 is amended by striking the last sentence of paragraph (9).

(C) Section 848 is amended by striking subsection (i).

(9) Section 58(a) is amended by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(10) Section 59 is amended by striking subsections (b) and (f).

26 USC 11.

(11) Section 11(d) is amended by striking "the taxes imposed by subsection (a) and section 55" and inserting "the tax imposed by subsection (a)".

(12) Section 12 is amended by striking paragraph (7).

(13) Section 168(k) is amended by striking paragraph (4).

(14) Section 882(a)(1) is amended by striking ", 55,".

(15) Section 962(a)(1) is amended by striking "sections 11 and 55" and inserting "section 11".

(16) Section 1561(a) is amended—

(A) by inserting "and" at the end of paragraph (1), by striking ", and" at the end of paragraph (2) and inserting a period, and by striking paragraph (3), and

(B) by striking the last sentence.

(17) Section 6425(c)(1)(A) is amended to read as follows:

"(A) the tax imposed by section 11 or 1201(a), or subchapter L of chapter 1, whichever is applicable, over".

(18) Section 6655(e)(2) is amended by striking "and alternative minimum taxable income" each place it appears in subparagraphs (A) and (B)(i).

(19) Section 6655(g)(1)(A) is amended by inserting "plus" at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

26 USC 11 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 12002. CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY OF CORPORATIONS.

(a) CREDITS TREATED AS REFUNDABLE.—Section 53 is amended by adding at the end the following new subsection:

"(e) PORTION OF CREDIT TREATED AS REFUNDABLE.—

"(1) IN GENERAL.—In the case of any taxable year of a corporation beginning in 2018, 2019, 2020, or 2021, the limitation under subsection (c) shall be increased by the AMT refundable credit amount for such year.

"(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1), the AMT refundable credit amount is an amount equal to 50 percent (100 percent in the case of a taxable year beginning in 2021) of the excess (if any) of—

"(A) the minimum tax credit determined under subsection (b) for the taxable year, over

"(B) the minimum tax credit allowed under subsection (a) for such year (before the application of this subsection for such year).

"(3) CREDIT REFUNDABLE.—For purposes of this title (other than this section), the credit allowed by reason of this subsection shall be treated as a credit allowed under subpart C (and not this subpart).

"(4) SHORT TAXABLE YEARS.—In the case of any taxable year of less than 365 days, the AMT refundable credit amount determined under paragraph (2) with respect to such taxable year shall be the amount which bears the same ratio to such amount determined without regard to this paragraph as the number of days in such taxable year bears to 365.".

(b) TREATMENT OF REFERENCES.—Section 53(d) is amended by adding at the end the following new paragraph:

"(3) AMT TERM REFERENCES.—In the case of a corporation, any references in this subsection to section 55, 56, or 57 shall

be treated as a reference to such section as in effect before the amendments made by Tax Cuts and Jobs Act.".

(c) CONFORMING AMENDMENT.—Section 1374(b)(3)(B) is amended by striking the last sentence thereof. 26 USC 1374.

(d) EFFECTIVE DATE.— 26 USC 53 note.

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

(2) CONFORMING AMENDMENT.—The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2021.

SEC. 12003. INCREASED EXEMPTION FOR INDIVIDUALS.

(a) IN GENERAL.—Section 55(d), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULE FOR TAXABLE YEARS BEGINNING AFTER 2017 AND BEFORE 2026.—

"(A) IN GENERAL.—In the case of any taxable year beginning after December 31, 2017, and before January 1, 2026—

"(i) paragraph (1) shall be applied—

"(I) by substituting '$109,400' for '$78,750' in subparagraph (A), and

"(II) by substituting '$70,300' for '$50,600' in subparagraph (B), and

"(ii) paragraph (2) shall be applied—

"(I) by substituting '$1,000,000' for '$150,000' in subparagraph (A),

"(II) by substituting '50 percent of the dollar amount applicable under subparagraph (A)' for '$112,500' in subparagraph (B), and

"(III) in the case of a taxpayer described in paragraph (1)(D), without regard to the substitution under subclause (I).

"(B) INFLATION ADJUSTMENT.—

"(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2018, the amounts described in clause (ii) shall each be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2017' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

"(ii) AMOUNTS DESCRIBED.—The amounts described in this clause are the $109,400 amount in subparagraph (A)(i)(I), the $70,300 amount in subparagraph (A)(i)(II), and the $1,000,000 amount in subparagraph (A)(ii)(I).

"(iii) ROUNDING.—Any increased amount determined under clause (i) shall be rounded to the nearest multiple of $100.

"(iv) COORDINATION WITH CURRENT ADJUSTMENTS.—In the case of any taxable year to which subparagraph (A) applies, no adjustment shall be made under paragraph (3) to any of the numbers which

are substituted under subparagraph (A) and adjusted under this subparagraph.".

26 USC 55 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

Subtitle C—Business-related Provisions

PART I—CORPORATE PROVISIONS

SEC. 13001. 21-PERCENT CORPORATE TAX RATE.

26 USC 11.

(a) IN GENERAL.—Subsection (b) of section 11 is amended to read as follows:

"(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be 21 percent of taxable income.".

(b) CONFORMING AMENDMENTS.—

(1) The following sections are each amended by striking "section 11(b)(1)" and inserting "section 11(b)":

(A) Section 280C(c)(3)(B)(ii)(II).

(B) Paragraphs (2)(B) and (6)(A)(ii) of section 860E(e).

(C) Section 7874(e)(1)(B).

(2)(A) Part I of subchapter P of chapter 1 is amended by striking section 1201 (and by striking the item relating to such section in the table of sections for such part).

26 USC prec. 1201.

(B) Section 12 is amended by striking paragraphs (4) and (6), and by redesignating paragraph (5) as paragraph (4).

(C) Section 453A(c)(3) is amended by striking "or 1201 (whichever is appropriate)".

(D) Section 527(b) is amended—

(i) by striking paragraph (2), and

(ii) by striking all that precedes "is hereby imposed" and inserting:

"(b) TAX IMPOSED.—A tax".

(E) Sections 594(a) is amended by striking "taxes imposed by section 11 or 1201(a)" and inserting "tax imposed by section 11".

(F) Section 691(c)(4) is amended by striking "1201,".

(G) Section 801(a) is amended—

(i) by striking paragraph (2), and

(ii) by striking all that precedes "is hereby imposed" and inserting:

"(a) TAX IMPOSED.—A tax".

(H) Section 831(e) is amended by striking paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(I) Sections 832(c)(5) and 834(b)(1)(D) are each amended by striking "sec. 1201 and following,".

(J) Section 852(b)(3)(A) is amended by striking "section 1201(a)" and inserting "section 11(b)".

(K) Section 857(b)(3) is amended—

(i) by striking subparagraph (A) and redesignating subparagraphs (B) through (F) as subparagraphs (A) through (E), respectively,

(ii) in subparagraph (C), as so redesignated—

(I) by striking "subparagraph (A)(ii)" in clause (i) thereof and inserting "paragraph (1)",

(II) by striking "the tax imposed by subparagraph (A)(ii)" in clauses (ii) and (iv) thereof and inserting "the tax imposed by paragraph (1) on undistributed capital gain",

(iii) in subparagraph (E), as so redesignated, by striking "subparagraph (B) or (D)" and inserting "subparagraph (A) or (C)", and

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

"(F) UNDISTRIBUTED CAPITAL GAIN.—For purposes of this paragraph, the term 'undistributed capital gain' means the excess of the net capital gain over the deduction for dividends paid (as defined in section 561) determined with reference to capital gain dividends only.".

(L) Section 882(a)(1), as amended by section 12001, is further amended by striking "or 1201(a)". 26 USC 882.

(M) Section 904(b) is amended—

(i) by striking "or 1201(a)" in paragraph (2)(C),

(ii) by striking paragraph (3)(D) and inserting the following:

"(D) CAPITAL GAIN RATE DIFFERENTIAL.—There is a capital gain rate differential for any year if subsection (h) of section 1 applies to such taxable year.", and

(iii) by striking paragraph (3)(E) and inserting the following:

"(E) RATE DIFFERENTIAL PORTION.—The rate differential portion of foreign source net capital gain, net capital gain, or the excess of net capital gain from sources within the United States over net capital gain, as the case may be, is the same proportion of such amount as—

"(i) the excess of—

"(I) the highest rate of tax set forth in subsection (a), (b), (c), (d), or (e) of section 1 (whichever applies), over

"(II) the alternative rate of tax determined under section 1(h), bears to

"(ii) that rate referred to in subclause (I).".

(N) Section 1374(b) is amended by striking paragraph (4).

(O) Section 1381(b) is amended by striking "taxes imposed by section 11 or 1201" and inserting "tax imposed by section 11".

(P) Sections 6425(c)(1)(A), as amended by section 12001, and 6655(g)(1)(A)(i) are each amended by striking "or 1201(a),".

(Q) Section 7518(g)(6)(A) is amended by striking "or 1201(a)".

(3)(A) Section 1445(e)(1) is amended—

(i) by striking "35 percent" and inserting "the highest rate of tax in effect for the taxable year under section 11(b)", and

(ii) by striking "of the gain" and inserting "multiplied by the gain".

(B) Section 1445(e)(2) is amended by striking "35 percent of the amount" and inserting "the highest rate of tax in effect for the taxable year under section 11(b) multiplied by the amount".

(C) Section 1445(e)(6) is amended—

(i) by striking "35 percent" and inserting "the highest rate of tax in effect for the taxable year under section 11(b)", and

(ii) by striking "of the amount" and inserting "multiplied by the amount".

26 USC 1446. (D) Section 1446(b)(2)(B) is amended by striking "section 11(b)(1)" and inserting "section 11(b)".

(4) Section 852(b)(1) is amended by striking the last sentence.

(5)(A) Part I of subchapter B of chapter 5 is amended by striking section 1551 (and by striking the item relating to such section in the table of sections for such part).

26 USC prec. 1551. (B) Section 535(c)(5) is amended to read as follows:

"(5) CROSS REFERENCE.—For limitation on credit provided in paragraph (2) or (3) in the case of certain controlled corporations, see section 1561.".

(6)(A) Section 1561, as amended by section 12001, is amended to read as follows:

"SEC. 1561. LIMITATION ON ACCUMULATED EARNINGS CREDIT IN THE CASE OF CERTAIN CONTROLLED CORPORATIONS.

"(a) IN GENERAL.—The component members of a controlled group of corporations on a December 31 shall, for their taxable years which include such December 31, be limited for purposes of this subtitle to one $250,000 ($150,000 if any component member is a corporation described in section 535(c)(2)(B)) amount for purposes of computing the accumulated earnings credit under section 535(c)(2) and (3). Such amount shall be divided equally among the component members of such group on such December 31 unless the Secretary prescribes regulations permitting an unequal allocation of such amount.

"(b) CERTAIN SHORT TAXABLE YEARS.—If a corporation has a short taxable year which does not include a December 31 and is a component member of a controlled group of corporations with respect to such taxable year, then for purposes of this subtitle, the amount to be used in computing the accumulated earnings credit under section 535(c)(2) and (3) of such corporation for such taxable year shall be the amount specified in subsection (a) with respect to such group, divided by the number of corporations which are component members of such group on the last day of such taxable year. For purposes of the preceding sentence, section 1563(b) shall be applied as if such last day were substituted for December 31.".

26 USC prec. 1561. (B) The table of sections for part II of subchapter B of chapter 5 is amended by striking the item relating to section 1561 and inserting the following new item:

"Sec. 1561. Limitation on accumulated earnings credit in the case of certain controlled corporations.".

(7) Section 7518(g)(6)(A) is amended—

(A) by striking "With respect to the portion" and inserting "In the case of a taxpayer other than a corporation, with respect to the portion", and

(B) by striking "(34 percent in the case of a corporation)".

28 USC 11 note. (c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 2017.

(2) WITHHOLDING.—The amendments made by subsection (b)(3) shall apply to distributions made after December 31, 2017.

(3) CERTAIN TRANSFERS.—The amendments made by subsection (b)(6) shall apply to transfers made after December 31, 2017.

(d) NORMALIZATION REQUIREMENTS.— 26 USC 168 note.

(1) IN GENERAL.—A normalization method of accounting shall not be treated as being used with respect to any public utility property for purposes of section 167 or 168 of the Internal Revenue Code of 1986 if the taxpayer, in computing its cost of service for ratemaking purposes and reflecting operating results in its regulated books of account, reduces the excess tax reserve more rapidly or to a greater extent than such reserve would be reduced under the average rate assumption method.

(2) ALTERNATIVE METHOD FOR CERTAIN TAXPAYERS.—If, as of the first day of the taxable year that includes the date of enactment of this Act—

(A) the taxpayer was required by a regulatory agency to compute depreciation for public utility property on the basis of an average life or composite rate method, and

(B) the taxpayer's books and underlying records did not contain the vintage account data necessary to apply the average rate assumption method,

the taxpayer will be treated as using a normalization method of accounting if, with respect to such jurisdiction, the taxpayer uses the alternative method for public utility property that is subject to the regulatory authority of that jurisdiction.

(3) DEFINITIONS.—For purposes of this subsection—

(A) EXCESS TAX RESERVE.—The term "excess tax reserve" means the excess of—

(i) the reserve for deferred taxes (as described in section 168(i)(9)(A)(ii) of the Internal Revenue Code of 1986) as of the day before the corporate rate reductions provided in the amendments made by this section take effect, over

(ii) the amount which would be the balance in such reserve if the amount of such reserve were determined by assuming that the corporate rate reductions provided in this Act were in effect for all prior periods.

(B) AVERAGE RATE ASSUMPTION METHOD.—The average rate assumption method is the method under which the excess in the reserve for deferred taxes is reduced over the remaining lives of the property as used in its regulated books of account which gave rise to the reserve for deferred taxes. Under such method, during the time period in which the timing differences for the property reverse, the amount of the adjustment to the reserve for the deferred taxes is calculated by multiplying—

(i) the ratio of the aggregate deferred taxes for the property to the aggregate timing differences for the property as of the beginning of the period in question, by

(ii) the amount of the timing differences which reverse during such period.

(C) ALTERNATIVE METHOD.—The "alternative method" is the method in which the taxpayer—

(i) computes the excess tax reserve on all public utility property included in the plant account on the basis of the weighted average life or composite rate used to compute depreciation for regulatory purposes, and

(ii) reduces the excess tax reserve ratably over the remaining regulatory life of the property.

(4) TAX INCREASED FOR NORMALIZATION VIOLATION.—If, for any taxable year ending after the date of the enactment of this Act, the taxpayer does not use a normalization method of accounting for the corporate rate reductions provided in the amendments made by this section—

(A) the taxpayer's tax for the taxable year shall be increased by the amount by which it reduces its excess tax reserve more rapidly than permitted under a normalization method of accounting, and

(B) such taxpayer shall not be treated as using a normalization method of accounting for purposes of subsections (f)(2) and (i)(9)(C) of section 168 of the Internal Revenue Code of 1986.

SEC. 13002. REDUCTION IN DIVIDEND RECEIVED DEDUCTIONS TO REFLECT LOWER CORPORATE INCOME TAX RATES.

(a) DIVIDENDS RECEIVED BY CORPORATIONS.—

26 USC 243.

(1) IN GENERAL.—Section 243(a)(1) is amended by striking "70 percent" and inserting "50 percent".

(2) DIVIDENDS FROM 20-PERCENT OWNED CORPORATIONS.—Section 243(c)(1) is amended—

(A) by striking "80 percent" and inserting "65 percent", and

(B) by striking "70 percent" and inserting "50 percent".

(3) CONFORMING AMENDMENT.—The heading for section 243(c) is amended by striking "RETENTION OF 80-PERCENT DIVIDEND RECEIVED DEDUCTION" and inserting "INCREASED PERCENTAGE".

(b) DIVIDENDS RECEIVED FROM FSC.—Section 245(c)(1)(B) is amended—

(1) by striking "70 percent" and inserting "50 percent", and

(2) by striking "80 percent" and inserting "65 percent".

(c) LIMITATION ON AGGREGATE AMOUNT OF DEDUCTIONS.—Section 246(b)(3) is amended—

(1) by striking "80 percent" in subparagraph (A) and inserting "65 percent", and

(2) by striking "70 percent" in subparagraph (B) and inserting "50 percent".

(d) REDUCTION IN DEDUCTION WHERE PORTFOLIO STOCK IS DEBT-FINANCED.—Section 246A(a)(1) is amended—

(1) by striking "70 percent" and inserting "50 percent", and

(2) by striking "80 percent" and inserting "65 percent".

(e) INCOME FROM SOURCES WITHIN THE UNITED STATES.—Section 861(a)(2) is amended—

(1) by striking "100/70th" and inserting "100/50th" in subparagraph (B), and

(2) in the flush sentence at the end—

(A) by striking "100/80th" and inserting "100/65th", and

(B) by striking "100/70th" and inserting "100/50th".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017. 26 USC 243 note.

PART II—SMALL BUSINESS REFORMS

SEC. 13101. MODIFICATIONS OF RULES FOR EXPENSING DEPRECIABLE BUSINESS ASSETS.

(a) INCREASE IN LIMITATION.—

(1) DOLLAR LIMITATION.—Section 179(b)(1) is amended by striking "$500,000" and inserting "$1,000,000". 26 USC 179.

(2) REDUCTION IN LIMITATION.—Section 179(b)(2) is amended by striking "$2,000,000" and inserting "$2,500,000".

(3) INFLATION ADJUSTMENTS.—

(A) IN GENERAL.—Subparagraph (A) of section 179(b)(6), as amended by section 11002(d), is amended—

(i) by striking "2015" and inserting "2018", and

(ii) in clause (ii), by striking "calendar year 2014" and inserting "calendar year 2017".

(B) SPORT UTILITY VEHICLES.—Section 179(b)(6) is amended—

(i) in subparagraph (A), by striking "paragraphs (1) and (2)" and inserting "paragraphs (1), (2), and (5)(A)", and

(ii) in subparagraph (B), by inserting "($100 in the case of any increase in the amount under paragraph (5)(A))" after "$10,000".

(b) SECTION 179 PROPERTY TO INCLUDE QUALIFIED REAL PROPERTY.—

(1) IN GENERAL.—Subparagraph (B) of section 179(d)(1) is amended to read as follows:

"(B) which is—

"(i) section 1245 property (as defined in section 1245(a)(3)), or

"(ii) at the election of the taxpayer, qualified real property (as defined in subsection (f)), and".

(2) QUALIFIED REAL PROPERTY DEFINED.—Subsection (f) of section 179 is amended to read as follows:

"(f) QUALIFIED REAL PROPERTY.—For purposes of this section, the term 'qualified real property' means—

"(1) any qualified improvement property described in section 168(e)(6), and

"(2) any of the following improvements to nonresidential real property placed in service after the date such property was first placed in service:

"(A) Roofs.

"(B) Heating, ventilation, and air-conditioning property.

"(C) Fire protection and alarm systems.

"(D) Security systems.".

(c) REPEAL OF EXCLUSION FOR CERTAIN PROPERTY.—The last sentence of section 179(d)(1) is amended by inserting "(other than paragraph (2) thereof)" after "section 50(b)".

26 USC 179.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service in taxable years beginning after December 31, 2017.

26 USC 179 note.

SEC. 13102. SMALL BUSINESS ACCOUNTING METHOD REFORM AND SIMPLIFICATION.

(a) MODIFICATION OF LIMITATION ON CASH METHOD OF ACCOUNTING.—

(1) INCREASED LIMITATION.—So much of section 448(c) as precedes paragraph (2) is amended to read as follows:

"(c) GROSS RECEIPTS TEST.—For purposes of this section—

"(1) IN GENERAL.—A corporation or partnership meets the gross receipts test of this subsection for any taxable year if the average annual gross receipts of such entity for the 3-taxable-year period ending with the taxable year which precedes such taxable year does not exceed $25,000,000.".

(2) APPLICATION OF EXCEPTION ON ANNUAL BASIS.—Section 448(b)(3) is amended to read as follows:

"(3) ENTITIES WHICH MEET GROSS RECEIPTS TEST.—Paragraphs (1) and (2) of subsection (a) shall not apply to any corporation or partnership for any taxable year if such entity (or any predecessor) meets the gross receipts test of subsection (c) for such taxable year.".

(3) INFLATION ADJUSTMENT.—Section 448(c) is amended by adding at the end the following new paragraph:

"(4) ADJUSTMENT FOR INFLATION.—In the case of any taxable year beginning after December 31, 2018, the dollar amount in paragraph (1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2017' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

If any amount as increased under the preceding sentence is not a multiple of $1,000,000, such amount shall be rounded to the nearest multiple of $1,000,000.".

(4) COORDINATION WITH SECTION 481.—Section 448(d)(7) is amended to read as follows:

"(7) COORDINATION WITH SECTION 481.—Any change in method of accounting made pursuant to this section shall be treated for purposes of section 481 as initiated by the taxpayer and made with the consent of the Secretary.".

(5) APPLICATION OF EXCEPTION TO CORPORATIONS ENGAGED IN FARMING.—

(A) IN GENERAL.—Section 447(c) is amended—

(i) by inserting "for any taxable year" after "not being a corporation" in the matter preceding paragraph (1), and

(ii) by amending paragraph (2) to read as follows:

"(2) a corporation which meets the gross receipts test of section 448(c) for such taxable year.".

(B) COORDINATION WITH SECTION 481.—Section 447(f) is amended to read as follows:

"(f) COORDINATION WITH SECTION 481.—Any change in method of accounting made pursuant to this section shall be treated for purposes of section 481 as initiated by the taxpayer and made with the consent of the Secretary.".

(C) CONFORMING AMENDMENTS.—Section 447 is amended— 26 USC 447.

(i) by striking subsections (d), (e), (h), and (i), and

(ii) by redesignating subsections (f) and (g) (as amended by subparagraph (B)) as subsections (d) and (e), respectively.

(b) EXEMPTION FROM UNICAP REQUIREMENTS.—

(1) IN GENERAL.—Section 263A is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) EXEMPTION FOR CERTAIN SMALL BUSINESSES.—

"(1) IN GENERAL.—In the case of any taxpayer (other than a tax shelter prohibited from using the cash receipts and disbursements method of accounting under section 448(a)(3)) which meets the gross receipts test of section 448(c) for any taxable year, this section shall not apply with respect to such taxpayer for such taxable year.

"(2) APPLICATION OF GROSS RECEIPTS TEST TO INDIVIDUALS, ETC.— In the case of any taxpayer which is not a corporation or a partnership, the gross receipts test of section 448(c) shall be applied in the same manner as if each trade or business of such taxpayer were a corporation or partnership.

"(3) COORDINATION WITH SECTION 481.—Any change in method of accounting made pursuant to this subsection shall be treated for purposes of section 481 as initiated by the taxpayer and made with the consent of the Secretary.".

(2) CONFORMING AMENDMENT.—Section 263A(b)(2) is amended to read as follows:

"(2) PROPERTY ACQUIRED FOR RESALE.—Real or personal property described in section 1221(a)(1) which is acquired by the taxpayer for resale.".

(c) EXEMPTION FROM INVENTORIES.—Section 471 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) EXEMPTION FOR CERTAIN SMALL BUSINESSES.—

"(1) IN GENERAL.—In the case of any taxpayer (other than a tax shelter prohibited from using the cash receipts and disbursements method of accounting under section 448(a)(3)) which meets the gross receipts test of section 448(c) for any taxable year—

"(A) subsection (a) shall not apply with respect to such taxpayer for such taxable year, and

"(B) the taxpayer's method of accounting for inventory for such taxable year shall not be treated as failing to clearly reflect income if such method either—

"(i) treats inventory as non-incidental materials and supplies, or

"(ii) conforms to such taxpayer's method of accounting reflected in an applicable financial statement of the taxpayer with respect to such taxable year or, if the taxpayer does not have any applicable financial statement with respect to such taxable year,

the books and records of the taxpayer prepared in accordance with the taxpayer's accounting procedures.

"(2) APPLICABLE FINANCIAL STATEMENT.—For purposes of this subsection, the term 'applicable financial statement' has the meaning given the term in section 451(b)(3).

"(3) APPLICATION OF GROSS RECEIPTS TEST TO INDIVIDUALS, ETC.—In the case of any taxpayer which is not a corporation or a partnership, the gross receipts test of section 448(c) shall be applied in the same manner as if each trade or business of such taxpayer were a corporation or partnership.

"(4) COORDINATION WITH SECTION 481.—Any change in method of accounting made pursuant to this subsection shall be treated for purposes of section 481 as initiated by the taxpayer and made with the consent of the Secretary.".

(d) EXEMPTION FROM PERCENTAGE COMPLETION FOR LONG-TERM CONTRACTS.—

26 USC 460.

(1) IN GENERAL.—Section 460(e)(1)(B) is amended—

(A) by inserting "(other than a tax shelter prohibited from using the cash receipts and disbursements method of accounting under section 448(a)(3))" after "taxpayer" in the matter preceding clause (i), and

(B) by amending clause (ii) to read as follows:

"(ii) who meets the gross receipts test of section 448(c) for the taxable year in which such contract is entered into.".

(2) CONFORMING AMENDMENTS.—Section 460(e) is amended by striking paragraphs (2) and (3), by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) RULES RELATED TO GROSS RECEIPTS TEST.—

"(A) APPLICATION OF GROSS RECEIPTS TEST TO INDIVIDUALS, ETC.— For purposes of paragraph (1)(B)(ii), in the case of any taxpayer which is not a corporation or a partnership, the gross receipts test of section 448(c) shall be applied in the same manner as if each trade or business of such taxpayer were a corporation or partnership.

"(B) COORDINATION WITH SECTION 481.—Any change in method of accounting made pursuant to paragraph (1)(B)(ii) shall be treated as initiated by the taxpayer and made with the consent of the Secretary. Such change shall be effected on a cut-off basis for all similarly classified contracts entered into on or after the year of change.".

26 USC 263A note.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2017.

(2) PRESERVATION OF SUSPENSE ACCOUNT RULES WITH RESPECT TO ANY EXISTING SUSPENSE ACCOUNTS.—So much of the amendments made by subsection (a)(5)(C) as relate to section 447(i) of the Internal Revenue Code of 1986 shall not apply with respect to any suspense account established under such section before the date of the enactment of this Act.

(3) EXEMPTION FROM PERCENTAGE COMPLETION FOR LONG-TERM CONTRACTS.—The amendments made by subsection (d) shall apply to contracts entered into after December 31, 2017, in taxable years ending after such date.

PART III—COST RECOVERY AND ACCOUNTING METHODS

Subpart A—Cost Recovery

SEC. 13201. TEMPORARY 100-PERCENT EXPENSING FOR CERTAIN BUSINESS ASSETS.

(a) INCREASED EXPENSING.—

(1) IN GENERAL.—Section 168(k) is amended— 26 USC 168.

(A) in paragraph (1)(A), by striking "50 percent" and inserting "the applicable percentage", and

(B) in paragraph (5)(A)(i), by striking "50 percent" and inserting "the applicable percentage".

(2) APPLICABLE PERCENTAGE.—Paragraph (6) of section 168(k) is amended to read as follows:

"(6) APPLICABLE PERCENTAGE.—For purposes of this subsection—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'applicable percentage' means—

"(i) in the case of property placed in service after September 27, 2017, and before January 1, 2023, 100 percent,

"(ii) in the case of property placed in service after December 31, 2022, and before January 1, 2024, 80 percent,

"(iii) in the case of property placed in service after December 31, 2023, and before January 1, 2025, 60 percent,

"(iv) in the case of property placed in service after December 31, 2024, and before January 1, 2026, 40 percent, and

"(v) in the case of property placed in service after December 31, 2025, and before January 1, 2027, 20 percent.

"(B) RULE FOR PROPERTY WITH LONGER PRODUCTION PERIODS.—In the case of property described in subparagraph (B) or (C) of paragraph (2), the term 'applicable percentage' means—

"(i) in the case of property placed in service after September 27, 2017, and before January 1, 2024, 100 percent,

"(ii) in the case of property placed in service after December 31, 2023, and before January 1, 2025, 80 percent,

"(iii) in the case of property placed in service after December 31, 2024, and before January 1, 2026, 60 percent,

"(iv) in the case of property placed in service after December 31, 2025, and before January 1, 2027, 40 percent, and

"(v) in the case of property placed in service after December 31, 2026, and before January 1, 2028, 20 percent.

"(C) RULE FOR PLANTS BEARING FRUITS AND NUTS.—In the case of a specified plant described in paragraph (5), the term 'applicable percentage' means—

"(i) in the case of a plant which is planted or grafted after September 27, 2017, and before January 1, 2023, 100 percent,

"(ii) in the case of a plant which is planted or grafted after December 31, 2022, and before January 1, 2024, 80 percent,

"(iii) in the case of a plant which is planted or grafted after December 31, 2023, and before January 1, 2025, 60 percent,

"(iv) in the case of a plant which is planted or grafted after December 31, 2024, and before January 1, 2026, 40 percent, and

"(v) in the case of a plant which is planted or grafted after December 31, 2025, and before January 1, 2027, 20 percent.".

(3) CONFORMING AMENDMENT.—

26 USC 168.

(A) Paragraph (5) of section 168(k) is amended by striking subparagraph (F).

(B) Section 168(k) is amended by adding at the end the following new paragraph:

"(8) PHASE DOWN.—In the case of qualified property acquired by the taxpayer before September 28, 2017, and placed in service by the taxpayer after September 27, 2017, paragraph (6) shall be applied by substituting for each percentage therein—

"(A) '50 percent' in the case of—

"(i) property placed in service before January 1, 2018, and

"(ii) property described in subparagraph (B) or (C) of paragraph (2) which is placed in service in 2018,

"(B) '40 percent' in the case of—

"(i) property placed in service in 2018 (other than property described in subparagraph (B) or (C) of paragraph (2)), and

"(ii) property described in subparagraph (B) or (C) of paragraph (2) which is placed in service in 2019,

"(C) '30 percent' in the case of—

"(i) property placed in service in 2019 (other than property described in subparagraph (B) or (C) of paragraph (2)), and

"(ii) property described in subparagraph (B) or (C) of paragraph (2) which is placed in service in 2020, and

"(D) '0 percent' in the case of—

"(i) property placed in service after 2019 (other than property described in subparagraph (B) or (C) of paragraph (2)), and

"(ii) property described in subparagraph (B) or (C) of paragraph (2) which is placed in service after 2020.".

(b) EXTENSION.—

(1) IN GENERAL.—Section 168(k) is amended—

(A) in paragraph (2)—

(i) in subparagraph (A)(iii), clauses (i)(III) and (ii) of subparagraph (B), and subparagraph (E)(i), by striking "January 1, 2020" each place it appears and inserting "January 1, 2027", and

(ii) in subparagraph (B)—

(I) in clause (i)(II), by striking "January 1, 2021" and inserting "January 1, 2028", and

(II) in the heading of clause (ii), by striking "PRE-JANUARY 1, 2020" and inserting "PRE-JANUARY 1, 2027", and

(B) in paragraph (5)(A), by striking "January 1, 2020" and inserting "January 1, 2027".

(2) CONFORMING AMENDMENTS.—

(A) Clause (ii) of section 460(c)(6)(B) is amended by striking "January 1, 2020 (January 1, 2021" and inserting "January 1, 2027 (January 1, 2028". 26 USC 460.

(B) The heading of section 168(k) is amended by striking "ACQUIRED AFTER DECEMBER 31, 2007, AND BEFORE JANUARY 1, 2020".

(c) APPLICATION TO USED PROPERTY.—

(1) IN GENERAL.—Section 168(k)(2)(A)(ii) is amended to read as follows:

"(ii) the original use of which begins with the taxpayer or the acquisition of which by the taxpayer meets the requirements of clause (ii) of subparagraph (E), and".

(2) ACQUISITION REQUIREMENTS.—Section 168(k)(2)(E)(ii) is amended to read as follows:

"(ii) ACQUISITION REQUIREMENTS.—An acquisition of property meets the requirements of this clause if—

"(I) such property was not used by the taxpayer at any time prior to such acquisition, and

"(II) the acquisition of such property meets the requirements of paragraphs (2)(A), (2)(B), (2)(C), and (3) of section 179(d).",

(3) ANTI-ABUSE RULES.—Section 168(k)(2)(E) is further amended by amending clause (iii)(I) to read as follows:

"(I) property is used by a lessor of such property and such use is the lessor's first use of such property,".

(d) EXCEPTION FOR CERTAIN PROPERTY.—Section 168(k), as amended by this section, is amended by adding at the end the following new paragraph:

"(9) EXCEPTION FOR CERTAIN PROPERTY.—The term 'qualified property' shall not include—

"(A) any property which is primarily used in a trade or business described in clause (iv) of section 163(j)(7)(A), or

"(B) any property used in a trade or business that has had floor plan financing indebtedness (as defined in paragraph (9) of section 163(j)), if the floor plan financing interest related to such indebtedness was taken into account under paragraph (1)(C) of such section.".

(e) SPECIAL RULE.—Section 168(k), as amended by this section, is amended by adding at the end the following new paragraph:

"(10) SPECIAL RULE FOR PROPERTY PLACED IN SERVICE DURING CERTAIN PERIODS.—

"(A) IN GENERAL.—In the case of qualified property placed in service by the taxpayer during the first taxable year ending after September 27, 2017, if the taxpayer elects to have this paragraph apply for such taxable year,

paragraphs (1)(A) and (5)(A)(i) shall be applied by substituting '50 percent' for 'the applicable percentage'.

"(B) FORM OF ELECTION.—Any election under this paragraph shall be made at such time and in such form and manner as the Secretary may prescribe.".

(f) COORDINATION WITH SECTION 280F.—Clause (iii) of section 168(k)(2)(F) is amended by striking "placed in service by the taxpayer after December 31, 2017" and inserting "acquired by the taxpayer before September 28, 2017, and placed in service by the taxpayer after September 27, 2017". 26 USC 168.

(g) QUALIFIED FILM AND TELEVISION AND LIVE THEATRICAL PRODUCTIONS.—

(1) IN GENERAL.—Clause (i) of section 168(k)(2)(A), as amended by section 13204, is amended—

(A) in subclause (II), by striking "or",

(B) in subclause (III), by adding "or" after the comma, and

(C) by adding at the end the following:

"(IV) which is a qualified film or television production (as defined in subsection (d) of section 181) for which a deduction would have been allowable under section 181 without regard to subsections (a)(2) and (g) of such section or this subsection, or

"(V) which is a qualified live theatrical production (as defined in subsection (e) of section 181) for which a deduction would have been allowable under section 181 without regard to subsections (a)(2) and (g) of such section or this subsection,".

(2) PRODUCTION PLACED IN SERVICE.—Paragraph (2) of section 168(k) is amended by adding at the end the following:

"(H) PRODUCTION PLACED IN SERVICE.—For purposes of subparagraph (A)—

"(i) a qualified film or television production shall be considered to be placed in service at the time of initial release or broadcast, and

"(ii) a qualified live theatrical production shall be considered to be placed in service at the time of the initial live staged performance.".

(h) EFFECTIVE DATE.— 26 USC 168 note.

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to property which—

(A) is acquired after September 27, 2017, and

(B) is placed in service after such date.

For purposes of the preceding sentence, property shall not be treated as acquired after the date on which a written binding contract is entered into for such acquisition.

(2) SPECIFIED PLANTS.—The amendments made by this section shall apply to specified plants planted or grafted after September 27, 2017.

SEC. 13202. MODIFICATIONS TO DEPRECIATION LIMITATIONS ON LUXURY AUTOMOBILES AND PERSONAL USE PROPERTY.

(a) LUXURY AUTOMOBILES.—

(1) IN GENERAL.—280F(a)(1)(A) is amended—

(A) in clause (i), by striking "$2,560" and inserting "$10,000",

(B) in clause (ii), by striking "$4,100" and inserting "$16,000",

(C) in clause (iii), by striking "$2,450" and inserting "$9,600", and

(D) in clause (iv), by striking "$1,475" and inserting "$5,760".

(2) CONFORMING AMENDMENTS.—

(A) Clause (ii) of section 280F(a)(1)(B) is amended by striking "$1,475" in the text and heading and inserting "$5,760". 26 USC 280F.

(B) Paragraph (7) of section 280F(d) is amended—

(i) in subparagraph (A), by striking "1988" and inserting "2018", and

(ii) in subparagraph (B)(i)(II), by striking "1987" and inserting "2017".

(b) REMOVAL OF COMPUTER EQUIPMENT FROM LISTED PROPERTY.—

(1) IN GENERAL.—Section 280F(d)(4)(A) is amended—

(A) by inserting "and" at the end of clause (iii),

(B) by striking clause (iv), and

(C) by redesignating clause (v) as clause (iv).

(2) CONFORMING AMENDMENT.—Section 280F(d)(4) is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2017, in taxable years ending after such date. 26 USC 280F note.

SEC. 13203. MODIFICATIONS OF TREATMENT OF CERTAIN FARM PROPERTY.

(a) TREATMENT OF CERTAIN FARM PROPERTY AS 5-YEAR PROPERTY.—Clause (vii) of section 168(e)(3)(B) is amended by striking "after December 31, 2008, and which is placed in service before January 1, 2010" and inserting "after December 31, 2017".

(b) REPEAL OF REQUIRED USE OF 150-PERCENT DECLINING BALANCE METHOD.—Section 168(b)(2) is amended by striking subparagraph (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2017, in taxable years ending after such date. 26 USC 168 note.

SEC. 13204. APPLICABLE RECOVERY PERIOD FOR REAL PROPERTY.

(a) IMPROVEMENTS TO REAL PROPERTY.—

(1) ELIMINATION OF QUALIFIED LEASEHOLD IMPROVEMENT, QUALIFIED RESTAURANT, AND QUALIFIED RETAIL IMPROVEMENT PROPERTY.—Subsection (e) of section 168 is amended—

(A) in subparagraph (E) of paragraph (3)—

(i) by striking clauses (iv), (v), and (ix),

(ii) in clause (vii), by inserting "and" at the end,

(iii) in clause (viii), by striking ", and" and inserting a period, and

(iv) by redesignating clauses (vi), (vii), and (viii), as so amended, as clauses (iv), (v), and (vi), respectively, and

(B) by striking paragraphs (6), (7), and (8).

(2) APPLICATION OF STRAIGHT LINE METHOD TO QUALIFIED IMPROVEMENT PROPERTY.—Paragraph (3) of section 168(b) is amended—

(A) by striking subparagraphs (G), (H), and (I), and

(B) by inserting after subparagraph (F) the following new subparagraph:

"(G) Qualified improvement property described in subsection (e)(6).".

(3) ALTERNATIVE DEPRECIATION SYSTEM.—

(A) ELECTING REAL PROPERTY TRADE OR BUSINESS.—Subsection (g) of section 168 is amended— 26 USC 168.

(i) in paragraph (1)—

(I) in subparagraph (D), by striking "and" at the end,

(II) in subparagraph (E), by inserting "and" at the end, and

(III) by inserting after subparagraph (E) the following new subparagraph:

"(F) any property described in paragraph (8),", and

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

"(8) ELECTING REAL PROPERTY TRADE OR BUSINESS.—The property described in this paragraph shall consist of any nonresidential real property, residential rental property, and qualified improvement property held by an electing real property trade or business (as defined in 163(j)(7)(B)).".

(B) QUALIFIED IMPROVEMENT PROPERTY.—The table contained in subparagraph (B) of section 168(g)(3) is amended—

(i) by inserting after the item relating to subparagraph (D)(ii) the following new item:

"(D)(v)	20"

, and

(ii) by striking the item relating to subparagraph (E)(iv) and all that follows through the item relating to subparagraph (E)(ix) and inserting the following:

"(E)(iv)	20
(E)(v)	30
(E)(vi)	35".

(C) APPLICABLE RECOVERY PERIOD FOR RESIDENTIAL RENTAL PROPERTY.—The table contained in subparagraph (C) of section 168(g)(2) is amended by striking clauses (iii) and (iv) and inserting the following:

"(iii) Residential rental property	30 years
(iv) Nonresidential real property	40 years
(v) Any railroad grading or tunnel bore or water utility property	50 years".

(4) CONFORMING AMENDMENTS.—

(A) Clause (i) of section 168(k)(2)(A) is amended—

(i) in subclause (II), by inserting "or" after the comma,

(ii) in subclause (III), by striking "or" at the end, and

(iii) by striking subclause (IV).

(B) Section 168 is amended—

(i) in subsection (e), as amended by paragraph (1)(B), by adding at the end the following:

"(6) QUALIFIED IMPROVEMENT PROPERTY.—

"(A) IN GENERAL.—The term 'qualified improvement property' means any improvement to an interior portion of a building which is nonresidential real property if such improvement is placed in service after the date such building was first placed in service.

"(B) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

"(i) the enlargement of the building,

"(ii) any elevator or escalator, or

"(iii) the internal structural framework of the building.", and

(ii) in subsection (k), by striking paragraph (3).

(b) EFFECTIVE DATE.— 26 USC 168 note.

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2017.

(2) AMENDMENTS RELATED TO ELECTING REAL PROPERTY TRADE OR BUSINESS.—The amendments made by subsection (a)(3)(A) shall apply to taxable years beginning after December 31, 2017.

SEC. 13205. USE OF ALTERNATIVE DEPRECIATION SYSTEM FOR ELECTING FARMING BUSINESSES.

(a) IN GENERAL.—Section 168(g)(1), as amended by section 13204, is amended by striking "and" at the end of subparagraph (E), by inserting "and" at the end of subparagraph (F), and by inserting after subparagraph (F) the following new subparagraph: 26 USC 168.

"(G) any property with a recovery period of 10 years or more which is held by an electing farming business (as defined in section 163(j)(7)(C)),".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017. 26 USC 168 note.

SEC. 13206. AMORTIZATION OF RESEARCH AND EXPERIMENTAL EXPENDITURES.

(a) IN GENERAL.—Section 174 is amended to read as follows:

"SEC. 174. AMORTIZATION OF RESEARCH AND EXPERIMENTAL EXPENDITURES.

"(a) IN GENERAL.—In the case of a taxpayer's specified research or experimental expenditures for any taxable year—

"(1) except as provided in paragraph (2), no deduction shall be allowed for such expenditures, and

"(2) the taxpayer shall—

"(A) charge such expenditures to capital account, and

"(B) be allowed an amortization deduction of such expenditures ratably over the 5-year period (15-year period in the case of any specified research or experimental expenditures which are attributable to foreign research (within the meaning of section 41(d)(4)(F))) beginning with the midpoint of the taxable year in which such expenditures are paid or incurred.

"(b) SPECIFIED RESEARCH OR EXPERIMENTAL EXPENDITURES.—For purposes of this section, the term 'specified research or experimental expenditures' means, with respect to any taxable year, research or experimental expenditures which are paid or incurred

by the taxpayer during such taxable year in connection with the taxpayer's trade or business.

"(c) SPECIAL RULES.—

"(1) LAND AND OTHER PROPERTY.—This section shall not apply to any expenditure for the acquisition or improvement of land, or for the acquisition or improvement of property to be used in connection with the research or experimentation and of a character which is subject to the allowance under section 167 (relating to allowance for depreciation, etc.) or section 611 (relating to allowance for depletion); but for purposes of this section allowances under section 167, and allowances under section 611, shall be considered as expenditures.

"(2) EXPLORATION EXPENDITURES.—This section shall not apply to any expenditure paid or incurred for the purpose of ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral (including oil and gas).

"(3) SOFTWARE DEVELOPMENT.—For purposes of this section, any amount paid or incurred in connection with the development of any software shall be treated as a research or experimental expenditure.

"(d) TREATMENT UPON DISPOSITION, RETIREMENT, OR ABANDONMENT.—If any property with respect to which specified research or experimental expenditures are paid or incurred is disposed, retired, or abandoned during the period during which such expenditures are allowed as an amortization deduction under this section, no deduction shall be allowed with respect to such expenditures on account of such disposition, retirement, or abandonment and such amortization deduction shall continue with respect to such expenditures.".

26 USC 174 note.

(b) CHANGE IN METHOD OF ACCOUNTING.—The amendments made by subsection (a) shall be treated as a change in method of accounting for purposes of section 481 of the Internal Revenue Code of 1986 and—

(1) such change shall be treated as initiated by the taxpayer,

(2) such change shall be treated as made with the consent of the Secretary, and

(3) such change shall be applied only on a cut-off basis for any research or experimental expenditures paid or incurred in taxable years beginning after December 31, 2021, and no adjustments under section 481(a) shall be made.

26 USC prec. 161.

(c) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by striking the item relating to section 174 and inserting the following new item:

"Sec. 174. Amortization of research and experimental expenditures.".

(d) CONFORMING AMENDMENTS.—

(1) Section 41(d)(1)(A) is amended by striking "expenses under section 174" and inserting "specified research or experimental expenditures under section 174".

(2) Subsection (c) of section 280C is amended—

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

"(1) IN GENERAL.—If—

"(A) the amount of the credit determined for the taxable year under section 41(a)(1), exceeds

"(B) the amount allowable as a deduction for such taxable year for qualified research expenses or basic research expenses,

the amount chargeable to capital account for the taxable year for such expenses shall be reduced by the amount of such excess.",

(B) by striking paragraph (2),

(C) by redesignating paragraphs (3) (as amended by this Act) and (4) as paragraphs (2) and (3), respectively, and

(D) in paragraph (2), as redesignated by subparagraph (C), by striking "paragraphs (1) and (2)" and inserting "paragraph (1)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2021. 26 USC 41 note.

SEC. 13207. EXPENSING OF CERTAIN COSTS OF REPLANTING CITRUS PLANTS LOST BY REASON OF CASUALTY.

(a) IN GENERAL.—Section 263A(d)(2) is amended by adding at the end the following new subparagraph: 26 USC 263A.

"(C) SPECIAL TEMPORARY RULE FOR CITRUS PLANTS LOST BY REASON OF CASUALTY.—

"(i) IN GENERAL.—In the case of the replanting of citrus plants, subparagraph (A) shall apply to amounts paid or incurred by a person (other than the taxpayer described in subparagraph (A)) if—

"(I) the taxpayer described in subparagraph (A) has an equity interest of not less than 50 percent in the replanted citrus plants at all times during the taxable year in which such amounts were paid or incurred and such other person holds any part of the remaining equity interest, or

"(II) such other person acquired the entirety of such taxpayer's equity interest in the land on which the lost or damaged citrus plants were located at the time of such loss or damage, and the replanting is on such land.

"(ii) TERMINATION.—Clause (i) shall not apply to any cost paid or incurred after the date which is 10 years after the date of the enactment of the Tax Cuts and Jobs Act.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to costs paid or incurred after the date of the enactment of this Act. 26 USC 263A note.

Subpart B—Accounting Methods

SEC. 13221. CERTAIN SPECIAL RULES FOR TAXABLE YEAR OF INCLUSION.

(a) INCLUSION NOT LATER THAN FOR FINANCIAL ACCOUNTING PURPOSES.—Section 451 is amended by redesignating subsections (b) through (i) as subsections (c) through (j), respectively, and by inserting after subsection (a) the following new subsection:

"(b) INCLUSION NOT LATER THAN FOR FINANCIAL ACCOUNTING PURPOSES.—

"(1) INCOME TAKEN INTO ACCOUNT IN FINANCIAL STATEMENT.—

"(A) IN GENERAL.—In the case of a taxpayer the taxable income of which is computed under an accrual method of accounting, the all events test with respect to any item of gross income (or portion thereof) shall not be treated as met any later than when such item (or portion thereof) is taken into account as revenue in—

"(i) an applicable financial statement of the taxpayer, or

"(ii) such other financial statement as the Secretary may specify for purposes of this subsection.

"(B) EXCEPTION.—This paragraph shall not apply to—

"(i) a taxpayer which does not have a financial statement described in clause (i) or (ii) of subparagraph (A) for a taxable year, or

"(ii) any item of gross income in connection with a mortgage servicing contract.

"(C) ALL EVENTS TEST.—For purposes of this section, the all events test is met with respect to any item of gross income if all the events have occurred which fix the right to receive such income and the amount of such income can be determined with reasonable accuracy.

"(2) COORDINATION WITH SPECIAL METHODS OF ACCOUNTING.—Paragraph (1) shall not apply with respect to any item of gross income for which the taxpayer uses a special method of accounting provided under any other provision of this chapter, other than any provision of part V of subchapter P (except as provided in clause (ii) of paragraph (1)(B)).

"(3) APPLICABLE FINANCIAL STATEMENT.—For purposes of this subsection, the term 'applicable financial statement' means—

"(A) a financial statement which is certified as being prepared in accordance with generally accepted accounting principles and which is—

"(i) a 10–K (or successor form), or annual statement to shareholders, required to be filed by the taxpayer with the United States Securities and Exchange Commission,

"(ii) an audited financial statement of the taxpayer which is used for—

"(I) credit purposes,

"(II) reporting to shareholders, partners, or other proprietors, or to beneficiaries, or

"(III) any other substantial nontax purpose, but only if there is no statement of the taxpayer described in clause (i), or

"(iii) filed by the taxpayer with any other Federal agency for purposes other than Federal tax purposes, but only if there is no statement of the taxpayer described in clause (i) or (ii),

"(B) a financial statement which is made on the basis of international financial reporting standards and is filed by the taxpayer with an agency of a foreign government which is equivalent to the United States Securities and Exchange Commission and which has reporting standards not less stringent than the standards required by such

Commission, but only if there is no statement of the taxpayer described in subparagraph (A), or

"(C) a financial statement filed by the taxpayer with any other regulatory or governmental body specified by the Secretary, but only if there is no statement of the taxpayer described in subparagraph (A) or (B).

"(4) ALLOCATION OF TRANSACTION PRICE.—For purposes of this subsection, in the case of a contract which contains multiple performance obligations, the allocation of the transaction price to each performance obligation shall be equal to the amount allocated to each performance obligation for purposes of including such item in revenue in the applicable financial statement of the taxpayer.

"(5) GROUP OF ENTITIES.—For purposes of paragraph (1), if the financial results of a taxpayer are reported on the applicable financial statement (as defined in paragraph (3)) for a group of entities, such statement shall be treated as the applicable financial statement of the taxpayer.".

(b) TREATMENT OF ADVANCE PAYMENTS.—Section 451, as amended by subsection (a), is amended by redesignating subsections (c) through (j) as subsections (d) through (k), respectively, and by inserting after subsection (b) the following new subsection: 26 USC 451.

"(c) TREATMENT OF ADVANCE PAYMENTS.—

"(1) IN GENERAL.—A taxpayer which computes taxable income under the accrual method of accounting, and receives any advance payment during the taxable year, shall—

"(A) except as provided in subparagraph (B), include such advance payment in gross income for such taxable year, or

"(B) if the taxpayer elects the application of this subparagraph with respect to the category of advance payments to which such advance payment belongs, the taxpayer shall—

"(i) to the extent that any portion of such advance payment is required under subsection (b) to be included in gross income in the taxable year in which such payment is received, so include such portion, and

"(ii) include the remaining portion of such advance payment in gross income in the taxable year following the taxable year in which such payment is received.

"(2) ELECTION.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the election under paragraph (1)(B) shall be made at such time, in such form and manner, and with respect to such categories of advance payments, as the Secretary may provide.

"(B) PERIOD TO WHICH ELECTION APPLIES.—An election under paragraph (1)(B) shall be effective for the taxable year with respect to which it is first made and for all subsequent taxable years, unless the taxpayer secures the consent of the Secretary to revoke such election. For purposes of this title, the computation of taxable income under an election made under paragraph (1)(B) shall be treated as a method of accounting.

"(3) TAXPAYERS CEASING TO EXIST.—Except as otherwise provided by the Secretary, the election under paragraph (1)(B) shall not apply with respect to advance payments received

by the taxpayer during a taxable year if such taxpayer ceases to exist during (or with the close of) such taxable year.

"(4) ADVANCE PAYMENT.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'advance payment' means any payment—

"(i) the full inclusion of which in the gross income of the taxpayer for the taxable year of receipt is a permissible method of accounting under this section (determined without regard to this subsection),

"(ii) any portion of which is included in revenue by the taxpayer in a financial statement described in clause (i) or (ii) of subsection (b)(1)(A) for a subsequent taxable year, and

"(iii) which is for goods, services, or such other items as may be identified by the Secretary for purposes of this clause.

"(B) EXCLUSIONS.—Except as otherwise provided by the Secretary, such term shall not include—

"(i) rent,

"(ii) insurance premiums governed by subchapter L,

"(iii) payments with respect to financial instruments,

"(iv) payments with respect to warranty or guarantee contracts under which a third party is the primary obligor,

"(v) payments subject to section 871(a), 881, 1441, or 1442,

"(vi) payments in property to which section 83 applies, and

"(vii) any other payment identified by the Secretary for purposes of this subparagraph.

"(C) RECEIPT.—For purposes of this subsection, an item of gross income is received by the taxpayer if it is actually or constructively received, or if it is due and payable to the taxpayer.

"(D) ALLOCATION OF TRANSACTION PRICE.—For purposes of this subsection, rules similar to subsection (b)(4) shall apply.".

26 USC 451 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

26 USC 451 note.

(d) COORDINATION WITH SECTION 481.—

(1) IN GENERAL.—In the case of any qualified change in method of accounting for the taxpayer's first taxable year beginning after December 31, 2017—

(A) such change shall be treated as initiated by the taxpayer, and

(B) such change shall be treated as made with the consent of the Secretary of the Treasury.

(2) QUALIFIED CHANGE IN METHOD OF ACCOUNTING.—For purposes of this subsection, the term "qualified change in method of accounting" means any change in method of accounting which—

(A) is required by the amendments made by this section, or

(B) was prohibited under the Internal Revenue Code of 1986 prior to such amendments and is permitted under such Code after such amendments.

(e) SPECIAL RULES FOR ORIGINAL ISSUE DISCOUNT.—Notwithstanding subsection (c), in the case of income from a debt instrument having original issue discount— 26 USC 451 note.

(1) the amendments made by this section shall apply to taxable years beginning after December 31, 2018, and

(2) the period for taking into account any adjustments under section 481 by reason of a qualified change in method of accounting (as defined in subsection (d)) shall be 6 years.

PART IV—BUSINESS-RELATED EXCLUSIONS AND DEDUCTIONS

SEC. 13301. LIMITATION ON DEDUCTION FOR INTEREST.

(a) IN GENERAL.—Section 163(j) is amended to read as follows: 26 USC 163.

"(j) LIMITATION ON BUSINESS INTEREST.—

"(1) IN GENERAL.—The amount allowed as a deduction under this chapter for any taxable year for business interest shall not exceed the sum of—

"(A) the business interest income of such taxpayer for such taxable year,

"(B) 30 percent of the adjusted taxable income of such taxpayer for such taxable year, plus

"(C) the floor plan financing interest of such taxpayer for such taxable year.

The amount determined under subparagraph (B) shall not be less than zero.

"(2) CARRYFORWARD OF DISALLOWED BUSINESS INTEREST.—The amount of any business interest not allowed as a deduction for any taxable year by reason of paragraph (1) shall be treated as business interest paid or accrued in the succeeding taxable year.

"(3) EXEMPTION FOR CERTAIN SMALL BUSINESSES.—In the case of any taxpayer (other than a tax shelter prohibited from using the cash receipts and disbursements method of accounting under section 448(a)(3)) which meets the gross receipts test of section 448(c) for any taxable year, paragraph (1) shall not apply to such taxpayer for such taxable year. In the case of any taxpayer which is not a corporation or a partnership, the gross receipts test of section 448(c) shall be applied in the same manner as if such taxpayer were a corporation or partnership.

"(4) APPLICATION TO PARTNERSHIPS, ETC.—

"(A) IN GENERAL.—In the case of any partnership—

"(i) this subsection shall be applied at the partnership level and any deduction for business interest shall be taken into account in determining the non-separately stated taxable income or loss of the partnership, and

"(ii) the adjusted taxable income of each partner of such partnership—

"(I) shall be determined without regard to such partner's distributive share of any items of income, gain, deduction, or loss of such partnership, and

"(II) shall be increased by such partner's distributive share of such partnership's excess taxable income.

For purposes of clause (ii)(II), a partner's distributive share of partnership excess taxable income shall be determined in the same manner as the partner's distributive share of nonseparately stated taxable income or loss of the partnership.

"(B) SPECIAL RULES FOR CARRYFORWARDS.—

"(i) IN GENERAL.—The amount of any business interest not allowed as a deduction to a partnership for any taxable year by reason of paragraph (1) for any taxable year—

"(I) shall not be treated under paragraph (2) as business interest paid or accrued by the partnership in the succeeding taxable year, and

"(II) shall, subject to clause (ii), be treated as excess business interest which is allocated to each partner in the same manner as the nonseparately stated taxable income or loss of the partnership.

"(ii) TREATMENT OF EXCESS BUSINESS INTEREST ALLOCATED TO PARTNERS.—If a partner is allocated any excess business interest from a partnership under clause (i) for any taxable year—

"(I) such excess business interest shall be treated as business interest paid or accrued by the partner in the next succeeding taxable year in which the partner is allocated excess taxable income from such partnership, but only to the extent of such excess taxable income, and

"(II) any portion of such excess business interest remaining after the application of subclause (I) shall, subject to the limitations of subclause (I), be treated as business interest paid or accrued in succeeding taxable years.

For purposes of applying this paragraph, excess taxable income allocated to a partner from a partnership for any taxable year shall not be taken into account under paragraph (1)(A) with respect to any business interest other than excess business interest from the partnership until all such excess business interest for such taxable year and all preceding taxable years has been treated as paid or accrued under clause (ii).

"(iii) BASIS ADJUSTMENTS.—

"(I) IN GENERAL.—The adjusted basis of a partner in a partnership interest shall be reduced (but not below zero) by the amount of excess business interest allocated to the partner under clause (i)(II).

"(II) SPECIAL RULE FOR DISPOSITIONS.—If a partner disposes of a partnership interest, the adjusted basis of the partner in the partnership interest shall be increased immediately before the disposition by the amount of the excess (if any) of the amount of the basis reduction under subclause (I) over the portion of any excess business

interest allocated to the partner under clause (i)(II) which has previously been treated under clause (ii) as business interest paid or accrued by the partner. The preceding sentence shall also apply to transfers of the partnership interest (including by reason of death) in a transaction in which gain is not recognized in whole or in part. No deduction shall be allowed to the transferor or transferee under this chapter for any excess business interest resulting in a basis increase under this subclause.

"(C) EXCESS TAXABLE INCOME.—The term 'excess taxable income' means, with respect to any partnership, the amount which bears the same ratio to the partnership's adjusted taxable income as—

"(i) the excess (if any) of—

"(I) the amount determined for the partnership under paragraph (1)(B), over

"(II) the amount (if any) by which the business interest of the partnership, reduced by the floor plan financing interest, exceeds the business interest income of the partnership, bears to

"(ii) the amount determined for the partnership under paragraph (1)(B).

"(D) APPLICATION TO S CORPORATIONS.—Rules similar to the rules of subparagraphs (A) and (C) shall apply with respect to any S corporation and its shareholders.

"(5) BUSINESS INTEREST.—For purposes of this subsection, the term 'business interest' means any interest paid or accrued on indebtedness properly allocable to a trade or business. Such term shall not include investment interest (within the meaning of subsection (d)).

"(6) BUSINESS INTEREST INCOME.—For purposes of this subsection, the term 'business interest income' means the amount of interest includible in the gross income of the taxpayer for the taxable year which is properly allocable to a trade or business. Such term shall not include investment income (within the meaning of subsection (d)).

"(7) TRADE OR BUSINESS.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'trade or business' shall not include—

"(i) the trade or business of performing services as an employee,

"(ii) any electing real property trade or business,

"(iii) any electing farming business, or

"(iv) the trade or business of the furnishing or sale of—

"(I) electrical energy, water, or sewage disposal services,

"(II) gas or steam through a local distribution system, or

"(III) transportation of gas or steam by pipeline,

if the rates for such furnishing or sale, as the case may be, have been established or approved by a State or political subdivision thereof, by any agency or instrumentality of the United States, by a public service or public utility commission or other similar

body of any State or political subdivision thereof, or by the governing or ratemaking body of an electric cooperative.

"(B) ELECTING REAL PROPERTY TRADE OR BUSINESS.—For purposes of this paragraph, the term 'electing real property trade or business' means any trade or business which is described in section 469(c)(7)(C) and which makes an election under this subparagraph. Any such election shall be made at such time and in such manner as the Secretary shall prescribe, and, once made, shall be irrevocable.

"(C) ELECTING FARMING BUSINESS.—For purposes of this paragraph, the term 'electing farming business' means—

"(i) a farming business (as defined in section 263A(e)(4)) which makes an election under this subparagraph, or

"(ii) any trade or business of a specified agricultural or horticultural cooperative (as defined in section 199A(g)(2)) with respect to which the cooperative makes an election under this subparagraph.

Any such election shall be made at such time and in such manner as the Secretary shall prescribe, and, once made, shall be irrevocable.

"(8) ADJUSTED TAXABLE INCOME.—For purposes of this subsection, the term 'adjusted taxable income' means the taxable income of the taxpayer—

"(A) computed without regard to—

"(i) any item of income, gain, deduction, or loss which is not properly allocable to a trade or business,

"(ii) any business interest or business interest income,

"(iii) the amount of any net operating loss deduction under section 172,

"(iv) the amount of any deduction allowed under section 199A, and

"(v) in the case of taxable years beginning before January 1, 2022, any deduction allowable for depreciation, amortization, or depletion, and

"(B) computed with such other adjustments as provided by the Secretary.

"(9) FLOOR PLAN FINANCING INTEREST DEFINED.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'floor plan financing interest' means interest paid or accrued on floor plan financing indebtedness.

"(B) FLOOR PLAN FINANCING INDEBTEDNESS.—The term 'floor plan financing indebtedness' means indebtedness—

"(i) used to finance the acquisition of motor vehicles held for sale or lease, and

"(ii) secured by the inventory so acquired.

"(C) MOTOR VEHICLE.—The term 'motor vehicle' means a motor vehicle that is any of the following:

"(i) Any self-propelled vehicle designed for transporting persons or property on a public street, highway, or road.

"(ii) A boat.

"(iii) Farm machinery or equipment.

"(10) CROSS REFERENCES.—

"(A) For requirement that an electing real property trade or business use the alternative depreciation system, see section 168(g)(1)(F).

"(B) For requirement that an electing farming business use the alternative depreciation system, see section 168(g)(1)(G).".

(b) TREATMENT OF CARRYFORWARD OF DISALLOWED BUSINESS INTEREST IN CERTAIN CORPORATE ACQUISITIONS.—

(1) IN GENERAL.—Section 381(c) is amended by inserting after paragraph (19) the following new paragraph: 26 USC 381.

"(20) CARRYFORWARD OF DISALLOWED BUSINESS INTEREST.—The carryover of disallowed business interest described in section 163(j)(2) to taxable years ending after the date of distribution or transfer.".

(2) APPLICATION OF LIMITATION.—Section 382(d) is amended by adding at the end the following new paragraph:

"(3) APPLICATION TO CARRYFORWARD OF DISALLOWED INTEREST.—The term 'pre-change loss' shall include any carryover of disallowed interest described in section 163(j)(2) under rules similar to the rules of paragraph (1).".

(3) CONFORMING AMENDMENT.—Section 382(k)(1) is amended by inserting after the first sentence the following: "Such term shall include any corporation entitled to use a carryforward of disallowed interest described in section 381(c)(20).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017. 26 USC 163 note.

SEC. 13302. MODIFICATION OF NET OPERATING LOSS DEDUCTION.

(a) LIMITATION ON DEDUCTION.—

(1) IN GENERAL.—Section 172(a) is amended to read as follows:

"(a) DEDUCTION ALLOWED.—There shall be allowed as a deduction for the taxable year an amount equal to the lesser of—

"(1) the aggregate of the net operating loss carryovers to such year, plus the net operating loss carrybacks to such year, or

"(2) 80 percent of taxable income computed without regard to the deduction allowable under this section.

For purposes of this subtitle, the term 'net operating loss deduction' means the deduction allowed by this subsection.".

(2) COORDINATION OF LIMITATION WITH CARRYBACKS AND CARRYOVERS.—Section 172(b)(2) is amended by striking "shall be computed—" and all that follows and inserting "shall—

"(A) be computed with the modifications specified in subsection (d) other than paragraphs (1), (4), and (5) thereof, and by determining the amount of the net operating loss deduction without regard to the net operating loss for the loss year or for any taxable year thereafter,

"(B) not be considered to be less than zero, and

"(C) not exceed the amount determined under subsection (a)(2) for such prior taxable year.".

(3) CONFORMING AMENDMENT.—Section 172(d)(6) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and

inserting "; and", and by adding at the end the following new subparagraph:

"(C) subsection (a)(2) shall be applied by substituting 'real estate investment trust taxable income (as defined in section 857(b)(2) but without regard to the deduction for dividends paid (as defined in section 561))' for 'taxable income'.".

(b) REPEAL OF NET OPERATING LOSS CARRYBACK; INDEFINITE CARRYFORWARD.—

26 USC 172.

(1) IN GENERAL.—Section 172(b)(1)(A) is amended—

(A) by striking "shall be a net operating loss carryback to each of the 2 taxable years" in clause (i) and inserting "except as otherwise provided in this paragraph, shall not be a net operating loss carryback to any taxable year", and

(B) by striking "to each of the 20 taxable years" in clause (ii) and inserting "to each taxable year".

(2) CONFORMING AMENDMENT.—Section 172(b)(1) is amended by striking subparagraphs (B) through (F).

(c) TREATMENT OF FARMING LOSSES.—

(1) ALLOWANCE OF CARRYBACKS.—Section 172(b)(1), as amended by subsection (b)(2), is amended by adding at the end the following new subparagraph:

"(B) FARMING LOSSES.—

"(i) IN GENERAL.—In the case of any portion of a net operating loss for the taxable year which is a farming loss with respect to the taxpayer, such loss shall be a net operating loss carryback to each of the 2 taxable years preceding the taxable year of such loss.

"(ii) FARMING LOSS.—For purposes of this section, the term 'farming loss' means the lesser of—

"(I) the amount which would be the net operating loss for the taxable year if only income and deductions attributable to farming businesses (as defined in section 263A(e)(4)) are taken into account, or

"(II) the amount of the net operating loss for such taxable year.

"(iii) COORDINATION WITH PARAGRAPH (2).—For purposes of applying paragraph (2), a farming loss for any taxable year shall be treated as a separate net operating loss for such taxable year to be taken into account after the remaining portion of the net operating loss for such taxable year.

"(iv) ELECTION.—Any taxpayer entitled to a 2-year carryback under clause (i) from any loss year may elect not to have such clause apply to such loss year. Such election shall be made in such manner as prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.".

(2) CONFORMING AMENDMENTS.—

(A) Section 172 is amended by striking subsections (f), (g), and (h), and by redesignating subsection (i) as subsection (f). 26 USC 172.

(B) Section 537(b)(4) is amended by inserting "(as in effect before the date of enactment of the Tax Cuts and Jobs Act)" after "as defined in section 172(f)".

(d) TREATMENT OF CERTAIN INSURANCE LOSSES.—

(1) TREATMENT OF CARRYFORWARDS AND CARRYBACKS.—Section 172(b)(1), as amended by subsections (b)(2) and (c)(1), is amended by adding at the end the following new subparagraph:

"(C) INSURANCE COMPANIES.—In the case of an insurance company (as defined in section 816(a)) other than a life insurance company, the net operating loss for any taxable year—

"(i) shall be a net operating loss carryback to each of the 2 taxable years preceding the taxable year of such loss, and

"(ii) shall be a net operating loss carryover to each of the 20 taxable years following the taxable year of the loss.".

(2) EXEMPTION FROM LIMITATION.—Section 172, as amended by subsection (c)(2)(A), is amended by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following new subsection:

"(f) SPECIAL RULE FOR INSURANCE COMPANIES.—In the case of an insurance company (as defined in section 816(a)) other than a life insurance company—

"(1) the amount of the deduction allowed under subsection (a) shall be the aggregate of the net operating loss carryovers to such year, plus the net operating loss carrybacks to such year, and

"(2) subparagraph (C) of subsection (b)(2) shall not apply.".

(e) EFFECTIVE DATE.— 26 USC 172 note.

(1) NET OPERATING LOSS LIMITATION.—The amendments made by subsections (a) and (d)(2) shall apply to losses arising in taxable years beginning after December 31, 2017.

(2) CARRYFORWARDS AND CARRYBACKS.—The amendments made by subsections (b), (c), and (d)(1) shall apply to net operating losses arising in taxable years ending after December 31, 2017.

SEC. 13303. LIKE-KIND EXCHANGES OF REAL PROPERTY.

(a) IN GENERAL.—Section 1031(a)(1) is amended by striking "property" each place it appears and inserting "real property".

(b) CONFORMING AMENDMENTS.—

(1)(A) Paragraph (2) of section 1031(a) is amended to read as follows:

"(2) EXCEPTION FOR REAL PROPERTY HELD FOR SALE.—This subsection shall not apply to any exchange of real property held primarily for sale.".

(B) Section 1031 is amended by striking subsection (i).

(2) Section 1031 is amended by striking subsection (e).

(3) Section 1031, as amended by paragraph (2), is amended by inserting after subsection (d) the following new subsection:

"(e) APPLICATION TO CERTAIN PARTNERSHIPS.—For purposes of this section, an interest in a partnership which has in effect a

valid election under section 761(a) to be excluded from the application of all of subchapter K shall be treated as an interest in each of the assets of such partnership and not as an interest in a partnership.".

26 USC 1031.

(4) Section 1031(h) is amended to read as follows:

"(h) SPECIAL RULES FOR FOREIGN REAL PROPERTY.—Real property located in the United States and real property located outside the United States are not property of a like kind.".

(5) The heading of section 1031 is amended by striking "**PROPERTY**" and inserting "**REAL PROPERTY**".

26 USC prec. 1031.

(6) The table of sections for part III of subchapter O of chapter 1 is amended by striking the item relating to section 1031 and inserting the following new item:

"Sec. 1031. Exchange of real property held for productive use or investment.".

26 USC 1031 note.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to exchanges completed after December 31, 2017.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any exchange if—

(A) the property disposed of by the taxpayer in the exchange is disposed of on or before December 31, 2017, or

(B) the property received by the taxpayer in the exchange is received on or before December 31, 2017.

SEC. 13304. LIMITATION ON DEDUCTION BY EMPLOYERS OF EXPENSES FOR FRINGE BENEFITS.

(a) NO DEDUCTION ALLOWED FOR ENTERTAINMENT EXPENSES.—

(1) IN GENERAL.—Section 274(a) is amended—

(A) in paragraph (1)(A), by striking "unless" and all that follows through "trade or business,",

(B) by striking the flush sentence at the end of paragraph (1), and

(C) by striking paragraph (2)(C).

(2) CONFORMING AMENDMENTS.—

(A) Section 274(d) is amended—

(i) by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively, and

(ii) in the flush text following paragraph (3) (as so redesignated)—

(I) by striking ", entertainment, amusement, recreation, or use of the facility or property," in item (B), and

(II) by striking "(D) the business relationship to the taxpayer of persons entertained, using the facility or property, or receiving the gift" and inserting "(D) the business relationship to the taxpayer of the person receiving the benefit",

(B) Section 274 is amended by striking subsection (l).

(C) Section 274(n) is amended by striking "AND ENTERTAINMENT" in the heading.

(D) Section 274(n)(1) is amended to read as follows:

"(1) IN GENERAL.—The amount allowable as a deduction under this chapter for any expense for food or beverages shall

not exceed 50 percent of the amount of such expense which would (but for this paragraph) be allowable as a deduction under this chapter.".

(E) Section 274(n)(2) is amended— 26 USC 274.

(i) in subparagraph (B), by striking "in the case of an expense for food or beverages,",

(ii) by striking subparagraph (C) and redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively,

(iii) by striking "of subparagraph (E)" the last sentence and inserting "of subparagraph (D)", and

(iv) by striking "in subparagraph (D)" in the last sentence and inserting "in subparagraph (C)".

(F) Clause (iv) of section 7701(b)(5)(A) is amended to read as follows:

"(iv) a professional athlete who is temporarily in the United States to compete in a sports event—

"(I) which is organized for the primary purpose of benefiting an organization which is described in section 501(c)(3) and exempt from tax under section 501(a),

"(II) all of the net proceeds of which are contributed to such organization, and,

"(III) which utilizes volunteers for substantially all of the work performed in carrying out such event.".

(b) ONLY 50 PERCENT OF EXPENSES FOR MEALS PROVIDED ON OR NEAR BUSINESS PREMISES ALLOWED AS DEDUCTION.—Paragraph (2) of section 274(n), as amended by subsection (a), is amended—

(1) by striking subparagraph (B),

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively,

(3) by striking "of subparagraph (D)" in the last sentence and inserting "of subparagraph (C)", and

(4) by striking "in subparagraph (C)" in the last sentence and inserting "in subparagraph (B)".

(c) TREATMENT OF TRANSPORTATION BENEFITS.—Section 274, as amended by subsection (a), is amended—

(1) in subsection (a)—

(A) in the heading, by striking "OR RECREATION" and inserting "RECREATION, OR QUALIFIED TRANSPORTATION FRINGES", and

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

"(4) QUALIFIED TRANSPORTATION FRINGES.—No deduction shall be allowed under this chapter for the expense of any qualified transportation fringe (as defined in section 132(f)) provided to an employee of the taxpayer.", and

(2) by inserting after subsection (k) the following new subsection:

"(l) TRANSPORTATION AND COMMUTING BENEFITS.—

"(1) IN GENERAL.—No deduction shall be allowed under this chapter for any expense incurred for providing any transportation, or any payment or reimbursement, to an employee of the taxpayer in connection with travel between the employee's residence and place of employment, except as necessary for ensuring the safety of the employee.

"(2) EXCEPTION.—In the case of any qualified bicycle commuting reimbursement (as described in section 132(f)(5)(F)), this subsection shall not apply for any amounts paid or incurred after December 31, 2017, and before January 1, 2026.".

(d) ELIMINATION OF DEDUCTION FOR MEALS PROVIDED AT CONVENIENCE OF EMPLOYER.—Section 274, as amended by subsection (c), is amended— 26 USC 274.

(1) by redesignating subsection (o) as subsection (p), and

(2) by inserting after subsection (n) the following new subsection:

"(o) MEALS PROVIDED AT CONVENIENCE OF EMPLOYER.—No deduction shall be allowed under this chapter for—

"(1) any expense for the operation of a facility described in section 132(e)(2), and any expense for food or beverages, including under section 132(e)(1), associated with such facility, or

"(2) any expense for meals described in section 119(a).".

26 USC 274 note. (e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to amounts incurred or paid after December 31, 2017.

(2) EFFECTIVE DATE FOR ELIMINATION OF DEDUCTION FOR MEALS PROVIDED AT CONVENIENCE OF EMPLOYER.—The amendments made by subsection (d) shall apply to amounts incurred or paid after December 31, 2025.

SEC. 13305. REPEAL OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by striking section 199 (and by striking the item relating to such section in the table of sections for such part). 26 USC prec. 161.

(b) CONFORMING AMENDMENTS.—

(1) Sections 74(d)(2)(B), 86(b)(2)(A), 135(c)(4)(A), 137(b)(3)(A), 219(g)(3)(A)(ii), 221(b)(2)(C), 222(b)(2)(C), 246(b)(1), and 469(i)(3)(F)(iii) are each amended by striking "199,".

(2) Section 170(b)(2)(D), as amended by subtitle A, is amended by striking clause (iv), and by redesignating clauses (v) and (vi) as clauses (iv) and (v).

(3) Section 172(d) is amended by striking paragraph (7).

(4) Section 613(a), as amended by section 11011, is amended by striking "and without the deduction under section 199".

(5) Section 613A(d)(1), as amended by section 11011, is amended by striking subparagraph (B) and by redesignating subparagraphs (C), (D), (E), and (F) as subparagraphs (B), (C), (D), and (E), respectively.

26 USC 74 note. (c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13306. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

(a) DENIAL OF DEDUCTION.—

(1) IN GENERAL.—Subsection (f) of section 162 is amended to read as follows:

"(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

"(1) IN GENERAL.—Except as provided in the following paragraphs of this subsection, no deduction otherwise allowable

shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or governmental entity in relation to the violation of any law or the investigation or inquiry by such government or entity into the potential violation of any law.

"(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION OR PAID TO COME INTO COMPLIANCE WITH LAW.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to any amount that—

"(i) the taxpayer establishes—

"(I) constitutes restitution (including remediation of property) for damage or harm which was or may be caused by the violation of any law or the potential violation of any law, or

"(II) is paid to come into compliance with any law which was violated or otherwise involved in the investigation or inquiry described in paragraph (1),

"(ii) is identified as restitution or as an amount paid to come into compliance with such law, as the case may be, in the court order or settlement agreement, and

"(iii) in the case of any amount of restitution for failure to pay any tax imposed under this title in the same manner as if such amount were such tax, would have been allowed as a deduction under this chapter if it had been timely paid.

The identification under clause (ii) alone shall not be sufficient to make the establishment required under clause (i).

"(B) LIMITATION.—Subparagraph (A) shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation.

"(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by reason of any order of a court in a suit in which no government or governmental entity is a party.

"(4) EXCEPTION FOR TAXES DUE.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.

"(5) TREATMENT OF CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—For purposes of this subsection, the following nongovernmental entities shall be treated as governmental entities:

"(A) Any nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)).

"(B) To the extent provided in regulations, any nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to amounts paid or incurred on or after 26 USC 162 note.

the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

(b) REPORTING OF DEDUCTIBLE AMOUNTS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050W the following new section:

26 USC 6050X.

"SEC. 6050X. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

"(a) REQUIREMENT OF REPORTING.—

"(1) IN GENERAL.—The appropriate official of any government or any entity described in section 162(f)(5) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

"(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

"(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

"(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

"(2) SUIT OR AGREEMENT DESCRIBED.—

"(A) IN GENERAL.—A suit or agreement is described in this paragraph if—

"(i) it is—

"(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

"(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

"(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is $600 or more.

"(B) ADJUSTMENT OF REPORTING THRESHOLD.—The Secretary shall adjust the $600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

"(3) TIME OF FILING.—The return required under this subsection shall be filed at the time the agreement is entered into, as determined by the Secretary.

"(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS INVOLVED IN THE SETTLEMENT.—Every person required to make a return

under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

"(1) the name of the government or entity, and

"(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

"(c) APPROPRIATE OFFICIAL DEFINED.—For purposes of this section, the term 'appropriate official' means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.".

(2) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050W the following new item: 26 USC prec. 6041.

"Sec. 6050X. Information with respect to certain fines, penalties, and other amounts.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date. 26 USC 6050X note.

SEC. 13307. DENIAL OF DEDUCTION FOR SETTLEMENTS SUBJECT TO NONDISCLOSURE AGREEMENTS PAID IN CONNECTION WITH SEXUAL HARASSMENT OR SEXUAL ABUSE.

(a) DENIAL OF DEDUCTION.—Section 162 is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

"(q) PAYMENTS RELATED TO SEXUAL HARASSMENT AND SEXUAL ABUSE.—No deduction shall be allowed under this chapter for—

"(1) any settlement or payment related to sexual harassment or sexual abuse if such settlement or payment is subject to a nondisclosure agreement, or

"(2) attorney's fees related to such a settlement or payment.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act. 26 USC 162 note.

SEC. 13308. REPEAL OF DEDUCTION FOR LOCAL LOBBYING EXPENSES.

(a) IN GENERAL.—Section 162(e) is amended by striking paragraphs (2) and (7) and by redesignating paragraphs (3), (4), (5), (6), and (8) as paragraphs (2), (3), (4), (5), and (6), respectively.

(b) CONFORMING AMENDMENT.—Section 6033(e)(1)(B)(ii) is amended by striking "section 162(e)(5)(B)(ii)" and inserting "section 162(e)(4)(B)(ii)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred on or after the date of the enactment of this Act. 26 USC 162 note.

SEC. 13309. RECHARACTERIZATION OF CERTAIN GAINS IN THE CASE OF PARTNERSHIP PROFITS INTERESTS HELD IN CONNECTION WITH PERFORMANCE OF INVESTMENT SERVICES.

(a) IN GENERAL.—Part IV of subchapter O of chapter 1 is amended—

26 USC 1061, 1062.

(1) by redesignating section 1061 as section 1062, and

(2) by inserting after section 1060 the following new section:

26 USC 1061.

"SEC. 1061. PARTNERSHIP INTERESTS HELD IN CONNECTION WITH PERFORMANCE OF SERVICES.

"(a) IN GENERAL.—If one or more applicable partnership interests are held by a taxpayer at any time during the taxable year, the excess (if any) of—

"(1) the taxpayer's net long-term capital gain with respect to such interests for such taxable year, over

"(2) the taxpayer's net long-term capital gain with respect to such interests for such taxable year computed by applying paragraphs (3) and (4) of sections 1222 by substituting '3 years' for '1 year',

shall be treated as short-term capital gain, notwithstanding section 83 or any election in effect under section 83(b).

"(b) SPECIAL RULE.—To the extent provided by the Secretary, subsection (a) shall not apply to income or gain attributable to any asset not held for portfolio investment on behalf of third party investors.

"(c) APPLICABLE PARTNERSHIP INTEREST.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in this paragraph or paragraph (4), the term 'applicable partnership interest' means any interest in a partnership which, directly or indirectly, is transferred to (or is held by) the taxpayer in connection with the performance of substantial services by the taxpayer, or any other related person, in any applicable trade or business. The previous sentence shall not apply to an interest held by a person who is employed by another entity that is conducting a trade or business (other than an applicable trade or business) and only provides services to such other entity.

"(2) APPLICABLE TRADE OR BUSINESS.—The term 'applicable trade or business' means any activity conducted on a regular, continuous, and substantial basis which, regardless of whether the activity is conducted in one or more entities, consists, in whole or in part, of—

"(A) raising or returning capital, and

"(B) either—

"(i) investing in (or disposing of) specified assets (or identifying specified assets for such investing or disposition), or

"(ii) developing specified assets.

"(3) SPECIFIED ASSET.—The term 'specified asset' means securities (as defined in section 475(c)(2) without regard to the last sentence thereof), commodities (as defined in section 475(e)(2)), real estate held for rental or investment, cash or cash equivalents, options or derivative contracts with respect to any of the foregoing, and an interest in a partnership to the extent of the partnership's proportionate interest in any of the foregoing.

"(4) EXCEPTIONS.—The term 'applicable partnership interest' shall not include—

"(A) any interest in a partnership directly or indirectly held by a corporation, or

"(B) any capital interest in the partnership which provides the taxpayer with a right to share in partnership capital commensurate with—

"(i) the amount of capital contributed (determined at the time of receipt of such partnership interest), or

"(ii) the value of such interest subject to tax under section 83 upon the receipt or vesting of such interest.

"(5) THIRD PARTY INVESTOR.—The term 'third party investor' means a person who—

"(A) holds an interest in the partnership which does not constitute property held in connection with an applicable trade or business; and

"(B) is not (and has not been) actively engaged, and is (and was) not related to a person so engaged, in (directly or indirectly) providing substantial services described in paragraph (1) for such partnership or any applicable trade or business.

"(d) TRANSFER OF APPLICABLE PARTNERSHIP INTEREST TO RELATED PERSON.—

"(1) IN GENERAL.—If a taxpayer transfers any applicable partnership interest, directly or indirectly, to a person related to the taxpayer, the taxpayer shall include in gross income (as short term capital gain) the excess (if any) of—

"(A) so much of the taxpayer's long-term capital gains with respect to such interest for such taxable year attributable to the sale or exchange of any asset held for not more than 3 years as is allocable to such interest, over

"(B) any amount treated as short term capital gain under subsection (a) with respect to the transfer of such interest.

"(2) RELATED PERSON.—For purposes of this paragraph, a person is related to the taxpayer if—

"(A) the person is a member of the taxpayer's family within the meaning of section 318(a)(1), or

"(B) the person performed a service within the current calendar year or the preceding three calendar years in any applicable trade or business in which or for which the taxpayer performed a service.

"(e) REPORTING.—The Secretary shall require such reporting (at the time and in the manner prescribed by the Secretary) as is necessary to carry out the purposes of this section.

"(f) REGULATIONS.—The Secretary shall issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section".

(b) CLERICAL AMENDMENT.—The table of sections for part IV of subchapter O of chapter 1 is amended by striking the item relating to 1061 and inserting the following new items: 16 USC prec. 1051.

"Sec. 1061. Partnership interests held in connection with performance of services.
"Sec. 1062. Cross references.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017. 26 USC 1061 note.

SEC. 13310. PROHIBITION ON CASH, GIFT CARDS, AND OTHER NON-TANGIBLE PERSONAL PROPERTY AS EMPLOYEE ACHIEVEMENT AWARDS.

26 USC 274.

(a) IN GENERAL.—Subparagraph (A) of section 274(j)(3) is amended—

(1) by striking "The term" and inserting the following:

"(i) IN GENERAL.—The term".

(2) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively, and conforming the margins accordingly, and

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

"(ii) TANGIBLE PERSONAL PROPERTY.—For purposes of clause (i), the term 'tangible personal property' shall not include—

"(I) cash, cash equivalents, gift cards, gift coupons, or gift certificates (other than arrangements conferring only the right to select and receive tangible personal property from a limited array of such items pre-selected or pre-approved by the employer), or

"(II) vacations, meals, lodging, tickets to theater or sporting events, stocks, bonds, other securities, and other similar items.".

26 USC 274 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2017.

SEC. 13311. ELIMINATION OF DEDUCTION FOR LIVING EXPENSES INCURRED BY MEMBERS OF CONGRESS.

(a) IN GENERAL.—Subsection (a) of section 162 is amended in the matter following paragraph (3) by striking "in excess of $3,000".

26 USC 162 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 13312. CERTAIN CONTRIBUTIONS BY GOVERNMENTAL ENTITIES NOT TREATED AS CONTRIBUTIONS TO CAPITAL.

(a) IN GENERAL.—Section 118 is amended—

(1) by striking subsections (b), (c), and (d),

(2) by redesignating subsection (e) as subsection (d), and

(3) by inserting after subsection (a) the following new subsections:

"(b) EXCEPTIONS.—For purposes of subsection (a), the term 'contribution to the capital of the taxpayer' does not include—

"(1) any contribution in aid of construction or any other contribution as a customer or potential customer, and

"(2) any contribution by any governmental entity or civic group (other than a contribution made by a shareholder as such).

"(c) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out this section, including regulations or other guidance for determining whether any contribution constitutes a contribution in aid of construction.".

26 USC 118 note.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions made after the date of enactment of this Act.

(2) EXCEPTION.—The amendments made by this section shall not apply to any contribution, made after the date of enactment of this Act by a governmental entity, which is made pursuant to a master development plan that has been approved prior to such date by a governmental entity.

SEC. 13313. REPEAL OF ROLLOVER OF PUBLICLY TRADED SECURITIES GAIN INTO SPECIALIZED SMALL BUSINESS INVESTMENT COMPANIES.

(a) IN GENERAL.—Part III of subchapter O of chapter 1 is amended by striking section 1044 (and by striking the item relating to such section in the table of sections of such part). 26 USC prec. 1031.

(b) CONFORMING AMENDMENTS.—Section 1016(a)(23) is amended—

(1) by striking "1044,", and

(2) by striking "1044(d),".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after December 31, 2017. 26 USC 1016 note.

SEC. 13314. CERTAIN SELF-CREATED PROPERTY NOT TREATED AS A CAPITAL ASSET.

(a) PATENTS, ETC.—Section 1221(a)(3) is amended by inserting "a patent, invention, model or design (whether or not patented), a secret formula or process," before "a copyright".

(b) CONFORMING AMENDMENT.—Section 1231(b)(1)(C) is amended by inserting "a patent, invention, model or design (whether or not patented), a secret formula or process," before "a copyright".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions after December 31, 2017. 26 USC 1221 note.

PART V—BUSINESS CREDITS

SEC. 13401. MODIFICATION OF ORPHAN DRUG CREDIT.

(a) CREDIT RATE.—Subsection (a) of section 45C is amended by striking "50 percent" and inserting "25 percent".

(b) ELECTION OF REDUCED CREDIT.—Subsection (b) of section 280C is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) ELECTION OF REDUCED CREDIT.—

"(A) IN GENERAL.—In the case of any taxable year for which an election is made under this paragraph—

"(i) paragraphs (1) and (2) shall not apply, and

"(ii) the amount of the credit under section 45C(a) shall be the amount determined under subparagraph (B).

"(B) AMOUNT OF REDUCED CREDIT.—The amount of credit determined under this subparagraph for any taxable year shall be the amount equal to the excess of—

"(i) the amount of credit determined under section 45C(a) without regard to this paragraph, over

"(ii) the product of—

"(I) the amount described in clause (i), and

"(II) the maximum rate of tax under section 11(b).

"(C) ELECTION.—An election under this paragraph for any taxable year shall be made not later than the time for filing the return of tax for such year (including extensions), shall be made on such return, and shall be made in such manner as the Secretary shall prescribe. Such an election, once made, shall be irrevocable.".

26 USC 45C note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13402. REHABILITATION CREDIT LIMITED TO CERTIFIED HISTORIC STRUCTURES.

26 USC 47.

(a) IN GENERAL.—Subsection (a) of section 47 is amended to read as follows:

"(a) GENERAL RULE.—

"(1) IN GENERAL.—For purposes of section 46, for any taxable year during the 5-year period beginning in the taxable year in which a qualified rehabilitated building is placed in service, the rehabilitation credit for such year is an amount equal to the ratable share for such year.

"(2) RATABLE SHARE.—For purposes of paragraph (1), the ratable share for any taxable year during the period described in such paragraph is the amount equal to 20 percent of the qualified rehabilitation expenditures with respect to the qualified rehabilitated building, as allocated ratably to each year during such period.".

(b) CONFORMING AMENDMENTS.—

(1) Section 47(c) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by amending clause (iii) to read as follows:

"(iii) such building is a certified historic structure, and",

(ii) by striking subparagraph (B), and

(iii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively, and

(B) in paragraph (2)(B), by amending clause (iv) to read as follows:

"(iv) CERTIFIED HISTORIC STRUCTURE.—Any expenditure attributable to the rehabilitation of a qualified rehabilitated building unless the rehabilitation is a certified rehabilitation (within the meaning of subparagraph (C)).".

(2) Paragraph (4) of section 145(d) is amended—

(A) by striking "of section 47(c)(1)(C)" each place it appears and inserting "of section 47(c)(1)(B)", and

(B) by striking "section 47(c)(1)(C)(i)" and inserting "section 47(c)(1)(B)(i)".

26 USC 47 note.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to amounts paid or incurred after December 31, 2017.

(2) TRANSITION RULE.—In the case of qualified rehabilitation expenditures with respect to any building—

(A) owned or leased by the taxpayer during the entirety of the period after December 31, 2017, and

(B) with respect to which the 24-month period selected by the taxpayer under clause (i) of section 47(c)(1)(B) of

the Internal Revenue Code (as amended by subsection (b)), or the 60-month period applicable under clause (ii) of such section, begins not later than 180 days after the date of the enactment of this Act,

the amendments made by this section shall apply to such expenditures paid or incurred after the end of the taxable year in which the 24-month period, or the 60-month period, referred to in subparagraph (B) ends.

SEC. 13403. EMPLOYER CREDIT FOR PAID FAMILY AND MEDICAL LEAVE.

(a) IN GENERAL.—

(1) ALLOWANCE OF CREDIT.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 45S. EMPLOYER CREDIT FOR PAID FAMILY AND MEDICAL LEAVE. 26 USC 45S.

"(a) ESTABLISHMENT OF CREDIT.—

"(1) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the paid family and medical leave credit is an amount equal to the applicable percentage of the amount of wages paid to qualifying employees during any period in which such employees are on family and medical leave.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means 12.5 percent increased (but not above 25 percent) by 0.25 percentage points for each percentage point by which the rate of payment (as described under subsection (c)(1)(B)) exceeds 50 percent.

"(b) LIMITATION.—

"(1) IN GENERAL.—The credit allowed under subsection (a) with respect to any employee for any taxable year shall not exceed an amount equal to the product of the normal hourly wage rate of such employee for each hour (or fraction thereof) of actual services performed for the employer and the number of hours (or fraction thereof) for which family and medical leave is taken.

"(2) NON-HOURLY WAGE RATE.—For purposes of paragraph (1), in the case of any employee who is not paid on an hourly wage rate, the wages of such employee shall be prorated to an hourly wage rate under regulations established by the Secretary.

"(3) MAXIMUM AMOUNT OF LEAVE SUBJECT TO CREDIT.—The amount of family and medical leave that may be taken into account with respect to any employee under subsection (a) for any taxable year shall not exceed 12 weeks.

"(c) ELIGIBLE EMPLOYER.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible employer' means any employer who has in place a written policy that meets the following requirements:

"(A) The policy provides—

"(i) in the case of a qualifying employee who is not a part-time employee (as defined in section 4980E(d)(4)(B)), not less than 2 weeks of annual paid family and medical leave, and

"(ii) in the case of a qualifying employee who is a part-time employee, an amount of annual paid family and medical leave that is not less than an amount which bears the same ratio to the amount of annual

paid family and medical leave that is provided to a qualifying employee described in clause (i) as—

"(I) the number of hours the employee is expected to work during any week, bears to

"(II) the number of hours an equivalent qualifying employee described in clause (i) is expected to work during the week.

"(B) The policy requires that the rate of payment under the program is not less than 50 percent of the wages normally paid to such employee for services performed for the employer.

"(2) SPECIAL RULE FOR CERTAIN EMPLOYERS.—

"(A) IN GENERAL.—An added employer shall not be treated as an eligible employer unless such employer provides paid family and medical leave in compliance with a written policy which ensures that the employer—

"(i) will not interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under the policy, and

"(ii) will not discharge or in any other manner discriminate against any individual for opposing any practice prohibited by the policy.

"(B) ADDED EMPLOYER; ADDED EMPLOYEE.—For purposes of this paragraph—

"(i) ADDED EMPLOYEE.—The term 'added employee' means a qualifying employee who is not covered by title I of the Family and Medical Leave Act of 1993, as amended.

"(ii) ADDED EMPLOYER.—The term 'added employer' means an eligible employer (determined without regard to this paragraph), whether or not covered by that title I, who offers paid family and medical leave to added employees.

"(3) AGGREGATION RULE.—All persons which are treated as a single employer under subsections (a) and (b) of section 52 shall be treated as a single taxpayer.

"(4) TREATMENT OF BENEFITS MANDATED OR PAID FOR BY STATE OR LOCAL GOVERNMENTS.—For purposes of this section, any leave which is paid by a State or local government or required by State or local law shall not be taken into account in determining the amount of paid family and medical leave provided by the employer.

"(5) NO INFERENCE.—Nothing in this subsection shall be construed as subjecting an employer to any penalty, liability, or other consequence (other than ineligibility for the credit allowed by reason of subsection (a) or recapturing the benefit of such credit) for failure to comply with the requirements of this subsection.

"(d) QUALIFYING EMPLOYEES.—For purposes of this section, the term 'qualifying employee' means any employee (as defined in section 3(e) of the Fair Labor Standards Act of 1938, as amended) who—

"(1) has been employed by the employer for 1 year or more, and

"(2) for the preceding year, had compensation not in excess of an amount equal to 60 percent of the amount applicable for such year under clause (i) of section 414(q)(1)(B).

"(e) FAMILY AND MEDICAL LEAVE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), for purposes of this section, the term 'family and medical leave' means leave for any 1 or more of the purposes described under subparagraph (A), (B), (C), (D), or (E) of paragraph (1), or paragraph (3), of section 102(a) of the Family and Medical Leave Act of 1993, as amended, whether the leave is provided under that Act or by a policy of the employer.

"(2) EXCLUSION.—If an employer provides paid leave as vacation leave, personal leave, or medical or sick leave (other than leave specifically for 1 or more of the purposes referred to in paragraph (1)), that paid leave shall not be considered to be family and medical leave under paragraph (1).

"(3) DEFINITIONS.—In this subsection, the terms 'vacation leave', 'personal leave', and 'medical or sick leave' mean those 3 types of leave, within the meaning of section 102(d)(2) of that Act.

"(f) DETERMINATIONS MADE BY SECRETARY OF TREASURY.—For purposes of this section, any determination as to whether an employer or an employee satisfies the applicable requirements for an eligible employer (as described in subsection (c)) or qualifying employee (as described in subsection (d)), respectively, shall be made by the Secretary based on such information, to be provided by the employer, as the Secretary determines to be necessary or appropriate.

"(g) WAGES.—For purposes of this section, the term 'wages' has the meaning given such term by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section). Such term shall not include any amount taken into account for purposes of determining any other credit allowed under this subpart.

"(h) ELECTION TO HAVE CREDIT NOT APPLY.—

"(1) IN GENERAL.—A taxpayer may elect to have this section not apply for any taxable year.

"(2) OTHER RULES.—Rules similar to the rules of paragraphs (2) and (3) of section 51(j) shall apply for purposes of this subsection.

"(i) TERMINATION.—This section shall not apply to wages paid in taxable years beginning after December 31, 2019.".

(b) CREDIT PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended by striking "plus" at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting ", plus", and by adding at the end the following new paragraph: 26 USC 38.

"(37) in the case of an eligible employer (as defined in section 45S(c)), the paid family and medical leave credit determined under section 45S(a).".

(c) CREDIT ALLOWED AGAINST AMT.—Subparagraph (B) of section 38(c)(4) is amended by redesignating clauses (ix) through (xi) as clauses (x) through (xii), respectively, and by inserting after clause (viii) the following new clause:

"(ix) the credit determined under section 45S,".

(d) CONFORMING AMENDMENTS.—

(1) DENIAL OF DOUBLE BENEFIT.—Section 280C(a) is amended by inserting "45S(a)," after "45P(a),".

(2) ELECTION TO HAVE CREDIT NOT APPLY.—Section 6501(m) is amended by inserting "45S(h)," after "45H(g),".

26 USC prec. 38.

(3) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45S. Employer credit for paid family and medical leave.".

26 USC 38 note.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid in taxable years beginning after December 31, 2017.

SEC. 13404. REPEAL OF TAX CREDIT BONDS.

26 USC prec. 21, prec. 54, 54, prec. 54A, 54A–54F, prec. 54AA, 54AA.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 is amended by striking subparts H, I, and J (and by striking the items relating to such subparts in the table of subparts for such part).

26 USC prec. 6411.

(b) PAYMENTS TO ISSUERS.—Subchapter B of chapter 65 is amended by striking section 6431 (and by striking the item relating to such section in the table of sections for such subchapter).

(c) CONFORMING AMENDMENTS.—

26 USC prec. 1397E.

(1) Part IV of subchapter U of chapter 1 is amended by striking section 1397E (and by striking the item relating to such section in the table of sections for such part).

(2) Section 54(l)(3)(B) is amended by inserting "(as in effect before its repeal by the Tax Cuts and Jobs Act)" after "section 1397E(I)".

(3) Section 6211(b)(4)(A) is amended by striking ", and 6431" and inserting "and" before "36B".

(4) Section 6401(b)(1) is amended by striking "G, H, I, and J" and inserting "and G".

26 USC 54 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2017.

PART VI—PROVISIONS RELATED TO SPECIFIC ENTITIES AND INDUSTRIES

Subpart A—Partnership Provisions

SEC. 13501. TREATMENT OF GAIN OR LOSS OF FOREIGN PERSONS FROM SALE OR EXCHANGE OF INTERESTS IN PARTNERSHIPS ENGAGED IN TRADE OR BUSINESS WITHIN THE UNITED STATES.

(a) AMOUNT TREATED AS EFFECTIVELY CONNECTED.—

(1) IN GENERAL.—Section 864(c) is amended by adding at the end the following:

"(8) GAIN OR LOSS OF FOREIGN PERSONS FROM SALE OR EXCHANGE OF CERTAIN PARTNERSHIP INTERESTS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subtitle, if a nonresident alien individual or foreign corporation owns, directly or indirectly, an interest in a partnership which is engaged in any trade or business within the United States, gain or loss on the sale or exchange of all (or any portion of) such interest shall be treated as effectively connected with the conduct of such trade or business to the extent such gain or loss does not exceed the amount determined under subparagraph (B).

"(B) AMOUNT TREATED AS EFFECTIVELY CONNECTED.—The amount determined under this subparagraph with respect to any partnership interest sold or exchanged—

"(i) in the case of any gain on the sale or exchange of the partnership interest, is—

"(I) the portion of the partner's distributive share of the amount of gain which would have been effectively connected with the conduct of a trade or business within the United States if the partnership had sold all of its assets at their fair market value as of the date of the sale or exchange of such interest, or

"(II) zero if no gain on such deemed sale would have been so effectively connected, and

"(ii) in the case of any loss on the sale or exchange of the partnership interest, is—

"(I) the portion of the partner's distributive share of the amount of loss on the deemed sale described in clause (i)(I) which would have been so effectively connected, or

"(II) zero if no loss on such deemed sale would be have been so effectively connected.

For purposes of this subparagraph, a partner's distributive share of gain or loss on the deemed sale shall be determined in the same manner as such partner's distributive share of the non-separately stated taxable income or loss of such partnership.

"(C) COORDINATION WITH UNITED STATES REAL PROPERTY INTERESTS.—If a partnership described in subparagraph (A) holds any United States real property interest (as defined in section 897(c)) at the time of the sale or exchange of the partnership interest, then the gain or loss treated as effectively connected income under subparagraph (A) shall be reduced by the amount so treated with respect to such United States real property interest under section 897.

"(D) SALE OR EXCHANGE.—For purposes of this paragraph, the term 'sale or exchange' means any sale, exchange, or other disposition.

"(E) SECRETARIAL AUTHORITY.—The Secretary shall prescribe such regulations or other guidance as the Secretary determines appropriate for the application of this paragraph, including with respect to exchanges described in section 332, 351, 354, 355, 356, or 361.".

(2) CONFORMING AMENDMENTS.—Section 864(c)(1) is amended— 26 USC 864.

(A) by striking "and (7)" in subparagraph (A), and inserting "(7), and (8)", and

(B) by striking "or (7)" in subparagraph (B), and inserting "(7), or (8)".

(b) WITHHOLDING REQUIREMENTS.—Section 1446 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following:

"(f) SPECIAL RULES FOR WITHHOLDING ON DISPOSITIONS OF PARTNERSHIP INTERESTS.—

"(1) IN GENERAL.—Except as provided in this subsection, if any portion of the gain (if any) on any disposition of an

interest in a partnership would be treated under section 864(c)(8) as effectively connected with the conduct of a trade or business within the United States, the transferee shall be required to deduct and withhold a tax equal to 10 percent of the amount realized on the disposition.

"(2) EXCEPTION IF NONFOREIGN AFFIDAVIT FURNISHED.—

"(A) IN GENERAL.—No person shall be required to deduct and withhold any amount under paragraph (1) with respect to any disposition if the transferor furnishes to the transferee an affidavit by the transferor stating, under penalty of perjury, the transferor's United States taxpayer identification number and that the transferor is not a foreign person.

"(B) FALSE AFFIDAVIT.—Subparagraph (A) shall not apply to any disposition if—

"(i) the transferee has actual knowledge that the affidavit is false, or the transferee receives a notice (as described in section 1445(d)) from a transferor's agent or transferee's agent that such affidavit or statement is false, or

"(ii) the Secretary by regulations requires the transferee to furnish a copy of such affidavit or statement to the Secretary and the transferee fails to furnish a copy of such affidavit or statement to the Secretary at such time and in such manner as required by such regulations.

"(C) RULES FOR AGENTS.—The rules of section 1445(d) shall apply to a transferor's agent or transferee's agent with respect to any affidavit described in subparagraph (A) in the same manner as such rules apply with respect to the disposition of a United States real property interest under such section.

"(3) AUTHORITY OF SECRETARY TO PRESCRIBE REDUCED AMOUNT.—At the request of the transferor or transferee, the Secretary may prescribe a reduced amount to be withheld under this section if the Secretary determines that to substitute such reduced amount will not jeopardize the collection of the tax imposed under this title with respect to gain treated under section 864(c)(8) as effectively connected with the conduct of a trade or business with in the United States.

"(4) PARTNERSHIP TO WITHHOLD AMOUNTS NOT WITHHELD BY THE TRANSFEREE.—If a transferee fails to withhold any amount required to be withheld under paragraph (1), the partnership shall be required to deduct and withhold from distributions to the transferee a tax in an amount equal to the amount the transferee failed to withhold (plus interest under this title on such amount).

"(5) DEFINITIONS.—Any term used in this subsection which is also used under section 1445 shall have the same meaning as when used in such section.

"(6) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this subsection, including regulations providing for exceptions from the provisions of this subsection.".

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to sales, exchanges, and dispositions on or after November 27, 2017. 26 USC 864 note.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to sales, exchanges, and dispositions after December 31, 2017. 26 USC 1446 note.

SEC. 13502. MODIFY DEFINITION OF SUBSTANTIAL BUILT-IN LOSS IN THE CASE OF TRANSFER OF PARTNERSHIP INTEREST.

(a) IN GENERAL.—Paragraph (1) of section 743(d) is to read as follows: 26 USC 743.

"(1) IN GENERAL.—For purposes of this section, a partnership has a substantial built-in loss with respect to a transfer of an interest in the partnership if—

"(A) the partnership's adjusted basis in the partnership property exceeds by more than $250,000 the fair market value of such property, or

"(B) the transferee partner would be allocated a loss of more than $250,000 if the partnership assets were sold for cash equal to their fair market value immediately after such transfer.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers of partnership interests after December 31, 2017. 26 USC 743 note.

SEC. 13503. CHARITABLE CONTRIBUTIONS AND FOREIGN TAXES TAKEN INTO ACCOUNT IN DETERMINING LIMITATION ON ALLOWANCE OF PARTNER'S SHARE OF LOSS.

(a) IN GENERAL.—Subsection (d) of section 704 is amended—

(1) by striking "A partner's distributive share" and inserting the following:

"(1) IN GENERAL.—A partner's distributive share",

(2) by striking "Any excess of such loss" and inserting the following:

"(2) CARRYOVER.—Any excess of such loss", and

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

"(3) SPECIAL RULES.—

"(A) IN GENERAL.—In determining the amount of any loss under paragraph (1), there shall be taken into account the partner's distributive share of amounts described in paragraphs (4) and (6) of section 702(a).

"(B) EXCEPTION.—In the case of a charitable contribution of property whose fair market value exceeds its adjusted basis, subparagraph (A) shall not apply to the extent of the partner's distributive share of such excess.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to partnership taxable years beginning after December 31, 2017. 26 USC 704 note.

SEC. 13504. REPEAL OF TECHNICAL TERMINATION OF PARTNERSHIPS.

(a) IN GENERAL.—Paragraph (1) of section 708(b) is amended—

(1) by striking ", or" at the end of subparagraph (A) and all that follows and inserting a period, and

(2) by striking "only if—" and all that follows through "no part of any business" and inserting the following: "only if no part of any business".

(b) CONFORMING AMENDMENT.—

26 USC 168.

(1) Section 168(i)(7)(B) is amended by striking the second sentence.

(2) Section 743(e) is amended by striking paragraph (4) and redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6).

26 USC 168 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to partnership taxable years beginning after December 31, 2017.

Subpart B—Insurance Reforms

SEC. 13511. NET OPERATING LOSSES OF LIFE INSURANCE COMPANIES.

(a) IN GENERAL.—Section 805(b) is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(b) CONFORMING AMENDMENTS.—

26 USC prec. 804.

(1) Part I of subchapter L of chapter 1 is amended by striking section 810 (and by striking the item relating to such section in the table of sections for such part).

26 USC prec. 841.

(2)(A) Part III of subchapter L of chapter 1 is amended by striking section 844 (and by striking the item relating to such section in the table of sections for such part).

(B) Section 831(b)(3) is amended by striking "except as provided in section 844,"

(3) Section 381 is amended by striking subsection (d).

(4) Section 805(a)(4)(B)(ii) is amended to read as follows:

"(ii) the deduction allowed under section 172,".

(5) Section 805(a) is amended by striking paragraph (5).

(6) Section 805(b)(2)(A)(iv) is amended to read as follows:

"(iv) any net operating loss carryback to the taxable year under section 172, and".

(7) Section 953(b)(1)(B) is amended to read as follows:

"(B) So much of section 805(a)(8) as relates to the deduction allowed under section 172.".

(8) Section 1351(i)(3) is amended by striking "or the operations loss deduction under section 810,".

26 USC 381 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to losses arising in taxable years beginning after December 31, 2017.

SEC. 13512. REPEAL OF SMALL LIFE INSURANCE COMPANY DEDUCTION.

26 USC prec. 804.

(a) IN GENERAL.—Part I of subchapter L of chapter 1 is amended by striking section 806 (and by striking the item relating to such section in the table of sections for such part).

(b) CONFORMING AMENDMENTS.—

(1) Section 453B(e) is amended—

(A) by striking "(as defined in section 806(b)(3))" in paragraph (2)(B), and

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

"(3) NONINSURANCE BUSINESS.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'noninsurance business' means any activity which is not an insurance business.

"(B) CERTAIN ACTIVITIES TREATED AS INSURANCE BUSINESSES.—For purposes of subparagraph (A), any activity which is not an insurance business shall be treated as an insurance business if—

"(i) it is of a type traditionally carried on by life insurance companies for investment purposes, but only if the carrying on of such activity (other than in the case of real estate) does not constitute the active conduct of a trade or business, or

"(ii) it involves the performance of administrative services in connection with plans providing life insurance, pension, or accident and health benefits.".

(2) Section 465(c)(7)(D)(v)(II) is amended by striking "section 806(b)(3)" and inserting "section 453B(e)(3)". 26 USC 465.

(3) Section 801(a)(2) is amended by striking subparagraph (C).

(4) Section 804 is amended by striking "means—" and all that follows and inserting "means the general deductions provided in section 805.".

(5) Section 805(a)(4)(B), as amended by this Act, is amended by striking clause (i) and by redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively.

(6) Section 805(b)(2)(A), as amended by this Act, is amended by striking clause (iii) and by redesignating clauses (iv) and (v) as clauses (iii) and (iv), respectively.

(7) Section 842(c) is amended by striking paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(8) Section 953(b)(1), as amended by section 13511, is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017. 26 USC 453B note.

SEC. 13513. ADJUSTMENT FOR CHANGE IN COMPUTING RESERVES.

(a) IN GENERAL.—Paragraph (1) of section 807(f) is amended to read as follows:

"(1) TREATMENT AS CHANGE IN METHOD OF ACCOUNTING.—If the basis for determining any item referred to in subsection (c) as of the close of any taxable year differs from the basis for such determination as of the close of the preceding taxable year, then so much of the difference between—

"(A) the amount of the item at the close of the taxable year, computed on the new basis, and

"(B) the amount of the item at the close of the taxable year, computed on the old basis,

as is attributable to contracts issued before the taxable year shall be taken into account under section 481 as adjustments attributable to a change in method of accounting initiated by the taxpayer and made with the consent of the Secretary.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017. 26 USC 807 note.

SEC. 13514. REPEAL OF SPECIAL RULE FOR DISTRIBUTIONS TO SHAREHOLDERS FROM PRE-1984 POLICYHOLDERS SURPLUS ACCOUNT.

(a) IN GENERAL.—Subpart D of part I of subchapter L is amended by striking section 815 (and by striking the item relating to such section in the table of sections for such subpart). 26 USC prec. 811.

(b) CONFORMING AMENDMENT.—Section 801 is amended by striking subsection (c).

26 USC 801 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

26 USC 801 note.

(d) PHASED INCLUSION OF REMAINING BALANCE OF POLICYHOLDERS SURPLUS ACCOUNTS.—In the case of any stock life insurance company which has a balance (determined as of the close of such company's last taxable year beginning before January 1, 2018) in an existing policyholders surplus account (as defined in section 815 of the Internal Revenue Code of 1986, as in effect before its repeal), the tax imposed by section 801 of such Code for the first 8 taxable years beginning after December 31, 2017, shall be the amount which would be imposed by such section for such year on the sum of—

(1) life insurance company taxable income for such year (within the meaning of such section 801 but not less than zero), plus

(2) ⅛ of such balance.

SEC. 13515. MODIFICATION OF PRORATION RULES FOR PROPERTY AND CASUALTY INSURANCE COMPANIES.

(a) IN GENERAL.—Section 832(b)(5)(B) is amended—

(1) by striking "15 percent" and inserting "the applicable percentage", and

(2) by inserting at the end the following new sentence: "For purposes of this subparagraph, the applicable percentage is 5.25 percent divided by the highest rate in effect under section 11(b).".

26 USC 832 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13516. REPEAL OF SPECIAL ESTIMATED TAX PAYMENTS.

(a) IN GENERAL.—Part III of subchapter L of chapter 1 is amended by striking section 847 (and by striking the item relating to such section in the table of sections for such part).

26 USC prec. 841.

26 USC 847 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13517. COMPUTATION OF LIFE INSURANCE TAX RESERVES.

(a) IN GENERAL.—

(1) APPROPRIATE RATE OF INTEREST.—The second sentence of section 807(c) is amended to read as follows: "For purposes of paragraph (3), the appropriate rate of interest is the highest rate or rates permitted to be used to discount the obligations by the National Association of Insurance Commissioners as of the date the reserve is determined.".

(2) METHOD OF COMPUTING RESERVES.—Section 807(d) is amended—

(A) by striking paragraphs (1), (2), (4), and (5),

(B) by redesignating paragraph (6) as paragraph (4),

(C) by inserting before paragraph (3) the following new paragraphs:

"(1) DETERMINATION OF RESERVE.—

"(A) IN GENERAL.—For purposes of this part (other than section 816), the amount of the life insurance reserves for any contract (other than a contract to which subparagraph (B) applies) shall be the greater of—

"(i) the net surrender value of such contract, or

"(ii) 92.81 percent of the reserve determined under paragraph (2).

"(B) VARIABLE CONTRACTS.—For purposes of this part (other than section 816), the amount of the life insurance reserves for a variable contract shall be equal to the sum of—

"(i) the greater of—

"(I) the net surrender value of such contract, or

"(II) the portion of the reserve that is separately accounted for under section 817, plus

"(ii) 92.81 percent of the excess (if any) of the reserve determined under paragraph (2) over the amount in clause (i).

"(C) STATUTORY CAP.—In no event shall the reserves determined under subparagraphs (A) or (B) for any contract as of any time exceed the amount which would be taken into account with respect to such contract as of such time in determining statutory reserves (as defined in paragraph (4)).

"(D) NO DOUBLE COUNTING.—In no event shall any amount or item be taken into account more than once in determining any reserve under this subchapter.

"(2) AMOUNT OF RESERVE.—The amount of the reserve determined under this paragraph with respect to any contract shall be determined by using the tax reserve method applicable to such contract.".

(D) by striking "(other than a qualified long-term care insurance contract, as defined in section 7702B(b)), a 2-year full preliminary term method" in paragraph (3)(A)(iii) and inserting ", the reserve method prescribed by the National Association of Insurance Commissioners which covers such contract as of the date the reserve is determined",

(E) by striking "(as of the date of issuance)" in paragraph (3)(A)(iv)(I) and inserting "(as of the date the reserve is determined)",

(F) by striking "as of the date of the issuance of" in paragraph (3)(A)(iv)(II) and inserting "as of the date the reserve is determined for",

(G) by striking "in effect on the date of the issuance of the contract" in paragraph (3)(B)(i) and inserting "applicable to the contract and in effect as of the date the reserve is determined", and

(H) by striking "in effect on the date of the issuance of the contract" in paragraph (3)(B)(ii) and inserting "applicable to the contract and in effect as of the date the reserve is determined".

(3) SPECIAL RULES.—Section 807(e) is amended— 26 USC 807.

(A) by striking paragraphs (2) and (5),

(B) by redesignating paragraphs (3), (4), (6), and (7) as paragraphs (2), (3), (4), and (5), respectively,

(C) by amending paragraph (2) (as so redesignated) to read as follows:

"(2) QUALIFIED SUPPLEMENTAL BENEFITS.—

"(A) QUALIFIED SUPPLEMENTAL BENEFITS TREATED SEPARATELY.—For purposes of this part, the amount of the life insurance reserve for any qualified supplemental

benefit shall be computed separately as though such benefit were under a separate contract.

"(B) QUALIFIED SUPPLEMENTAL BENEFIT.—For purposes of this paragraph, the term 'qualified supplemental benefit' means any supplemental benefit described in subparagraph (C) if—

"(i) there is a separately identified premium or charge for such benefit, and

"(ii) any net surrender value under the contract attributable to any other benefit is not available to fund such benefit.

"(C) SUPPLEMENTAL BENEFITS.—For purposes of this paragraph, the supplemental benefits described in this subparagraph are any—

"(i) guaranteed insurability,

"(ii) accidental death or disability benefit,

"(iii) convertibility,

"(iv) disability waiver benefit, or

"(v) other benefit prescribed by regulations,

which is supplemental to a contract for which there is a reserve described in subsection (c).", and

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

"(6) REPORTING RULES.—The Secretary shall require reporting (at such time and in such manner as the Secretary shall prescribe) with respect to the opening balance and closing balance of reserves and with respect to the method of computing reserves for purposes of determining income.".

(4) DEFINITION OF LIFE INSURANCE CONTRACT.—Section 7702 is amended— 26 USC 7702.

(A) by striking clause (i) of subsection (c)(3)(B) and inserting the following:

"(i) reasonable mortality charges which meet the requirements prescribed in regulations to be promulgated by the Secretary or that do not exceed the mortality charges specified in the prevailing commissioners' standard tables as defined in subsection (f)(10)," and

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

"(10) PREVAILING COMMISSIONERS' STANDARD TABLES.—For purposes of subsection (c)(3)(B)(i), the term 'prevailing commissioners' standard tables' means the most recent commissioners' standard tables prescribed by the National Association of Insurance Commissioners which are permitted to be used in computing reserves for that type of contract under the insurance laws of at least 26 States when the contract was issued. If the prevailing commissioners' standard tables as of the beginning of any calendar year (hereinafter in this paragraph referred to as the 'year of change') are different from the prevailing commissioners' standard tables as of the beginning of the preceding calendar year, the issuer may use the prevailing commissioners' standard tables as of the beginning of the preceding calendar year with respect to any contract issued after the change and before the close of the 3-year period beginning on the first day of the year of change.".

(b) CONFORMING AMENDMENTS.—

(1) Section 808 is amended by adding at the end the following new subsection: 26 USC 808.

"(g) PREVAILING STATE ASSUMED INTEREST RATE.—For purposes of this subchapter—

"(1) IN GENERAL.—The term 'prevailing State assumed interest rate' means, with respect to any contract, the highest assumed interest rate permitted to be used in computing life insurance reserves for insurance contracts or annuity contracts (as the case may be) under the insurance laws of at least 26 States. For purposes of the preceding sentence, the effect of nonforfeiture laws of a State on interest rates for reserves shall not be taken into account.

"(2) WHEN RATE DETERMINED.—The prevailing State assumed interest rate with respect to any contract shall be determined as of the beginning of the calendar year in which the contract was issued.".

(2) Paragraph (1) of section 811(d) is amended by striking "the greater of the prevailing State assumed interest rate or applicable Federal interest rate in effect under section 807" and inserting "the interest rate in effect under section 808(g)".

(3) Subparagraph (A) of section 846(f)(6) is amended by striking "except that" and all that follows and inserting "except that the limitation of subsection (a)(3) shall apply, and".

(4) Section 848(e)(1)(B)(iii) is amended by striking "807(e)(4)" and inserting "807(e)(3)".

(5) Subparagraph (B) of section 954(i)(5) is amended by striking "shall be substituted for the prevailing State assumed interest rate," and inserting "shall apply,".

(c) EFFECTIVE DATE.— 26 USC 807 note.

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

(2) TRANSITION RULE.—For the first taxable year beginning after December 31, 2017, the reserve with respect to any contract (as determined under section 807(d) of the Internal Revenue Code of 1986) at the end of the preceding taxable year shall be determined as if the amendments made by this section had applied to such reserve in such preceding taxable year.

(3) TRANSITION RELIEF.—

(A) IN GENERAL.—If—

(i) the reserve determined under section 807(d) of the Internal Revenue Code of 1986 (determined after application of paragraph (2)) with respect to any contract as of the close of the year preceding the first taxable year beginning after December 31, 2017, differs from

(ii) the reserve which would have been determined with respect to such contract as of the close of such taxable year under such section determined without regard to paragraph (2),

then the difference between the amount of the reserve described in clause (i) and the amount of the reserve described in clause (ii) shall be taken into account under the method provided in subparagraph (B).

(B) METHOD.—The method provided in this subparagraph is as follows:

(i) If the amount determined under subparagraph (A)(i) exceeds the amount determined under subparagraph (A)(ii), 1/8 of such excess shall be taken into account, for each of the 8 succeeding taxable years, as a deduction under section 805(a)(2) or 832(c)(4) of such Code, as applicable.

(ii) If the amount determined under subparagraph (A)(ii) exceeds the amount determined under subparagraph (A)(i), 1/8 of such excess shall be included in gross income, for each of the 8 succeeding taxable years, under section 803(a)(2) or 832(b)(1)(C) of such Code, as applicable.

SEC. 13518. MODIFICATION OF RULES FOR LIFE INSURANCE PRORATION FOR PURPOSES OF DETERMINING THE DIVIDENDS RECEIVED DEDUCTION.

26 USC 812.

(a) IN GENERAL.—Section 812 is amended to read as follows:

"SEC. 812. DEFINITION OF COMPANY'S SHARE AND POLICYHOLDER'S SHARE.

"(a) COMPANY'S SHARE.—For purposes of section 805(a)(4), the term 'company's share' means, with respect to any taxable year beginning after December 31, 2017, 70 percent.

"(b) POLICYHOLDER'S SHARE.—For purposes of section 807, the term 'policyholder's share' means, with respect to any taxable year beginning after December 31, 2017, 30 percent.".

(b) CONFORMING AMENDMENT.—Section 817A(e)(2) is amended by striking ", 807(d)(2)(B), and 812" and inserting "and 807(d)(2)(B)".

26 USC 812 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13519. CAPITALIZATION OF CERTAIN POLICY ACQUISITION EXPENSES.

(a) IN GENERAL.—

(1) Section 848(a)(2) is amended by striking "120-month" and inserting "180-month".

(2) Section 848(c)(1) is amended by striking "1.75 percent" and inserting "2.09 percent".

(3) Section 848(c)(2) is amended by striking "2.05 percent" and inserting "2.45 percent".

(4) Section 848(c)(3) is amended by striking "7.7 percent" and inserting "9.2 percent".

(b) CONFORMING AMENDMENTS.—Section 848(b)(1) is amended by striking "120-month" and inserting "180-month".

26 USC 848 note.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to net premiums for taxable years beginning after December 31, 2017.

(2) TRANSITION RULE.—Specified policy acquisition expenses first required to be capitalized in a taxable year beginning before January 1, 2018, will continue to be allowed as a deduction ratably over the 120-month period beginning with the first month in the second half of such taxable year.

SEC. 13520. TAX REPORTING FOR LIFE SETTLEMENT TRANSACTIONS.

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61, as amended by section 13306, is amended by adding at the end the following new section:

"SEC. 6050Y. RETURNS RELATING TO CERTAIN LIFE INSURANCE CONTRACT TRANSACTIONS. 26 USC 6050Y.

"(a) REQUIREMENT OF REPORTING OF CERTAIN PAYMENTS.—

"(1) IN GENERAL.—Every person who acquires a life insurance contract or any interest in a life insurance contract in a reportable policy sale during any taxable year shall make a return for such taxable year (at such time and in such manner as the Secretary shall prescribe) setting forth—

"(A) the name, address, and TIN of such person,

"(B) the name, address, and TIN of each recipient of payment in the reportable policy sale,

"(C) the date of such sale,

"(D) the name of the issuer of the life insurance contract sold and the policy number of such contract, and

"(E) the amount of each payment.

"(2) STATEMENT TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under this subsection shall furnish to each person whose name is required to be set forth in such return a written statement showing—

"(A) the name, address, and phone number of the information contact of the person required to make such return, and

"(B) the information required to be shown on such return with respect to such person, except that in the case of an issuer of a life insurance contract, such statement is not required to include the information specified in paragraph (1)(E).

"(b) REQUIREMENT OF REPORTING OF SELLER'S BASIS IN LIFE INSURANCE CONTRACTS.—

"(1) IN GENERAL.—Upon receipt of the statement required under subsection (a)(2) or upon notice of a transfer of a life insurance contract to a foreign person, each issuer of a life insurance contract shall make a return (at such time and in such manner as the Secretary shall prescribe) setting forth—

"(A) the name, address, and TIN of the seller who transfers any interest in such contract in such sale,

"(B) the investment in the contract (as defined in section 72(e)(6)) with respect to such seller, and

"(C) the policy number of such contract.

"(2) STATEMENT TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under this subsection shall furnish to each person whose name is required to be set forth in such return a written statement showing—

"(A) the name, address, and phone number of the information contact of the person required to make such return, and

"(B) the information required to be shown on such return with respect to each seller whose name is required to be set forth in such return.

"(c) REQUIREMENT OF REPORTING WITH RESPECT TO REPORTABLE DEATH BENEFITS.—

"(1) IN GENERAL.—Every person who makes a payment of reportable death benefits during any taxable year shall make a return for such taxable year (at such time and in such manner as the Secretary shall prescribe) setting forth—

"(A) the name, address, and TIN of the person making such payment,

"(B) the name, address, and TIN of each recipient of such payment,

"(C) the date of each such payment,

"(D) the gross amount of each such payment, and

"(E) such person's estimate of the investment in the contract (as defined in section 72(e)(6)) with respect to the buyer.

"(2) STATEMENT TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under this subsection shall furnish to each person whose name is required to be set forth in such return a written statement showing—

"(A) the name, address, and phone number of the information contact of the person required to make such return, and

"(B) the information required to be shown on such return with respect to each recipient of payment whose name is required to be set forth in such return.

"(d) DEFINITIONS.—For purposes of this section:

"(1) PAYMENT.—The term 'payment' means, with respect to any reportable policy sale, the amount of cash and the fair market value of any consideration transferred in the sale.

"(2) REPORTABLE POLICY SALE.—The term 'reportable policy sale' has the meaning given such term in section 101(a)(3)(B).

"(3) ISSUER.—The term 'issuer' means any life insurance company that bears the risk with respect to a life insurance contract on the date any return or statement is required to be made under this section.

"(4) REPORTABLE DEATH BENEFITS.—The term 'reportable death benefits' means amounts paid by reason of the death of the insured under a life insurance contract that has been transferred in a reportable policy sale.".

(b) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61, as amended by section 13306, is amended by inserting after the item relating to section 6050X the following new item:

26 USC prec. 6041.

"Sec. 6050Y. Returns relating to certain life insurance contract transactions.".

(c) CONFORMING AMENDMENTS.—

26 USC 6724.

(1) Subsection (d) of section 6724 is amended—

(A) by striking "or" at the end of clause (xxiv) of paragraph (1)(B), by striking "and" at the end of clause (xxv) of such paragraph and inserting "or", and by inserting after such clause (xxv) the following new clause:

"(xxvi) section 6050Y (relating to returns relating to certain life insurance contract transactions), and", and

(B) by striking "or" at the end of subparagraph (HH) of paragraph (2), by striking the period at the end of subparagraph (II) of such paragraph and inserting ", or", and by inserting after such subparagraph (II) the following new subparagraph:

"(JJ) subsection (a)(2), (b)(2), or (c)(2) of section 6050Y (relating to returns relating to certain life insurance contract transactions).".

(2) Section 6047 is amended— 26 USC 6047.

(A) by redesignating subsection (g) as subsection (h),

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

"(g) INFORMATION RELATING TO LIFE INSURANCE CONTRACT TRANSACTIONS.—This section shall not apply to any information which is required to be reported under section 6050Y.", and

(C) by adding at the end of subsection (h), as so redesignated, the following new paragraph:

"(4) For provisions requiring reporting of information relating to certain life insurance contract transactions, see section 6050Y.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to— 26 USC 6047 note.

(1) reportable policy sales (as defined in section 6050Y(d)(2) of the Internal Revenue Code of 1986 (as added by subsection (a)) after December 31, 2017, and

(2) reportable death benefits (as defined in section 6050Y(d)(4) of such Code (as added by subsection (a)) paid after December 31, 2017.

SEC. 13521. CLARIFICATION OF TAX BASIS OF LIFE INSURANCE CONTRACTS.

(a) CLARIFICATION WITH RESPECT TO ADJUSTMENTS.—Paragraph (1) of section 1016(a) is amended by striking subparagraph (A) and all that follows and inserting the following:

"(A) for—

"(i) taxes or other carrying charges described in section 266; or

"(ii) expenditures described in section 173 (relating to circulation expenditures),

for which deductions have been taken by the taxpayer in determining taxable income for the taxable year or prior taxable years; or

"(B) for mortality, expense, or other reasonable charges incurred under an annuity or life insurance contract;".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to transactions entered into after August 25, 2009. 26 USC 1016 note.

SEC. 13522. EXCEPTION TO TRANSFER FOR VALUABLE CONSIDERATION RULES.

(a) IN GENERAL.—Subsection (a) of section 101 is amended by inserting after paragraph (2) the following new paragraph:

"(3) EXCEPTION TO VALUABLE CONSIDERATION RULES FOR COMMERCIAL TRANSFERS.—

"(A) IN GENERAL.—The second sentence of paragraph (2) shall not apply in the case of a transfer of a life insurance contract, or any interest therein, which is a reportable policy sale.

"(B) REPORTABLE POLICY SALE.—For purposes of this paragraph, the term 'reportable policy sale' means the acquisition of an interest in a life insurance contract, directly or indirectly, if the acquirer has no substantial family, business, or financial relationship with the insured apart from the acquirer's interest in such life insurance contract. For purposes of the preceding sentence, the term 'indirectly' applies to the acquisition of an interest in a

partnership, trust, or other entity that holds an interest in the life insurance contract.".

26 USC 101. (b) CONFORMING AMENDMENT.—Paragraph (1) of section 101(a) is amended by striking "paragraph (2)" and inserting "paragraphs (2) and (3)".

26 USC 101 note. (c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after December 31, 2017.

SEC. 13523. MODIFICATION OF DISCOUNTING RULES FOR PROPERTY AND CASUALTY INSURANCE COMPANIES.

(a) MODIFICATION OF RATE OF INTEREST USED TO DISCOUNT UNPAID LOSSES.—Paragraph (2) of section 846(c) is amended to read as follows:

"(2) DETERMINATION OF ANNUAL RATE.—The annual rate determined by the Secretary under this paragraph for any calendar year shall be a rate determined on the basis of the corporate bond yield curve (as defined in section 430(h)(2)(D)(i), determined by substituting '60-month period' for '24-month period' therein).".

(b) MODIFICATION OF COMPUTATIONAL RULES FOR LOSS PAYMENT PATTERNS.—Section 846(d)(3) is amended by striking subparagraphs (B) through (G) and inserting the following new subparagraph:

"(B) TREATMENT OF CERTAIN LOSSES.—

"(i) 3-YEAR LOSS PAYMENT PATTERN.—In the case of any line of business not described in subparagraph (A)(ii), losses paid after the 1st year following the accident year shall be treated as paid equally in the 2nd and 3rd year following the accident year.

"(ii) 10-YEAR LOSS PAYMENT PATTERN.—

"(I) IN GENERAL.—The period taken into account under subparagraph (A)(ii) shall be extended to the extent required under subclause (II).

"(II) COMPUTATION OF EXTENSION.—The amount of losses which would have been treated as paid in the 10th year after the accident year shall be treated as paid in such 10th year and each subsequent year in an amount equal to the amount of the average of the losses treated as paid in the 7th, 8th, and 9th years after the accident year (or, if lesser, the portion of the unpaid losses not theretofore taken into account). To the extent such unpaid losses have not been treated as paid before the 24th year after the accident year, they shall be treated as paid in such 24th year.".

(c) REPEAL OF HISTORICAL PAYMENT PATTERN ELECTION.—Section 846, as amended by this Act, is amended by striking subsection (e) and by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

26 USC 846 note. (d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

26 USC 846 note. (e) TRANSITIONAL RULE.—For the first taxable year beginning after December 31, 2017—

(1) the unpaid losses and the expenses unpaid (as defined in paragraphs (5)(B) and (6) of section 832(b) of the Internal

Revenue Code of 1986) at the end of the preceding taxable year, and

(2) the unpaid losses as defined in sections 807(c)(2) and 805(a)(1) of such Code at the end of the preceding taxable year,

shall be determined as if the amendments made by this section had applied to such unpaid losses and expenses unpaid in the preceding taxable year and by using the interest rate and loss payment patterns applicable to accident years ending with calendar year 2018, and any adjustment shall be taken into account ratably in such first taxable year and the 7 succeeding taxable years. For subsequent taxable years, such amendments shall be applied with respect to such unpaid losses and expenses unpaid by using the interest rate and loss payment patterns applicable to accident years ending with calendar year 2018.

Subpart C—Banks and Financial Instruments

SEC. 13531. LIMITATION ON DEDUCTION FOR FDIC PREMIUMS.

(a) IN GENERAL.—Section 162, as amended by sections 13307, is amended by redesignating subsection (r) as subsection (s) and by inserting after subsection (q) the following new subsection: 26 USC 162.

"(r) DISALLOWANCE OF FDIC PREMIUMS PAID BY CERTAIN LARGE FINANCIAL INSTITUTIONS.—

"(1) IN GENERAL.—No deduction shall be allowed for the applicable percentage of any FDIC premium paid or incurred by the taxpayer.

"(2) EXCEPTION FOR SMALL INSTITUTIONS.—Paragraph (1) shall not apply to any taxpayer for any taxable year if the total consolidated assets of such taxpayer (determined as of the close of such taxable year) do not exceed $10,000,000,000.

"(3) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term 'applicable percentage' means, with respect to any taxpayer for any taxable year, the ratio (expressed as a percentage but not greater than 100 percent) which—

"(A) the excess of—

"(i) the total consolidated assets of such taxpayer (determined as of the close of such taxable year), over

"(ii) $10,000,000,000, bears to

"(B) $40,000,000,000.

"(4) FDIC PREMIUMS.—For purposes of this subsection, the term 'FDIC premium' means any assessment imposed under section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)).

"(5) TOTAL CONSOLIDATED ASSETS.—For purposes of this subsection, the term 'total consolidated assets' has the meaning given such term under section 165 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5365).

"(6) AGGREGATION RULE.—

"(A) IN GENERAL.—Members of an expanded affiliated group shall be treated as a single taxpayer for purposes of applying this subsection.

"(B) EXPANDED AFFILIATED GROUP.—

"(i) IN GENERAL.—For purposes of this paragraph, the term 'expanded affiliated group' means an affiliated group as defined in section 1504(a), determined—

"(I) by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears, and

"(II) without regard to paragraphs (2) and (3) of section 1504(b).

"(ii) CONTROL OF NON-CORPORATE ENTITIES.—A partnership or any other entity (other than a corporation) shall be treated as a member of an expanded affiliated group if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this clause).".

26 USC 162 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13532. REPEAL OF ADVANCE REFUNDING BONDS.

26 USC 149.

(a) IN GENERAL.—Paragraph (1) of section 149(d) is amended by striking "as part of an issue described in paragraph (2), (3), or (4)." and inserting "to advance refund another bond.".

(b) CONFORMING AMENDMENTS.—

(1) Section 149(d) is amended by striking paragraphs (2), (3), (4), and (6) and by redesignating paragraphs (5) and (7) as paragraphs (2) and (3).

(2) Section 148(f)(4)(C) is amended by striking clause (xiv) and by redesignating clauses (xv) to (xvii) as clauses (xiv) to (xvi).

26 USC 148 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to advance refunding bonds issued after December 31, 2017.

Subpart D—S Corporations

SEC. 13541. EXPANSION OF QUALIFYING BENEFICIARIES OF AN ELECTING SMALL BUSINESS TRUST.

(a) NO LOOK-THROUGH FOR ELIGIBILITY PURPOSES.—Section 1361(c)(2)(B)(v) is amended by adding at the end the following new sentence: "This clause shall not apply for purposes of subsection (b)(1)(C).".

26 USC 1361 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2018.

SEC. 13542. CHARITABLE CONTRIBUTION DEDUCTION FOR ELECTING SMALL BUSINESS TRUSTS.

(a) IN GENERAL.—Section 641(c)(2) is amended by inserting after subparagraph (D) the following new subparagraph:

"(E)(i) Section 642(c) shall not apply.

"(ii) For purposes of section 170(b)(1)(G), adjusted gross income shall be computed in the same manner as in the case of an individual, except that the deductions for costs which are paid or incurred in connection with the administration of the trust and which would not have been incurred if the property were not held in such trust shall be treated as allowable in arriving at adjusted gross income.".

26 USC 641 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13543. MODIFICATION OF TREATMENT OF S CORPORATION CONVERSIONS TO C CORPORATIONS.

(a) ADJUSTMENTS ATTRIBUTABLE TO CONVERSION FROM S CORPORATION TO C CORPORATION.—Section 481 is amended by adding at the end the following new subsection: 26 USC 481.

"(d) ADJUSTMENTS ATTRIBUTABLE TO CONVERSION FROM S CORPORATION TO C CORPORATION.—

"(1) IN GENERAL.—In the case of an eligible terminated S corporation, any adjustment required by subsection (a)(2) which is attributable to such corporation's revocation described in paragraph (2)(A)(ii) shall be taken into account ratably during the 6-taxable year period beginning with the year of change.

"(2) ELIGIBLE TERMINATED S CORPORATION.—For purposes of this subsection, the term 'eligible terminated S corporation' means any C corporation—

"(A) which—

"(i) was an S corporation on the day before the date of the enactment of the Tax Cuts and Jobs Act, and

"(ii) during the 2-year period beginning on the date of such enactment makes a revocation of its election under section 1362(a), and

"(B) the owners of the stock of which, determined on the date such revocation is made, are the same owners (and in identical proportions) as on the date of such enactment.".

(b) CASH DISTRIBUTIONS FOLLOWING POST-TERMINATION TRANSITION PERIOD FROM S CORPORATION STATUS.—Section 1371 is amended by adding at the end the following new subsection:

"(f) CASH DISTRIBUTIONS FOLLOWING POST-TERMINATION TRANSITION PERIOD.—In the case of a distribution of money by an eligible terminated S corporation (as defined in section 481(d)) after the post-termination transition period, the accumulated adjustments account shall be allocated to such distribution, and the distribution shall be chargeable to accumulated earnings and profits, in the same ratio as the amount of such accumulated adjustments account bears to the amount of such accumulated earnings and profits.".

PART VII—EMPLOYMENT

Subpart A—Compensation

SEC. 13601. MODIFICATION OF LIMITATION ON EXCESSIVE EMPLOYEE REMUNERATION.

(a) REPEAL OF PERFORMANCE-BASED COMPENSATION AND COMMISSION EXCEPTIONS FOR LIMITATION ON EXCESSIVE EMPLOYEE REMUNERATION.—

(1) IN GENERAL.—Paragraph (4) of section 162(m) is amended by striking subparagraphs (B) and (C) and by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (B), (C), (D), and (E), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Paragraphs (5)(E) and (6)(D) of section 162(m) are each amended by striking "subparagraphs (B), (C), and (D)" and inserting "subparagraph (B)".

(B) Paragraphs (5)(G) and (6)(G) of section 162(m) are each amended by striking "(F) and (G)" and inserting "(D) and (E)".

(b) MODIFICATION OF DEFINITION OF COVERED EMPLOYEES.—Paragraph (3) of section 162(m) is amended— 26 USC 162.

(1) in subparagraph (A), by striking "as of the close of the taxable year, such employee is the chief executive officer of the taxpayer or is" and inserting "such employee is the principal executive officer or principal financial officer of the taxpayer at any time during the taxable year, or was",

(2) in subparagraph (B)—

(A) by striking "4" and inserting "3", and

(B) by striking "(other than the chief executive officer)" and inserting "(other than any individual described in subparagraph (A))", and

(3) by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by adding at the end the following:

"(C) was a covered employee of the taxpayer (or any predecessor) for any preceding taxable year beginning after December 31, 2016.".

(c) EXPANSION OF APPLICABLE EMPLOYER.—

(1) IN GENERAL.—Section 162(m)(2) is amended to read as follows:

"(2) PUBLICLY HELD CORPORATION.—For purposes of this subsection, the term 'publicly held corporation' means any corporation which is an issuer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c))—

"(A) the securities of which are required to be registered under section 12 of such Act (15 U.S.C. 78l), or

"(B) that is required to file reports under section 15(d) of such Act (15 U.S.C. 78o(d)).".

(2) CONFORMING AMENDMENT.—Section 162(m)(3), as amended by subsection (b), is amended by adding at the end the following flush sentence:

"Such term shall include any employee who would be described in subparagraph (B) if the reporting described in such subparagraph were required as so described.".

(d) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Paragraph (4) of section 162(m), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

"(F) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Remuneration shall not fail to be applicable employee remuneration merely because it is includible in the income of, or paid to, a person other than the covered employee, including after the death of the covered employee.".

(e) EFFECTIVE DATE.— 26 USC 162 note.

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2017.

(2) EXCEPTION FOR BINDING CONTRACTS.—The amendments made by this section shall not apply to remuneration which is provided pursuant to a written binding contract which was in effect on November 2, 2017, and which was not modified in any material respect on or after such date.

SEC. 13602. EXCISE TAX ON EXCESS TAX-EXEMPT ORGANIZATION EXECUTIVE COMPENSATION.

(a) IN GENERAL.—Subchapter D of chapter 42 is amended by adding at the end the following new section:

"SEC. 4960. TAX ON EXCESS TAX-EXEMPT ORGANIZATION EXECUTIVE COMPENSATION.

26 USC 4960 note.

"(a) TAX IMPOSED.—There is hereby imposed a tax equal to the product of the rate of tax under section 11 and the sum of—

"(1) so much of the remuneration paid (other than any excess parachute payment) by an applicable tax-exempt organization for the taxable year with respect to employment of any covered employee in excess of $1,000,000, plus

"(2) any excess parachute payment paid by such an organization to any covered employee.

For purposes of the preceding sentence, remuneration shall be treated as paid when there is no substantial risk of forfeiture (within the meaning of section 457(f)(3)(B)) of the rights to such remuneration.

"(b) LIABILITY FOR TAX.—The employer shall be liable for the tax imposed under subsection (a).

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) APPLICABLE TAX-EXEMPT ORGANIZATION.—The term 'applicable tax-exempt organization' means any organization which for the taxable year—

"(A) is exempt from taxation under section 501(a),

"(B) is a farmers' cooperative organization described in section 521(b)(1),

"(C) has income excluded from taxation under section 115(1), or

"(D) is a political organization described in section 527(e)(1).

"(2) COVERED EMPLOYEE.—For purposes of this section, the term 'covered employee' means any employee (including any former employee) of an applicable tax-exempt organization if the employee—

"(A) is one of the 5 highest compensated employees of the organization for the taxable year, or

"(B) was a covered employee of the organization (or any predecessor) for any preceding taxable year beginning after December 31, 2016.

"(3) REMUNERATION.—For purposes of this section:

"(A) IN GENERAL.—The term 'remuneration' means wages (as defined in section 3401(a)), except that such term shall not include any designated Roth contribution (as defined in section 402A(c)) and shall include amounts required to be included in gross income under section 457(f).

"(B) EXCEPTION FOR REMUNERATION FOR MEDICAL SERVICES.—The term 'remuneration' shall not include the portion of any remuneration paid to a licensed medical professional (including a veterinarian) which is for the performance of medical or veterinary services by such professional.

"(4) REMUNERATION FROM RELATED ORGANIZATIONS.—

"(A) IN GENERAL.—Remuneration of a covered employee by an applicable tax-exempt organization shall include any

remuneration paid with respect to employment of such employee by any related person or governmental entity.

"(B) RELATED ORGANIZATIONS.—A person or governmental entity shall be treated as related to an applicable tax-exempt organization if such person or governmental entity—

"(i) controls, or is controlled by, the organization,

"(ii) is controlled by one or more persons which control the organization,

"(iii) is a supported organization (as defined in section 509(f)(3)) during the taxable year with respect to the organization,

"(iv) is a supporting organization described in section 509(a)(3) during the taxable year with respect to the organization, or

"(v) in the case of an organization which is a voluntary employees' beneficiary association described in section 501(c)(9), establishes, maintains, or makes contributions to such voluntary employees' beneficiary association.

"(C) LIABILITY FOR TAX.—In any case in which remuneration from more than one employer is taken into account under this paragraph in determining the tax imposed by subsection (a), each such employer shall be liable for such tax in an amount which bears the same ratio to the total tax determined under subsection (a) with respect to such remuneration as—

"(i) the amount of remuneration paid by such employer with respect to such employee, bears to

"(ii) the amount of remuneration paid by all such employers to such employee.

"(5) EXCESS PARACHUTE PAYMENT.—For purposes of determining the tax imposed by subsection (a)(2)—

"(A) IN GENERAL.—The term 'excess parachute payment' means an amount equal to the excess of any parachute payment over the portion of the base amount allocated to such payment.

"(B) PARACHUTE PAYMENT.—The term 'parachute payment' means any payment in the nature of compensation to (or for the benefit of) a covered employee if—

"(i) such payment is contingent on such employee's separation from employment with the employer, and

"(ii) the aggregate present value of the payments in the nature of compensation to (or for the benefit of) such individual which are contingent on such separation equals or exceeds an amount equal to 3 times the base amount.

"(C) EXCEPTION.—Such term does not include any payment—

"(i) described in section 280G(b)(6) (relating to exemption for payments under qualified plans),

"(ii) made under or to an annuity contract described in section 403(b) or a plan described in section 457(b),

"(iii) to a licensed medical professional (including a veterinarian) to the extent that such payment is

for the performance of medical or veterinary services by such professional, or

"(iv) to an individual who is not a highly compensated employee as defined in section 414(q).

"(D) BASE AMOUNT.—Rules similar to the rules of 280G(b)(3) shall apply for purposes of determining the base amount.

"(E) PROPERTY TRANSFERS; PRESENT VALUE.—Rules similar to the rules of paragraphs (3) and (4) of section 280G(d) shall apply.

"(6) COORDINATION WITH DEDUCTION LIMITATION.—Remuneration the deduction for which is not allowed by reason of section 162(m) shall not be taken into account for purposes of this section.

"(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to prevent avoidance of the tax under this section, including regulations to prevent avoidance of such tax through the performance of services other than as an employee or by providing compensation through a pass-through or other entity to avoid such tax.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter D of chapter 42 is amended by adding at the end the following new item: 26 USC prec. 4958.

"Sec. 4960. Tax on excess tax-exempt organization executive compensation.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017. 26 USC 4960 note.

SEC. 13603. TREATMENT OF QUALIFIED EQUITY GRANTS.

(a) IN GENERAL.—Section 83 is amended by adding at the end the following new subsection: 26 USC 83.

"(i) QUALIFIED EQUITY GRANTS.—

"(1) IN GENERAL.—For purposes of this subtitle—

"(A) TIMING OF INCLUSION.—If qualified stock is transferred to a qualified employee who makes an election with respect to such stock under this subsection, subsection (a) shall be applied by including the amount determined under such subsection with respect to such stock in income of the employee in the taxable year determined under subparagraph (B) in lieu of the taxable year described in subsection (a).

"(B) TAXABLE YEAR DETERMINED.—The taxable year determined under this subparagraph is the taxable year of the employee which includes the earliest of—

"(i) the first date such qualified stock becomes transferable (including, solely for purposes of this clause, becoming transferable to the employer),

"(ii) the date the employee first becomes an excluded employee,

"(iii) the first date on which any stock of the corporation which issued the qualified stock becomes readily tradable on an established securities market (as determined by the Secretary, but not including any market unless such market is recognized as an established securities market by the Secretary for purposes of a provision of this title other than this subsection),

"(iv) the date that is 5 years after the first date the rights of the employee in such stock are transferable or are not subject to a substantial risk of forfeiture, whichever occurs earlier, or

"(v) the date on which the employee revokes (at such time and in such manner as the Secretary provides) the election under this subsection with respect to such stock.

"(2) QUALIFIED STOCK.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'qualified stock' means, with respect to any qualified employee, any stock in a corporation which is the employer of such employee, if—

"(i) such stock is received—

"(I) in connection with the exercise of an option, or

"(II) in settlement of a restricted stock unit, and

"(ii) such option or restricted stock unit was granted by the corporation—

"(I) in connection with the performance of services as an employee, and

"(II) during a calendar year in which such corporation was an eligible corporation.

"(B) LIMITATION.—The term 'qualified stock' shall not include any stock if the employee may sell such stock to, or otherwise receive cash in lieu of stock from, the corporation at the time that the rights of the employee in such stock first become transferable or not subject to a substantial risk of forfeiture.

"(C) ELIGIBLE CORPORATION.—For purposes of subparagraph (A)(ii)(II)—

"(i) IN GENERAL.—The term 'eligible corporation' means, with respect to any calendar year, any corporation if—

"(I) no stock of such corporation (or any predecessor of such corporation) is readily tradable on an established securities market (as determined under paragraph (1)(B)(iii)) during any preceding calendar year, and

"(II) such corporation has a written plan under which, in such calendar year, not less than 80 percent of all employees who provide services to such corporation in the United States (or any possession of the United States) are granted stock options, or are granted restricted stock units, with the same rights and privileges to receive qualified stock.

"(ii) SAME RIGHTS AND PRIVILEGES.—For purposes of clause (i)(II)—

"(I) except as provided in subclauses (II) and (III), the determination of rights and privileges with respect to stock shall be made in a similar manner as under section 423(b)(5),

"(II) employees shall not fail to be treated as having the same rights and privileges to receive qualified stock solely because the number of shares

available to all employees is not equal in amount, so long as the number of shares available to each employee is more than a de minimis amount, and

"(III) rights and privileges with respect to the exercise of an option shall not be treated as the same as rights and privileges with respect to the settlement of a restricted stock unit.

"(iii) EMPLOYEE.—For purposes of clause (i)(II), the term 'employee' shall not include any employee described in section 4980E(d)(4) or any excluded employee.

"(iv) SPECIAL RULE FOR CALENDAR YEARS BEFORE 2018.—In the case of any calendar year beginning before January 1, 2018, clause (i)(II) shall be applied without regard to whether the rights and privileges with respect to the qualified stock are the same.

"(3) QUALIFIED EMPLOYEE; EXCLUDED EMPLOYEE.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified employee' means any individual who—

"(i) is not an excluded employee, and

"(ii) agrees in the election made under this subsection to meet such requirements as are determined by the Secretary to be necessary to ensure that the withholding requirements of the corporation under chapter 24 with respect to the qualified stock are met.

"(B) EXCLUDED EMPLOYEE.—The term 'excluded employee' means, with respect to any corporation, any individual—

"(i) who is a 1-percent owner (within the meaning of section 416(i)(1)(B)(ii)) at any time during the calendar year or who was such a 1 percent owner at any time during the 10 preceding calendar years,

"(ii) who is or has been at any prior time—

"(I) the chief executive officer of such corporation or an individual acting in such a capacity, or

"(II) the chief financial officer of such corporation or an individual acting in such a capacity,

"(iii) who bears a relationship described in section 318(a)(1) to any individual described in subclause (I) or (II) of clause (ii), or

"(iv) who is one of the 4 highest compensated officers of such corporation for the taxable year, or was one of the 4 highest compensated officers of such corporation for any of the 10 preceding taxable years, determined with respect to each such taxable year on the basis of the shareholder disclosure rules for compensation under the Securities Exchange Act of 1934 (as if such rules applied to such corporation).

"(4) ELECTION.—

"(A) TIME FOR MAKING ELECTION.—An election with respect to qualified stock shall be made under this subsection no later than 30 days after the first date the rights of the employee in such stock are transferable or are not subject to a substantial risk of forfeiture, whichever occurs earlier, and shall be made in a manner similar to the

manner in which an election is made under subsection (b).

"(B) LIMITATIONS.—No election may be made under this section with respect to any qualified stock if—

"(i) the qualified employee has made an election under subsection (b) with respect to such qualified stock,

"(ii) any stock of the corporation which issued the qualified stock is readily tradable on an established securities market (as determined under paragraph (1)(B)(iii)) at any time before the election is made, or

"(iii) such corporation purchased any of its outstanding stock in the calendar year preceding the calendar year which includes the first date the rights of the employee in such stock are transferable or are not subject to a substantial risk of forfeiture, unless—

"(I) not less than 25 percent of the total dollar amount of the stock so purchased is deferral stock, and

"(II) the determination of which individuals from whom deferral stock is purchased is made on a reasonable basis.

"(C) DEFINITIONS AND SPECIAL RULES RELATED TO LIMITATION ON STOCK REDEMPTIONS.—

"(i) DEFERRAL STOCK.—For purposes of this paragraph, the term 'deferral stock' means stock with respect to which an election is in effect under this subsection.

"(ii) DEFERRAL STOCK WITH RESPECT TO ANY INDIVIDUAL NOT TAKEN INTO ACCOUNT IF INDIVIDUAL HOLDS DEFERRAL STOCK WITH LONGER DEFERRAL PERIOD.—Stock purchased by a corporation from any individual shall not be treated as deferral stock for purposes of subparagraph (B)(iii) if such individual (immediately after such purchase) holds any deferral stock with respect to which an election has been in effect under this subsection for a longer period than the election with respect to the stock so purchased.

"(iii) PURCHASE OF ALL OUTSTANDING DEFERRAL STOCK.—The requirements of subclauses (I) and (II) of subparagraph (B)(iii) shall be treated as met if the stock so purchased includes all of the corporation's outstanding deferral stock.

"(iv) REPORTING.—Any corporation which has outstanding deferral stock as of the beginning of any calendar year and which purchases any of its outstanding stock during such calendar year shall include on its return of tax for the taxable year in which, or with which, such calendar year ends the total dollar amount of its outstanding stock so purchased during such calendar year and such other information as the Secretary requires for purposes of administering this paragraph.

"(5) CONTROLLED GROUPS.—For purposes of this subsection, all persons treated as a single employer under section 414(b) shall be treated as 1 corporation.

"(6) NOTICE REQUIREMENT.—Any corporation which transfers qualified stock to a qualified employee shall, at the time that (or a reasonable period before) an amount attributable to such stock would (but for this subsection) first be includible in the gross income of such employee—

"(A) certify to such employee that such stock is qualified stock, and

"(B) notify such employee—

"(i) that the employee may be eligible to elect to defer income on such stock under this subsection, and

"(ii) that, if the employee makes such an election—

"(I) the amount of income recognized at the end of the deferral period will be based on the value of the stock at the time at which the rights of the employee in such stock first become transferable or not subject to substantial risk of forfeiture, notwithstanding whether the value of the stock has declined during the deferral period,

"(II) the amount of such income recognized at the end of the deferral period will be subject to withholding under section 3401(i) at the rate determined under section 3402(t), and

"(III) the responsibilities of the employee (as determined by the Secretary under paragraph (3)(A)(ii)) with respect to such withholding.

"(7) RESTRICTED STOCK UNITS.—This section (other than this subsection), including any election under subsection (b), shall not apply to restricted stock units.".

(b) WITHHOLDING.—

(1) TIME OF WITHHOLDING.—Section 3401 is amended by adding at the end the following new subsection: 26 USC 3401.

"(i) QUALIFIED STOCK FOR WHICH AN ELECTION IS IN EFFECT UNDER SECTION 83(I).—For purposes of subsection (a), qualified stock (as defined in section 83(i)) with respect to which an election is made under section 83(i) shall be treated as wages—

"(1) received on the earliest date described in section 83(i)(1)(B), and

"(2) in an amount equal to the amount included in income under section 83 for the taxable year which includes such date.".

(2) AMOUNT OF WITHHOLDING.—Section 3402 is amended by adding at the end the following new subsection:

"(t) RATE OF WITHHOLDING FOR CERTAIN STOCK.—In the case of any qualified stock (as defined in section 83(i)(2)) with respect to which an election is made under section 83(i)—

"(1) the rate of tax under subsection (a) shall not be less than the maximum rate of tax in effect under section 1, and

"(2) such stock shall be treated for purposes of section 3501(b) in the same manner as a non-cash fringe benefit.".

(c) COORDINATION WITH OTHER DEFERRED COMPENSATION RULES.—

(1) ELECTION TO APPLY DEFERRAL TO STATUTORY OPTIONS.—

(A) INCENTIVE STOCK OPTIONS.—Section 422(b) is amended by adding at the end the following: "Such term shall not include any option if an election is made under

section 83(i) with respect to the stock received in connection with the exercise of such option.".

26 USC 423.

(B) EMPLOYEE STOCK PURCHASE PLANS.—Section 423 is amended—

(i) in subsection (b)(5), by striking "and" before "the plan" and by inserting ", and the rules of section 83(i) shall apply in determining which employees have a right to make an election under such section" before the semicolon at the end, and

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

"(d) COORDINATION WITH QUALIFIED EQUITY GRANTS.—An option for which an election is made under section 83(i) with respect to the stock received in connection with its exercise shall not be considered as granted pursuant an employee stock purchase plan.".

(2) EXCLUSION FROM DEFINITION OF NONQUALIFIED DEFERRED COMPENSATION PLAN.—Subsection (d) of section 409A is amended by adding at the end the following new paragraph:

"(7) TREATMENT OF QUALIFIED STOCK.—An arrangement under which an employee may receive qualified stock (as defined in section 83(i)(2)) shall not be treated as a nonqualified deferred compensation plan with respect to such employee solely because of such employee's election, or ability to make an election, to defer recognition of income under section 83(i).".

(d) INFORMATION REPORTING.—Section 6051(a) is amended by striking "and" at the end of paragraph (14)(B), by striking the period at the end of paragraph (15) and inserting a comma, and by inserting after paragraph (15) the following new paragraphs:

"(16) the amount includible in gross income under subparagraph (A) of section 83(i)(1) with respect to an event described in subparagraph (B) of such section which occurs in such calendar year, and

"(17) the aggregate amount of income which is being deferred pursuant to elections under section 83(i), determined as of the close of the calendar year.".

(e) PENALTY FOR FAILURE OF EMPLOYER TO PROVIDE NOTICE OF TAX CONSEQUENCES.—Section 6652 is amended by adding at the end the following new subsection:

"(p) FAILURE TO PROVIDE NOTICE UNDER SECTION 83(I).—In the case of each failure to provide a notice as required by section 83(i)(6), at the time prescribed therefor, unless it is shown that such failure is due to reasonable cause and not to willful neglect, there shall be paid, on notice and demand of the Secretary and in the same manner as tax, by the person failing to provide such notice, an amount equal to $100 for each such failure, but the total amount imposed on such person for all such failures during any calendar year shall not exceed $50,000.".

26 USC 83 note.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to stock attributable to options exercised, or restricted stock units settled, after December 31, 2017.

(2) REQUIREMENT TO PROVIDE NOTICE.—The amendments made by subsection (e) shall apply to failures after December 31, 2017.

26 USC 83 note.

(g) TRANSITION RULE.—Until such time as the Secretary (or the Secretary's delegate) issues regulations or other guidance for

purposes of implementing the requirements of paragraph (2)(C)(i)(II) of section 83(i) of the Internal Revenue Code of 1986 (as added by this section), or the requirements of paragraph (6) of such section, a corporation shall be treated as being in compliance with such requirements (respectively) if such corporation complies with a reasonable good faith interpretation of such requirements.

SEC. 13604. INCREASE IN EXCISE TAX RATE FOR STOCK COMPENSATION OF INSIDERS IN EXPATRIATED CORPORATIONS.

(a) IN GENERAL.—Section 4985(a)(1) is amended by striking "section 1(h)(1)(C)" and inserting "section 1(h)(1)(D)". 26 USC 4985.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to corporations first becoming expatriated corporations (as defined in section 4985 of the Internal Revenue Code of 1986) after the date of enactment of this Act. 26 USC 4985 note.

Subpart B—Retirement Plans

SEC. 13611. REPEAL OF SPECIAL RULE PERMITTING RECHARACTERIZATION OF ROTH CONVERSIONS.

(a) IN GENERAL.—Section 408A(d)(6)(B) is amended by adding at the end the following new clause:

"(iii) CONVERSIONS.—Subparagraph (A) shall not apply in the case of a qualified rollover contribution to which subsection (d)(3) applies (including by reason of subparagraph (C) thereof).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017. 26 USC 408A note.

SEC. 13612. MODIFICATION OF RULES APPLICABLE TO LENGTH OF SERVICE AWARD PLANS.

(a) MAXIMUM DEFERRAL AMOUNT.—Clause (ii) of section 457(e)(11)(B) is amended by striking "$3,000" and inserting "$6,000".

(b) COST OF LIVING ADJUSTMENT.—Subparagraph (B) of section 457(e)(11) is amended by adding at the end the following:

"(iii) COST OF LIVING ADJUSTMENT.—In the case of taxable years beginning after December 31, 2017, the Secretary shall adjust the $6,000 amount under clause (ii) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2016, and any increase under this paragraph that is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(c) APPLICATION OF LIMITATION ON ACCRUALS.—Subparagraph (B) of section 457(e)(11), as amended by subsection (b), is amended by adding at the end the following:

"(iv) SPECIAL RULE FOR APPLICATION OF LIMITATION ON ACCRUALS FOR CERTAIN PLANS.—In the case of a plan described in subparagraph (A)(ii) which is a defined benefit plan (as defined in section 414(j)), the limitation under clause (ii) shall apply to the actuarial present value of the aggregate amount of length of service awards accruing with respect to any year of service. Such actuarial present value with respect to any year shall be calculated using reasonable actuarial assumptions and methods, assuming payment will be

made under the most valuable form of payment under the plan with payment commencing at the later of the earliest age at which unreduced benefits are payable under the plan or the participant's age at the time of the calculation.".

26 USC 457 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13613. EXTENDED ROLLOVER PERIOD FOR PLAN LOAN OFFSET AMOUNTS.

26 USC 402.

(a) IN GENERAL.—Paragraph (3) of section 402(c) is amended by adding at the end the following new subparagraph:

"(C) ROLLOVER OF CERTAIN PLAN LOAN OFFSET AMOUNTS.—

"(i) IN GENERAL.—In the case of a qualified plan loan offset amount, paragraph (1) shall not apply to any transfer of such amount made after the due date (including extensions) for filing the return of tax for the taxable year in which such amount is treated as distributed from a qualified employer plan.

"(ii) QUALIFIED PLAN LOAN OFFSET AMOUNT.—For purposes of this subparagraph, the term 'qualified plan loan offset amount' means a plan loan offset amount which is treated as distributed from a qualified employer plan to a participant or beneficiary solely by reason of—

"(I) the termination of the qualified employer plan, or

"(II) the failure to meet the repayment terms of the loan from such plan because of the severance from employment of the participant.

"(iii) PLAN LOAN OFFSET AMOUNT.—For purposes of clause (ii), the term 'plan loan offset amount' means the amount by which the participant's accrued benefit under the plan is reduced in order to repay a loan from the plan.

"(iv) LIMITATION.—This subparagraph shall not apply to any plan loan offset amount unless such plan loan offset amount relates to a loan to which section 72(p)(1) does not apply by reason of section 72(p)(2).

"(v) QUALIFIED EMPLOYER PLAN.—For purposes of this subsection, the term 'qualified employer plan' has the meaning given such term by section 72(p)(4).".

(b) CONFORMING AMENDMENTS.—Section 402(c)(3) is amended—

(1) by striking "TRANSFER MUST BE MADE WITHIN 60 DAYS OF RECEIPT" in the heading and inserting "TIME LIMIT ON TRANSFERS", and

(2) by striking "subparagraph (B)" in subparagraph (A) and inserting "subparagraphs (B) and (C)".

26 USC 402 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan loan offset amounts which are treated as distributed in taxable years beginning after December 31, 2017.

PART VIII—EXEMPT ORGANIZATIONS

SEC. 13701. EXCISE TAX BASED ON INVESTMENT INCOME OF PRIVATE COLLEGES AND UNIVERSITIES.

(a) IN GENERAL.—Chapter 42 is amended by adding at the end the following new subchapter:

"Subchapter H—Excise Tax Based on Investment Income of Private Colleges and Universities

26 USC prec. 4968.

"Sec. 4968. Excise tax based on investment income of private colleges and universities.

"SEC. 4968. EXCISE TAX BASED ON INVESTMENT INCOME OF PRIVATE COLLEGES AND UNIVERSITIES.

26 USC 4968.

"(a) TAX IMPOSED.—There is hereby imposed on each applicable educational institution for the taxable year a tax equal to 1.4 percent of the net investment income of such institution for the taxable year.

"(b) APPLICABLE EDUCATIONAL INSTITUTION.—For purposes of this subchapter—

"(1) IN GENERAL.—The term 'applicable educational institution' means an eligible educational institution (as defined in section 25A(f)(2))—

"(A) which had at least 500 students during the preceding taxable year,

"(B) more than 50 percent of the students of which are located in the United States,

"(C) which is not described in the first sentence of section 511(a)(2)(B) (relating to State colleges and universities), and

"(D) the aggregate fair market value of the assets of which at the end of the preceding taxable year (other than those assets which are used directly in carrying out the institution's exempt purpose) is at least $500,000 per student of the institution.

"(2) STUDENTS.—For purposes of paragraph (1), the number of students of an institution (including for purposes of determining the number of students at a particular location) shall be based on the daily average number of full-time students attending such institution (with part-time students taken into account on a full-time student equivalent basis).

"(c) NET INVESTMENT INCOME.—For purposes of this section, net investment income shall be determined under rules similar to the rules of section 4940(c).

"(d) ASSETS AND NET INVESTMENT INCOME OF RELATED ORGANIZATIONS.—

"(1) IN GENERAL.—For purposes of subsections (b)(1)(C) and (c), assets and net investment income of any related organization with respect to an educational institution shall be treated as assets and net investment income, respectively, of the educational institution, except that—

"(A) no such amount shall be taken into account with respect to more than 1 educational institution, and

"(B) unless such organization is controlled by such institution or is described in section 509(a)(3) with respect to such institution for the taxable year, assets and net

investment income which are not intended or available for the use or benefit of the educational institution shall not be taken into account.

"(2) RELATED ORGANIZATION.—For purposes of this subsection, the term 'related organization' means, with respect to an educational institution, any organization which—

"(A) controls, or is controlled by, such institution,

"(B) is controlled by 1 or more persons which also control such institution, or

"(C) is a supported organization (as defined in section 509(f)(3)), or an organization described in section 509(a)(3), during the taxable year with respect to such institution.".

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 42 is amended by adding at the end the following new item:

26 USC prec. 4940.

"SUBCHAPTER H—EXCISE TAX BASED ON INVESTMENT INCOME OF PRIVATE COLLEGES AND UNIVERSITIES".

26 USC 4968 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 13702. UNRELATED BUSINESS TAXABLE INCOME SEPARATELY COMPUTED FOR EACH TRADE OR BUSINESS ACTIVITY.

26 USC 512.

(a) IN GENERAL.—Subsection (a) of section 512 is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULE FOR ORGANIZATION WITH MORE THAN 1 UNRELATED TRADE OR BUSINESS.—In the case of any organization with more than 1 unrelated trade or business—

"(A) unrelated business taxable income, including for purposes of determining any net operating loss deduction, shall be computed separately with respect to each such trade or business and without regard to subsection (b)(12),

"(B) the unrelated business taxable income of such organization shall be the sum of the unrelated business taxable income so computed with respect to each such trade or business, less a specific deduction under subsection (b)(12), and

"(C) for purposes of subparagraph (B), unrelated business taxable income with respect to any such trade or business shall not be less than zero.".

26 USC 512 note.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except to the extent provided in paragraph (2), the amendment made by this section shall apply to taxable years beginning after December 31, 2017.

(2) CARRYOVERS OF NET OPERATING LOSSES.—If any net operating loss arising in a taxable year beginning before January 1, 2018, is carried over to a taxable year beginning on or after such date—

(A) subparagraph (A) of section 512(a)(6) of the Internal Revenue Code of 1986, as added by this Act, shall not apply to such net operating loss, and

(B) the unrelated business taxable income of the organization, after the application of subparagraph (B) of such section, shall be reduced by the amount of such net operating loss.

SEC. 13703. UNRELATED BUSINESS TAXABLE INCOME INCREASED BY AMOUNT OF CERTAIN FRINGE BENEFIT EXPENSES FOR WHICH DEDUCTION IS DISALLOWED.

(a) IN GENERAL.—Section 512(a), as amended by this Act, is further amended by adding at the end the following new paragraph: 26 USC 512.

"(7) INCREASE IN UNRELATED BUSINESS TAXABLE INCOME BY DISALLOWED FRINGE.—Unrelated business taxable income of an organization shall be increased by any amount for which a deduction is not allowable under this chapter by reason of section 274 and which is paid or incurred by such organization for any qualified transportation fringe (as defined in section 132(f)), any parking facility used in connection with qualified parking (as defined in section 132(f)(5)(C)), or any on-premises athletic facility (as defined in section 132(j)(4)(B)). The preceding sentence shall not apply to the extent the amount paid or incurred is directly connected with an unrelated trade or business which is regularly carried on by the organization. The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance providing for the appropriate allocation of depreciation and other costs with respect to facilities used for parking or for on-premises athletic facilities.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2017. 26 USC 512 note.

SEC. 13704. REPEAL OF DEDUCTION FOR AMOUNTS PAID IN EXCHANGE FOR COLLEGE ATHLETIC EVENT SEATING RIGHTS.

(a) IN GENERAL.—Section 170(l) is amended—

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

"(1) IN GENERAL.—No deduction shall be allowed under this section for any amount described in paragraph (2).", and

(2) in paragraph (2)(B), by striking "such amount would be allowable as a deduction under this section but for the fact that".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2017. 26 USC 170 note.

SEC. 13705. REPEAL OF SUBSTANTIATION EXCEPTION IN CASE OF CONTRIBUTIONS REPORTED BY DONEE.

(a) IN GENERAL.—Section 170(f)(8) is amended by striking subparagraph (D) and by redesignating subparagraph (E) as subparagraph (D).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2016. 26 USC 170 note.

PART IX—OTHER PROVISIONS

Subpart A—Craft Beverage Modernization and Tax Reform

SEC. 13801. PRODUCTION PERIOD FOR BEER, WINE, AND DISTILLED SPIRITS.

(a) IN GENERAL.—Section 263A(f) is amended—

(1) by redesignating paragraph (4) as paragraph (5), and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) EXEMPTION FOR AGING PROCESS OF BEER, WINE, AND DISTILLED SPIRITS.—

"(A) IN GENERAL.—For purposes of this subsection, the production period shall not include the aging period for—

"(i) beer (as defined in section 5052(a)),

"(ii) wine (as described in section 5041(a)), or

"(iii) distilled spirits (as defined in section 5002(a)(8)), except such spirits that are unfit for use for beverage purposes.

"(B) TERMINATION.—This paragraph shall not apply to interest costs paid or accrued after December 31, 2019.".

(b) CONFORMING AMENDMENT.—Paragraph (5)(B)(ii) of section 263A(f), as redesignated by this section, is amended by inserting "except as provided in paragraph (4)," before "ending on the date".

26 USC 263A.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interest costs paid or accrued in calendar years beginning after December 31, 2017.

26 USC 263A note.

SEC. 13802. REDUCED RATE OF EXCISE TAX ON BEER.

(a) IN GENERAL.—Paragraph (1) of section 5051(a) is amended to read as follows:

"(1) IN GENERAL.—

"(A) IMPOSITION OF TAX.—A tax is hereby imposed on all beer brewed or produced, and removed for consumption or sale, within the United States, or imported into the United States. Except as provided in paragraph (2), the rate of such tax shall be the amount determined under this paragraph.

"(B) RATE.—Except as provided in subparagraph (C), the rate of tax shall be $18 for per barrel.

"(C) SPECIAL RULE.—In the case of beer removed after December 31, 2017, and before January 1, 2020, the rate of tax shall be—

"(i) $16 on the first 6,000,000 barrels of beer—

"(I) brewed by the brewer and removed during the calendar year for consumption or sale, or

"(II) imported by the importer into the United States during the calendar year, and

"(ii) $18 on any barrels of beer to which clause (i) does not apply.

"(D) BARREL.—For purposes of this section, a barrel shall contain not more than 31 gallons of beer, and any tax imposed under this section shall be applied at a like rate for any other quantity or for fractional parts of a barrel.".

(b) REDUCED RATE FOR CERTAIN DOMESTIC PRODUCTION.—Subparagraph (A) of section 5051(a)(2) is amended—

(1) in the heading, by striking "$7 A BARREL", and

(2) by inserting "($3.50 in the case of beer removed after December 31, 2017, and before January 1, 2020)" after "$7".

(c) APPLICATION OF REDUCED TAX RATE FOR FOREIGN MANUFACTURERS AND IMPORTERS.—Subsection (a) of section 5051 is amended—

(1) in subparagraph (C)(i)(II) of paragraph (1), as amended by subsection (a), by inserting "but only if the importer is

an electing importer under paragraph (4) and the barrels have been assigned to the importer pursuant to such paragraph" after "during the calendar year", and

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

"(4) REDUCED TAX RATE FOR FOREIGN MANUFACTURERS AND IMPORTERS.—

"(A) IN GENERAL.—In the case of any barrels of beer which have been brewed or produced outside of the United States and imported into the United States, the rate of tax applicable under clause (i) of paragraph (1)(C) (referred to in this paragraph as the 'reduced tax rate') may be assigned by the brewer (provided that the brewer makes an election described in subparagraph (B)(ii)) to any electing importer of such barrels pursuant to the requirements established by the Secretary under subparagraph (B).

"(B) ASSIGNMENT.—The Secretary shall, through such rules, regulations, and procedures as are determined appropriate, establish procedures for assignment of the reduced tax rate provided under this paragraph, which shall include—

"(i) a limitation to ensure that the number of barrels of beer for which the reduced tax rate has been assigned by a brewer—

"(I) to any importer does not exceed the number of barrels of beer brewed or produced by such brewer during the calendar year which were imported into the United States by such importer, and

"(II) to all importers does not exceed the 6,000,000 barrels to which the reduced tax rate applies,

"(ii) procedures that allow the election of a brewer to assign and an importer to receive the reduced tax rate provided under this paragraph,

"(iii) requirements that the brewer provide any information as the Secretary determines necessary and appropriate for purposes of carrying out this paragraph, and

"(iv) procedures that allow for revocation of eligibility of the brewer and the importer for the reduced tax rate provided under this paragraph in the case of any erroneous or fraudulent information provided under clause (iii) which the Secretary deems to be material to qualifying for such reduced rate.

"(C) CONTROLLED GROUP.—For purposes of this section, any importer making an election described in subparagraph (B)(ii) shall be deemed to be a member of the controlled group of the brewer, as described under paragraph (5).".

(d) CONTROLLED GROUP AND SINGLE TAXPAYER RULES.—Subsection (a) of section 5051, as amended by this section, is amended— 26 USC 5051.

(1) in paragraph (2)—

(A) by striking subparagraph (B), and

(B) by redesignating subparagraph (C) as subparagraph (B), and

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

"(5) CONTROLLED GROUP AND SINGLE TAXPAYER RULES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of a controlled group, the 6,000,000 barrel quantity specified in paragraph (1)(C)(i) and the 2,000,000 barrel quantity specified in paragraph (2)(A) shall be applied to the controlled group, and the 6,000,000 barrel quantity specified in paragraph (1)(C)(i) and the 60,000 barrel quantity specified in paragraph (2)(A) shall be apportioned among the brewers who are members of such group in such manner as the Secretary or their delegate shall by regulations prescribe. For purposes of the preceding sentence, the term 'controlled group' has the meaning assigned to it by subsection (a) of section 1563, except that for such purposes the phrase 'more than 50 percent' shall be substituted for the phrase 'at least 80 percent' in each place it appears in such subsection. Under regulations prescribed by the Secretary, principles similar to the principles of the preceding two sentences shall be applied to a group of brewers under common control where one or more of the brewers is not a corporation.

"(B) FOREIGN MANUFACTURERS AND IMPORTERS.—For purposes of paragraph (4), in the case of a controlled group, the 6,000,000 barrel quantity specified in paragraph (1)(C)(i) shall be applied to the controlled group and apportioned among the members of such group in such manner as the Secretary shall by regulations prescribe. For purposes of the preceding sentence, the term 'controlled group' has the meaning given such term under subparagraph (A). Under regulations prescribed by the Secretary, principles similar to the principles of the preceding two sentences shall be applied to a group of brewers under common control where one or more of the brewers is not a corporation.

"(C) SINGLE TAXPAYER.—Pursuant to rules issued by the Secretary, two or more entities (whether or not under common control) that produce beer marketed under a similar brand, license, franchise, or other arrangement shall be treated as a single taxpayer for purposes of the application of this subsection.".

26 USC 5051 note.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to beer removed after December 31, 2017.

SEC. 13803. TRANSFER OF BEER BETWEEN BONDED FACILITIES.

26 USC 5414.

(a) IN GENERAL.—Section 5414 is amended—

(1) by striking "Beer may be removed" and inserting "(a) IN GENERAL.—Beer may be removed", and

(2) by adding at the end the following:

"(b) TRANSFER OF BEER BETWEEN BONDED FACILITIES.—

"(1) IN GENERAL.—Beer may be removed from one bonded brewery to another bonded brewery, without payment of tax, and may be mingled with beer at the receiving brewery, subject to such conditions, including payment of the tax, and in such containers, as the Secretary by regulations shall prescribe, which shall include—

"(A) any removal from one brewery to another brewery belonging to the same brewer,

"(B) any removal from a brewery owned by one corporation to a brewery owned by another corporation when—

"(i) one such corporation owns the controlling interest in the other such corporation, or

"(ii) the controlling interest in each such corporation is owned by the same person or persons, and

"(C) any removal from one brewery to another brewery when—

"(i) the proprietors of transferring and receiving premises are independent of each other and neither has a proprietary interest, directly or indirectly, in the business of the other, and

"(ii) the transferor has divested itself of all interest in the beer so transferred and the transferee has accepted responsibility for payment of the tax.

"(2) TRANSFER OF LIABILITY FOR TAX.—For purposes of paragraph (1)(C), such relief from liability shall be effective from the time of removal from the transferor's bonded premises, or from the time of divestment of interest, whichever is later.

"(3) TERMINATION.—This subsection shall not apply to any calendar quarter beginning after December 31, 2019.".

(b) REMOVAL FROM BREWERY BY PIPELINE.—Section 5412 is amended by inserting "pursuant to section 5414 or" before "by pipeline". 26 USC 5412.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any calendar quarters beginning after December 31, 2017. 26 USC 5412 note.

SEC. 13804. REDUCED RATE OF EXCISE TAX ON CERTAIN WINE.

(a) IN GENERAL.—Section 5041(c) is amended by adding at the end the following new paragraph:

"(8) SPECIAL RULE FOR 2018 AND 2019.—

"(A) IN GENERAL.—In the case of wine removed after December 31, 2017, and before January 1, 2020, paragraphs (1) and (2) shall not apply and there shall be allowed as a credit against any tax imposed by this title (other than chapters 2, 21, and 22) an amount equal to the sum of—

"(i) $1 per wine gallon on the first 30,000 wine gallons of wine, plus

"(ii) 90 cents per wine gallon on the first 100,000 wine gallons of wine to which clause (i) does not apply, plus

"(iii) 53.5 cents per wine gallon on the first 620,000 wine gallons of wine to which clauses (i) and (ii) do not apply,

which are produced by the producer and removed during the calendar year for consumption or sale, or which are imported by the importer into the United States during the calendar year.

"(B) ADJUSTMENT OF CREDIT FOR HARD CIDER.—In the case of wine described in subsection (b)(6), subparagraph (A) of this paragraph shall be applied—

"(i) in clause (i) of such subparagraph, by substituting '6.2 cents' for '$1',

"(ii) in clause (ii) of such subparagraph, by substituting '5.6 cents' for '90 cents', and

"(iii) in clause (iii) of such subparagraph, by substituting '3.3 cents' for '53.5 cents'.",

26 USC 5041.

(b) CONTROLLED GROUP AND SINGLE TAXPAYER RULES.—Paragraph (4) of section 5041(c) is amended by striking "section 5051(a)(2)(B)" and inserting "section 5051(a)(5)".

(c) ALLOWANCE OF CREDIT FOR FOREIGN MANUFACTURERS AND IMPORTERS.—Subsection (c) of section 5041, as amended by subsection (a), is amended—

(1) in subparagraph (A) of paragraph (8), by inserting "but only if the importer is an electing importer under paragraph (9) and the wine gallons of wine have been assigned to the importer pursuant to such paragraph" after "into the United States during the calendar year", and

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

"(9) ALLOWANCE OF CREDIT FOR FOREIGN MANUFACTURERS AND IMPORTERS.—

"(A) IN GENERAL.—In the case of any wine gallons of wine which have been produced outside of the United States and imported into the United States, the credit allowable under paragraph (8) (referred to in this paragraph as the 'tax credit') may be assigned by the person who produced such wine (referred to in this paragraph as the 'foreign producer'), provided that such person makes an election described in subparagraph (B)(ii), to any electing importer of such wine gallons pursuant to the requirements established by the Secretary under subparagraph (B).

"(B) ASSIGNMENT.—The Secretary shall, through such rules, regulations, and procedures as are determined appropriate, establish procedures for assignment of the tax credit provided under this paragraph, which shall include—

"(i) a limitation to ensure that the number of wine gallons of wine for which the tax credit has been assigned by a foreign producer—

"(I) to any importer does not exceed the number of wine gallons of wine produced by such foreign producer during the calendar year which were imported into the United States by such importer, and

"(II) to all importers does not exceed the 750,000 wine gallons of wine to which the tax credit applies,

"(ii) procedures that allow the election of a foreign producer to assign and an importer to receive the tax credit provided under this paragraph,

"(iii) requirements that the foreign producer provide any information as the Secretary determines necessary and appropriate for purposes of carrying out this paragraph, and

"(iv) procedures that allow for revocation of eligibility of the foreign producer and the importer for the tax credit provided under this paragraph in the case of any erroneous or fraudulent information provided under clause (iii) which the Secretary deems to be material to qualifying for such credit.

"(C) CONTROLLED GROUP.—For purposes of this section, any importer making an election described in subparagraph (B)(ii) shall be deemed to be a member of the controlled

group of the foreign producer, as described under paragraph (4).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to wine removed after December 31, 2017. 26 USC 5401 note.

SEC. 13805. ADJUSTMENT OF ALCOHOL CONTENT LEVEL FOR APPLICATION OF EXCISE TAX RATES.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 5041(b) are each amended by inserting "(16 percent in the case of wine removed after December 31, 2017, and before January 1, 2020" after "14 percent". 26 USC 5041.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wine removed after December 31, 2017. 26 USC 5401 note.

SEC. 13806. DEFINITION OF MEAD AND LOW ALCOHOL BY VOLUME WINE.

(a) IN GENERAL.—Section 5041 is amended—

(1) in subsection (a), by striking "Still wines" and inserting "Subject to subsection (h), still wines", and

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

"(h) MEAD AND LOW ALCOHOL BY VOLUME WINE.—

"(1) IN GENERAL.—For purposes of subsections (a) and (b)(1), mead and low alcohol by volume wine shall be deemed to be still wines containing not more than 16 percent of alcohol by volume.

"(2) DEFINITIONS.—

"(A) MEAD.—For purposes of this section, the term 'mead' means a wine—

"(i) containing not more than 0.64 gram of carbon dioxide per hundred milliliters of wine, except that the Secretary shall by regulations prescribe such tolerances to this limitation as may be reasonably necessary in good commercial practice,

"(ii) which is derived solely from honey and water,

"(iii) which contains no fruit product or fruit flavoring, and

"(iv) which contains less than 8.5 percent alcohol by volume.

"(B) LOW ALCOHOL BY VOLUME WINE.—For purposes of this section, the term 'low alcohol by volume wine' means a wine—

"(i) containing not more than 0.64 gram of carbon dioxide per hundred milliliters of wine, except that the Secretary shall by regulations prescribe such tolerances to this limitation as may be reasonably necessary in good commercial practice,

"(ii) which is derived—

"(I) primarily from grapes, or

"(II) from grape juice concentrate and water,

"(iii) which contains no fruit product or fruit flavoring other than grape, and

"(iv) which contains less than 8.5 percent alcohol by volume.

"(3) TERMINATION.—This subsection shall not apply to wine removed after December 31, 2019.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wine removed after December 31, 2017. 26 USC 5401 note.

SEC. 13807. REDUCED RATE OF EXCISE TAX ON CERTAIN DISTILLED SPIRITS.

26 USC 5001.

(a) IN GENERAL.—Section 5001 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) REDUCED RATE FOR 2018 AND 2019.—

"(1) IN GENERAL.—In the case of a distilled spirits operation, the otherwise applicable tax rate under subsection (a)(1) shall be—

"(A) $2.70 per proof gallon on the first 100,000 proof gallons of distilled spirits, and

"(B) $13.34 per proof gallon on the first 22,130,000 of proof gallons of distilled spirits to which subparagraph (A) does not apply,

which have been distilled or processed by such operation and removed during the calendar year for consumption or sale, or which have been imported by the importer into the United States during the calendar year.

"(2) CONTROLLED GROUPS.—

"(A) IN GENERAL.—In the case of a controlled group, the proof gallon quantities specified under subparagraphs (A) and (B) of paragraph (1) shall be applied to such group and apportioned among the members of such group in such manner as the Secretary or their delegate shall by regulations prescribe.

"(B) DEFINITION.—For purposes of subparagraph (A), the term 'controlled group' shall have the meaning given such term by subsection (a) of section 1563, except that 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in such subsection.

"(C) RULES FOR NON-CORPORATIONS.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraphs (A) and (B) shall be applied to a group under common control where one or more of the persons is not a corporation.

"(D) SINGLE TAXPAYER.—Pursuant to rules issued by the Secretary, two or more entities (whether or not under common control) that produce distilled spirits marketed under a similar brand, license, franchise, or other arrangement shall be treated as a single taxpayer for purposes of the application of this subsection.

"(3) TERMINATION.—This subsection shall not apply to distilled spirits removed after December 31, 2019.".

(b) CONFORMING AMENDMENT.—Section 7652(f)(2) is amended by striking "section 5001(a)(1)" and inserting "subsection (a)(1) of section 5001, determined as if subsection (c)(1) of such section did not apply".

(c) APPLICATION OF REDUCED TAX RATE FOR FOREIGN MANUFACTURERS AND IMPORTERS.—Subsection (c) of section 5001, as added by subsection (a), is amended—

(1) in paragraph (1), by inserting "but only if the importer is an electing importer under paragraph (3) and the proof gallons of distilled spirits have been assigned to the importer pursuant to such paragraph" after "into the United States during the calendar year", and

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

"(3) REDUCED TAX RATE FOR FOREIGN MANUFACTURERS AND IMPORTERS.—

"(A) IN GENERAL.—In the case of any proof gallons of distilled spirits which have been produced outside of the United States and imported into the United States, the rate of tax applicable under paragraph (1) (referred to in this paragraph as the 'reduced tax rate') may be assigned by the distilled spirits operation (provided that such operation makes an election described in subparagraph (B)(ii)) to any electing importer of such proof gallons pursuant to the requirements established by the Secretary under subparagraph (B).

"(B) ASSIGNMENT.—The Secretary shall, through such rules, regulations, and procedures as are determined appropriate, establish procedures for assignment of the reduced tax rate provided under this paragraph, which shall include—

"(i) a limitation to ensure that the number of proof gallons of distilled spirits for which the reduced tax rate has been assigned by a distilled spirits operation—

"(I) to any importer does not exceed the number of proof gallons produced by such operation during the calendar year which were imported into the United States by such importer, and

"(II) to all importers does not exceed the 22,230,000 proof gallons of distilled spirits to which the reduced tax rate applies,

"(ii) procedures that allow the election of a distilled spirits operation to assign and an importer to receive the reduced tax rate provided under this paragraph,

"(iii) requirements that the distilled spirits operation provide any information as the Secretary determines necessary and appropriate for purposes of carrying out this paragraph, and

"(iv) procedures that allow for revocation of eligibility of the distilled spirits operation and the importer for the reduced tax rate provided under this paragraph in the case of any erroneous or fraudulent information provided under clause (iii) which the Secretary deems to be material to qualifying for such reduced rate.

"(C) CONTROLLED GROUP.—

"(i) IN GENERAL.—For purposes of this section, any importer making an election described in subparagraph (B)(ii) shall be deemed to be a member of the controlled group of the distilled spirits operation, as described under paragraph (2).

"(ii) APPORTIONMENT.—For purposes of this paragraph, in the case of a controlled group, rules similar to section 5051(a)(5)(B) shall apply.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distilled spirits removed after December 31, 2017. 26 USC 5001 note.

SEC. 13808. BULK DISTILLED SPIRITS.

(a) IN GENERAL.—Section 5212 is amended by adding at the end the following sentence: "In the case of distilled spirits transferred in bond after December 31, 2017, and before January 1, 26 USC 5212.

2020, this section shall be applied without regard to whether distilled spirits are bulk distilled spirits.".

26 USC 5212 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply distilled spirits transferred in bond after December 31, 2017.

Subpart B—Miscellaneous Provisions

SEC. 13821. MODIFICATION OF TAX TREATMENT OF ALASKA NATIVE CORPORATIONS AND SETTLEMENT TRUSTS.

(a) EXCLUSION FOR ANCSA PAYMENTS ASSIGNED TO ALASKA NATIVE SETTLEMENT TRUSTS.—

(1) IN GENERAL.—Part III of subchapter B of chapter 1 is amended by inserting before section 140 the following new section:

26 USC 139G.

"SEC. 139G. ASSIGNMENTS TO ALASKA NATIVE SETTLEMENT TRUSTS.

"(a) IN GENERAL.—In the case of a Native Corporation, gross income shall not include the value of any payments that would otherwise be made, or treated as being made, to such Native Corporation pursuant to, or as required by, any provision of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), including any payment that would otherwise be made to a Village Corporation pursuant to section 7(j) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(j)), provided that any such payments—

"(1) are assigned in writing to a Settlement Trust, and

"(2) were not received by such Native Corporation prior to the assignment described in paragraph (1).

"(b) INCLUSION IN GROSS INCOME.—In the case of a Settlement Trust which has been assigned payments described in subsection (a), gross income shall include such payments when received by such Settlement Trust pursuant to the assignment and shall have the same character as if such payments were received by the Native Corporation.

"(c) AMOUNT AND SCOPE OF ASSIGNMENT.—The amount and scope of any assignment under subsection (a) shall be described with reasonable particularity and may either be in a percentage of one or more such payments or in a fixed dollar amount.

"(d) DURATION OF ASSIGNMENT; REVOCABILITY.—Any assignment under subsection (a) shall specify—

"(1) a duration either in perpetuity or for a period of time, and

"(2) whether such assignment is revocable.

"(e) PROHIBITION ON DEDUCTION.—Notwithstanding section 247, no deduction shall be allowed to a Native Corporation for purposes of any amounts described in subsection (a).

"(f) DEFINITIONS.—For purposes of this section, the terms 'Native Corporation' and 'Settlement Trust' have the same meaning given such terms under section 646(h).".

(2) CONFORMING AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 is amended by inserting before the item relating to section 140 the following new item:

26 USC prec. 101.

"Sec. 139G. Assignments to Alaska Native Settlement Trusts.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2016.

26 USC 139G note.

(b) DEDUCTION OF CONTRIBUTIONS TO ALASKA NATIVE SETTLEMENT TRUSTS.—

(1) IN GENERAL.—Part VIII of subchapter B of chapter 1 is amended by inserting before section 248 the following new section:

"SEC. 247. CONTRIBUTIONS TO ALASKA NATIVE SETTLEMENT TRUSTS. 26 USC 247.

"(a) IN GENERAL.—In the case of a Native Corporation, there shall be allowed a deduction for any contributions made by such Native Corporation to a Settlement Trust (regardless of whether an election under section 646 is in effect for such Settlement Trust) for which the Native Corporation has made an annual election under subsection (e).

"(b) AMOUNT OF DEDUCTION.—The amount of the deduction under subsection (a) shall be equal to—

"(1) in the case of a cash contribution (regardless of the method of payment, including currency, coins, money order, or check), the amount of such contribution, or

"(2) in the case of a contribution not described in paragraph (1), the lesser of—

"(A) the Native Corporation's adjusted basis in the property contributed, or

"(B) the fair market value of the property contributed.

"(c) LIMITATION AND CARRYOVER.—

"(1) IN GENERAL.—Subject to paragraph (2), the deduction allowed under subsection (a) for any taxable year shall not exceed the taxable income (as determined without regard to such deduction) of the Native Corporation for the taxable year in which the contribution was made.

"(2) CARRYOVER.—If the aggregate amount of contributions described in subsection (a) for any taxable year exceeds the limitation under paragraph (1), such excess shall be treated as a contribution described in subsection (a) in each of the 15 succeeding years in order of time.

"(d) DEFINITIONS.—For purposes of this section, the terms 'Native Corporation' and 'Settlement Trust' have the same meaning given such terms under section 646(h).

"(e) MANNER OF MAKING ELECTION.—

"(1) IN GENERAL.—For each taxable year, a Native Corporation may elect to have this section apply for such taxable year on the income tax return or an amendment or supplement to the return of the Native Corporation, with such election to have effect solely for such taxable year.

"(2) REVOCATION.—Any election made by a Native Corporation pursuant to this subsection may be revoked pursuant to a timely filed amendment or supplement to the income tax return of such Native Corporation.

"(f) ADDITIONAL RULES.—

"(1) EARNINGS AND PROFITS.—Notwithstanding section 646(d)(2), in the case of a Native Corporation which claims a deduction under this section for any taxable year, the earnings and profits of such Native Corporation for such taxable year shall be reduced by the amount of such deduction.

"(2) GAIN OR LOSS.—No gain or loss shall be recognized by the Native Corporation with respect to a contribution of property for which a deduction is allowed under this section.

"(3) INCOME.—Subject to subsection (g), a Settlement Trust shall include in income the amount of any deduction allowed under this section in the taxable year in which the Settlement Trust actually receives such contribution.

"(4) PERIOD.—The holding period under section 1223 of the Settlement Trust shall include the period the property was held by the Native Corporation.

"(5) BASIS.—The basis that a Settlement Trust has for which a deduction is allowed under this section shall be equal to the lesser of—

"(A) the adjusted basis of the Native Corporation in such property immediately before such contribution, or

"(B) the fair market value of the property immediately before such contribution.

"(6) PROHIBITION.—No deduction shall be allowed under this section with respect to any contributions made to a Settlement Trust which are in violation of subsection (a)(2) or (c)(2) of section 39 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629e).

"(g) ELECTION BY SETTLEMENT TRUST TO DEFER INCOME RECOGNITION.—

"(1) IN GENERAL.—In the case of a contribution which consists of property other than cash, a Settlement Trust may elect to defer recognition of any income related to such property until the sale or exchange of such property, in whole or in part, by the Settlement Trust.

"(2) TREATMENT.—In the case of property described in paragraph (1), any income or gain realized on the sale or exchange of such property shall be treated as—

"(A) for such amount of the income or gain as is equal to or less than the amount of income which would be included in income at the time of contribution under subsection (f)(3) but for the taxpayer's election under this subsection, ordinary income, and

"(B) for any amounts of the income or gain which are in excess of the amount of income which would be included in income at the time of contribution under subsection (f)(3) but for the taxpayer's election under this subsection, having the same character as if this subsection did not apply.

"(3) ELECTION.—

"(A) IN GENERAL.—For each taxable year, a Settlement Trust may elect to apply this subsection for any property described in paragraph (1) which was contributed during such year. Any property to which the election applies shall be identified and described with reasonable particularity on the income tax return or an amendment or supplement to the return of the Settlement Trust, with such election to have effect solely for such taxable year.

"(B) REVOCATION.—Any election made by a Settlement Trust pursuant to this subsection may be revoked pursuant to a timely filed amendment or supplement to the income tax return of such Settlement Trust.

"(C) CERTAIN DISPOSITIONS.—

"(i) IN GENERAL.—In the case of any property for which an election is in effect under this subsection and which is disposed of within the first taxable year

subsequent to the taxable year in which such property was contributed to the Settlement Trust—

"(I) this section shall be applied as if the election under this subsection had not been made,

"(II) any income or gain which would have been included in the year of contribution under subsection (f)(3) but for the taxpayer's election under this subsection shall be included in income for the taxable year of such contribution, and

"(III) the Settlement Trust shall pay any increase in tax resulting from such inclusion, including any applicable interest, and increased by 10 percent of the amount of such increase with interest.

"(ii) ASSESSMENT.—Notwithstanding section 6501(a), any amount described in subclause (III) of clause (i) may be assessed, or a proceeding in court with respect to such amount may be initiated without assessment, within 4 years after the date on which the return making the election under this subsection for such property was filed.".

(2) CONFORMING AMENDMENT.—The table of sections for part VIII of subchapter B of chapter 1 is amended by inserting before the item relating to section 248 the following new item: 26 USC prec. 241.

"Sec. 247. Contributions to Alaska Native Settlement Trusts.".

(3) EFFECTIVE DATE.— 26 USC 247 note.

(A) IN GENERAL.—The amendments made by this subsection shall apply to taxable years for which the period of limitation on refund or credit under section 6511 of the Internal Revenue Code of 1986 has not expired.

(B) ONE-YEAR WAIVER OF STATUTE OF LIMITATIONS.—If the period of limitation on a credit or refund resulting from the amendments made by paragraph (1) expires before the end of the 1-year period beginning on the date of the enactment of this Act, refund or credit of such overpayment (to the extent attributable to such amendments) may, nevertheless, be made or allowed if claim therefor is filed before the close of such 1-year period.

(c) INFORMATION REPORTING FOR DEDUCTIBLE CONTRIBUTIONS TO ALASKA NATIVE SETTLEMENT TRUSTS.—

(1) IN GENERAL.—Section 6039H is amended— 26 USC 6039H.

(A) in the heading, by striking "**SPONSORING**", and

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

"(e) DEDUCTIBLE CONTRIBUTIONS BY NATIVE CORPORATIONS TO ALASKA NATIVE SETTLEMENT TRUSTS.—

"(1) IN GENERAL.—Any Native Corporation (as defined in subsection (m) of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m))) which has made a contribution to a Settlement Trust (as defined in subsection (t) of such section) to which an election under subsection (e) of section 247 applies shall provide such Settlement Trust with a statement regarding such election not later than January 31 of the calendar year subsequent to the calendar year in which the contribution was made.

"(2) CONTENT OF STATEMENT.—The statement described in paragraph (1) shall include—

"(A) the total amount of contributions to which the election under subsection (e) of section 247 applies,

"(B) for each contribution, whether such contribution was in cash,

"(C) for each contribution which consists of property other than cash, the date that such property was acquired by the Native Corporation and the adjusted basis and fair market value of such property on the date such property was contributed to the Settlement Trust,

"(D) the date on which each contribution was made to the Settlement Trust, and

"(E) such information as the Secretary determines to be necessary or appropriate for the identification of each contribution and the accurate inclusion of income relating to such contributions by the Settlement Trust.".

(2) CONFORMING AMENDMENT.—The item relating to section 6039H in the table of sections for subpart A of part III of subchapter A of chapter 61 is amended to read as follows:

26 USC prec. 6031.

"Sec. 6039H. Information With Respect to Alaska Native Settlement Trusts and Native Corporations.".

26 USC 6039H note.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2016.

SEC. 13822. AMOUNTS PAID FOR AIRCRAFT MANAGEMENT SERVICES.

26 USC 4261.

(a) IN GENERAL.—Subsection (e) of section 4261 is amended by adding at the end the following new paragraph:

"(5) AMOUNTS PAID FOR AIRCRAFT MANAGEMENT SERVICES.—

"(A) IN GENERAL.—No tax shall be imposed by this section or section 4271 on any amounts paid by an aircraft owner for aircraft management services related to—

"(i) maintenance and support of the aircraft owner's aircraft, or

"(ii) flights on the aircraft owner's aircraft.

"(B) AIRCRAFT MANAGEMENT SERVICES.—For purposes of subparagraph (A), the term 'aircraft management services' includes—

"(i) assisting an aircraft owner with administrative and support services, such as scheduling, flight planning, and weather forecasting,

"(ii) obtaining insurance,

"(iii) maintenance, storage and fueling of aircraft,

"(iv) hiring, training, and provision of pilots and crew,

"(v) establishing and complying with safety standards, and

"(vi) such other services as are necessary to support flights operated by an aircraft owner.

"(C) LESSEE TREATED AS AIRCRAFT OWNER.—

"(i) IN GENERAL.—For purposes of this paragraph, the term 'aircraft owner' includes a person who leases the aircraft other than under a disqualified lease.

"(ii) DISQUALIFIED LEASE.—For purposes of clause (i), the term 'disqualified lease' means a lease from a person providing aircraft management services with respect to such aircraft (or a related person (within

the meaning of section 465(b)(3)(C)) to the person providing such services), if such lease is for a term of 31 days or less.

"(D) PRO RATA ALLOCATION.—In the case of amounts paid to any person which (but for this subsection) are subject to the tax imposed by subsection (a), a portion of which consists of amounts described in subparagraph (A), this paragraph shall apply on a pro rata basis only to the portion which consists of amounts described in such subparagraph.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid after the date of the enactment of this Act.

26 USC 4261 note.

SEC. 13823. OPPORTUNITY ZONES.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following:

"Subchapter Z—Opportunity Zones

26 USC prec. 1400Z–1.

"SEC. 1400Z–1. DESIGNATION.

26 USC 1400Z–1.

"(a) QUALIFIED OPPORTUNITY ZONE DEFINED.—For the purposes of this subchapter, the term 'qualified opportunity zone' means a population census tract that is a low-income community that is designated as a qualified opportunity zone.

"(b) DESIGNATION.—

"(1) IN GENERAL.—For purposes of subsection (a), a population census tract that is a low-income community is designated as a qualified opportunity zone if—

"(A) not later than the end of the determination period, the chief executive officer of the State in which the tract is located—

"(i) nominates the tract for designation as a qualified opportunity zone, and

"(ii) notifies the Secretary in writing of such nomination, and

"(B) the Secretary certifies such nomination and designates such tract as a qualified opportunity zone before the end of the consideration period.

"(2) EXTENSION OF PERIODS.—A chief executive officer of a State may request that the Secretary extend either the determination or consideration period, or both (determined without regard to this subparagraph), for an additional 30 days.

"(c) OTHER DEFINITIONS.—For purposes of this subsection—

"(1) LOW-INCOME COMMUNITIES.—The term 'low-income community' has the same meaning as when used in section 45D(e).

"(2) DEFINITION OF PERIODS.—

"(A) CONSIDERATION PERIOD.—The term 'consideration period' means the 30-day period beginning on the date on which the Secretary receives notice under subsection (b)(1)(A)(ii), as extended under subsection (b)(2).

"(B) DETERMINATION PERIOD.—The term 'determination period' means the 90-day period beginning on the date

of the enactment of the Tax Cuts and Jobs Act, as extended under subsection (b)(2).

"(3) STATE.—For purposes of this section, the term 'State' includes any possession of the United States.

"(d) NUMBER OF DESIGNATIONS.—

"(1) IN GENERAL.—Except as provided by paragraph (2), the number of population census tracts in a State that may be designated as qualified opportunity zones under this section may not exceed 25 percent of the number of low-income communities in the State.

"(2) EXCEPTION.—If the number of low-income communities in a State is less than 100, then a total of 25 of such tracts may be designated as qualified opportunity zones.

"(e) DESIGNATION OF TRACTS CONTIGUOUS WITH LOW-INCOME COMMUNITIES.—

"(1) IN GENERAL.—A population census tract that is not a low-income community may be designated as a qualified opportunity zone under this section if—

"(A) the tract is contiguous with the low-income community that is designated as a qualified opportunity zone, and

"(B) the median family income of the tract does not exceed 125 percent of the median family income of the low-income community with which the tract is contiguous.

"(2) LIMITATION.—Not more than 5 percent of the population census tracts designated in a State as a qualified opportunity zone may be designated under paragraph (1).

"(f) PERIOD FOR WHICH DESIGNATION IS IN EFFECT.—A designation as a qualified opportunity zone shall remain in effect for the period beginning on the date of the designation and ending at the close of the 10th calendar year beginning on or after such date of designation.

26 USC 1400Z–2.

"SEC. 1400Z–2. SPECIAL RULES FOR CAPITAL GAINS INVESTED IN OPPORTUNITY ZONES.

"(a) IN GENERAL.—

"(1) TREATMENT OF GAINS.—In the case of gain from the sale to, or exchange with, an unrelated person of any property held by the taxpayer, at the election of the taxpayer—

"(A) gross income for the taxable year shall not include so much of such gain as does not exceed the aggregate amount invested by the taxpayer in a qualified opportunity fund during the 180-day period beginning on the date of such sale or exchange,

"(B) the amount of gain excluded by subparagraph (A) shall be included in gross income as provided by subsection (b), and

"(C) subsection (c) shall apply.

"(2) ELECTION.—No election may be made under paragraph (1)—

"(A) with respect to a sale or exchange if an election previously made with respect to such sale or exchange is in effect, or

"(B) with respect to any sale or exchange after December 31, 2026.

"(b) DEFERRAL OF GAIN INVESTED IN OPPORTUNITY ZONE PROPERTY.—

"(1) YEAR OF INCLUSION.—Gain to which subsection (a)(1)(B) applies shall be included in income in the taxable year which includes the earlier of—

"(A) the date on which such investment is sold or exchanged, or

"(B) December 31, 2026.

"(2) AMOUNT INCLUDIBLE.—

"(A) IN GENERAL.—The amount of gain included in gross income under subsection (a)(1)(A) shall be the excess of—

"(i) the lesser of the amount of gain excluded under paragraph (1) or the fair market value of the investment as determined as of the date described in paragraph (1), over

"(ii) the taxpayer's basis in the investment.

"(B) DETERMINATION OF BASIS.—

"(i) IN GENERAL.—Except as otherwise provided in this clause or subsection (c), the taxpayer's basis in the investment shall be zero.

"(ii) INCREASE FOR GAIN RECOGNIZED UNDER SUBSECTION (a)(1)(B).—The basis in the investment shall be increased by the amount of gain recognized by reason of subsection (a)(1)(B) with respect to such property.

"(iii) INVESTMENTS HELD FOR 5 YEARS.—In the case of any investment held for at least 5 years, the basis of such investment shall be increased by an amount equal to 10 percent of the amount of gain deferred by reason of subsection (a)(1)(A).

"(iv) INVESTMENTS HELD FOR 7 YEARS.—In the case of any investment held by the taxpayer for at least 7 years, in addition to any adjustment made under clause (iii), the basis of such property shall be increased by an amount equal to 5 percent of the amount of gain deferred by reason of subsection (a)(1)(A).

"(c) SPECIAL RULE FOR INVESTMENTS HELD FOR AT LEAST 10 YEARS.—In the case of any investment held by the taxpayer for at least 10 years and with respect to which the taxpayer makes an election under this clause, the basis of such property shall be equal to the fair market value of such investment on the date that the investment is sold or exchanged.

"(d) QUALIFIED OPPORTUNITY FUND.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified opportunity fund' means any investment vehicle which is organized as a corporation or a partnership for the purpose of investing in qualified opportunity zone property (other than another qualified opportunity fund) that holds at least 90 percent of its assets in qualified opportunity zone property, determined by the average of the percentage of qualified opportunity zone property held in the fund as measured—

"(A) on the last day of the first 6-month period of the taxable year of the fund, and

"(B) on the last day of the taxable year of the fund.

"(2) QUALIFIED OPPORTUNITY ZONE PROPERTY.—

"(A) IN GENERAL.—The term 'qualified opportunity zone property' means property which is—

"(i) qualified opportunity zone stock,

"(ii) qualified opportunity zone partnership interest, or

"(iii) qualified opportunity zone business property.

"(B) QUALIFIED OPPORTUNITY ZONE STOCK.—

"(i) IN GENERAL.—Except as provided in clause (ii), the term 'qualified opportunity zone stock' means any stock in a domestic corporation if—

"(I) such stock is acquired by the qualified opportunity fund after December 31, 2017, at its original issue (directly or through an underwriter) from the corporation solely in exchange for cash,

"(II) as of the time such stock was issued, such corporation was a qualified opportunity zone business (or, in the case of a new corporation, such corporation was being organized for purposes of being a qualified opportunity zone business), and

"(III) during substantially all of the qualified opportunity fund's holding period for such stock, such corporation qualified as a qualified opportunity zone business.

"(ii) REDEMPTIONS.—A rule similar to the rule of section 1202(c)(3) shall apply for purposes of this paragraph.

"(C) QUALIFIED OPPORTUNITY ZONE PARTNERSHIP INTEREST.—The term 'qualified opportunity zone partnership interest' means any capital or profits interest in a domestic partnership if—

"(i) such interest is acquired by the qualified opportunity fund after December 31, 2017, from the partnership solely in exchange for cash,

"(ii) as of the time such interest was acquired, such partnership was a qualified opportunity zone business (or, in the case of a new partnership, such partnership was being organized for purposes of being a qualified opportunity zone business), and

"(iii) during substantially all of the qualified opportunity fund's holding period for such interest, such partnership qualified as a qualified opportunity zone business.

"(D) QUALIFIED OPPORTUNITY ZONE BUSINESS PROPERTY.—

"(i) IN GENERAL.—The term 'qualified opportunity zone business property' means tangible property used in a trade or business of the qualified opportunity fund if—

"(I) such property was acquired by the qualified opportunity fund by purchase (as defined in section 179(d)(2)) after December 31, 2017,

"(II) the original use of such property in the qualified opportunity zone commences with the qualified opportunity fund or the qualified opportunity fund substantially improves the property, and

"(III) during substantially all of the qualified opportunity fund's holding period for such property, substantially all of the use of such property was in a qualified opportunity zone.

"(ii) SUBSTANTIAL IMPROVEMENT.—For purposes of subparagraph (A)(ii), property shall be treated as substantially improved by the qualified opportunity fund only if, during any 30-month period beginning after the date of acquisition of such property, additions to basis with respect to such property in the hands of the qualified opportunity fund exceed an amount equal to the adjusted basis of such property at the beginning of such 30-month period in the hands of the qualified opportunity fund.

"(iii) RELATED PARTY.—For purposes of subparagraph (A)(i), the related person rule of section 179(d)(2) shall be applied pursuant to paragraph (8) of this subsection in lieu of the application of such rule in section 179(d)(2)(A).

"(3) QUALIFIED OPPORTUNITY ZONE BUSINESS.—

"(A) IN GENERAL.—The term 'qualified opportunity zone business' means a trade or business—

"(i) in which substantially all of the tangible property owned or leased by the taxpayer is qualified opportunity zone business property (determined by substituting 'qualified opportunity zone business' for 'qualified opportunity fund' each place it appears in paragraph (2)(D)),

"(ii) which satisfies the requirements of paragraphs (2), (4), and (8) of section 1397C(b), and

"(iii) which is not described in section 144(c)(6)(B).

"(B) SPECIAL RULE.—For purposes of subparagraph (A), tangible property that ceases to be a qualified opportunity zone business property shall continue to be treated as a qualified opportunity zone business property for the lesser of—

"(i) 5 years after the date on which such tangible property ceases to be so qualified, or

"(ii) the date on which such tangible property is no longer held by the qualified opportunity zone business.

"(e) APPLICABLE RULES.—

"(1) TREATMENT OF INVESTMENTS WITH MIXED FUNDS.—In the case of any investment in a qualified opportunity fund only a portion of which consists of investments of gain to which an election under subsection (a) is in effect—

"(A) such investment shall be treated as 2 separate investments, consisting of—

"(i) one investment that only includes amounts to which the election under subsection (a) applies, and

"(ii) a separate investment consisting of other amounts, and

"(B) subsections (a), (b), and (c) shall only apply to the investment described in subparagraph (A)(i).

"(2) RELATED PERSONS.—For purposes of this section, persons are related to each other if such persons are described

in section 267(b) or 707(b)(1), determined by substituting '20 percent' for '50 percent' each place it occurs in such sections.

"(3) DECEDENTS.—In the case of a decedent, amounts recognized under this section shall, if not properly includible in the gross income of the decedent, be includible in gross income as provided by section 691.

"(4) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including—

"(A) rules for the certification of qualified opportunity funds for the purposes of this section,

"(B) rules to ensure a qualified opportunity fund has a reasonable period of time to reinvest the return of capital from investments in qualified opportunity zone stock and qualified opportunity zone partnership interests, and to reinvest proceeds received from the sale or disposition of qualified opportunity zone property, and

"(C) rules to prevent abuse.

"(f) FAILURE OF QUALIFIED OPPORTUNITY FUND TO MAINTAIN INVESTMENT STANDARD.—

"(1) IN GENERAL.—If a qualified opportunity fund fails to meet the 90-percent requirement of subsection (c)(1), the qualified opportunity fund shall pay a penalty for each month it fails to meet the requirement in an amount equal to the product of—

"(A) the excess of—

"(i) the amount equal to 90 percent of its aggregate assets, over

"(ii) the aggregate amount of qualified opportunity zone property held by the fund, multiplied by

"(B) the underpayment rate established under section 6621(a)(2) for such month.

"(2) SPECIAL RULE FOR PARTNERSHIPS.—In the case that the qualified opportunity fund is a partnership, the penalty imposed by paragraph (1) shall be taken into account proportionately as part of the distributive share of each partner of the partnership.

"(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection with respect to any failure if it is shown that such failure is due to reasonable cause.".

(b) BASIS ADJUSTMENTS.—Section 1016(a) is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by inserting after paragraph (37) the following:

"(38) to the extent provided in subsections (b)(2) and (c) of section 1400Z–2.".

(c) CLERICAL AMENDMENT.—The table of subchapters for chapter 1 is amended by adding at the end the following new item:

26 USC prec. 1.

"SUBCHAPTER Z. OPPORTUNITY ZONES".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

26 USC 1016 note.

Subtitle D—International Tax Provisions

PART I—OUTBOUND TRANSACTIONS

Subpart A—Establishment of Participation Exemption System for Taxation of Foreign Income

SEC. 14101. DEDUCTION FOR FOREIGN-SOURCE PORTION OF DIVIDENDS RECEIVED BY DOMESTIC CORPORATIONS FROM SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Part VIII of subchapter B of chapter 1 is amended by inserting after section 245 the following new section:

"SEC. 245A. DEDUCTION FOR FOREIGN SOURCE-PORTION OF DIVIDENDS RECEIVED BY DOMESTIC CORPORATIONS FROM SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATIONS. 26 USC 245A.

"(a) IN GENERAL.—In the case of any dividend received from a specified 10-percent owned foreign corporation by a domestic corporation which is a United States shareholder with respect to such foreign corporation, there shall be allowed as a deduction an amount equal to the foreign-source portion of such dividend.

"(b) SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATION.—For purposes of this section—

"(1) IN GENERAL.—The term 'specified 10-percent owned foreign corporation' means any foreign corporation with respect to which any domestic corporation is a United States shareholder with respect to such corporation.

"(2) EXCLUSION OF PASSIVE FOREIGN INVESTMENT COMPANIES.—Such term shall not include any corporation which is a passive foreign investment company (as defined in section 1297) with respect to the shareholder and which is not a controlled foreign corporation.

"(c) FOREIGN-SOURCE PORTION.—For purposes of this section—

"(1) IN GENERAL.—The foreign-source portion of any dividend from a specified 10-percent owned foreign corporation is an amount which bears the same ratio to such dividend as—

"(A) the undistributed foreign earnings of the specified 10-percent owned foreign corporation, bears to

"(B) the total undistributed earnings of such foreign corporation.

"(2) UNDISTRIBUTED EARNINGS.—The term 'undistributed earnings' means the amount of the earnings and profits of the specified 10-percent owned foreign corporation (computed in accordance with sections 964(a) and 986)—

"(A) as of the close of the taxable year of the specified 10-percent owned foreign corporation in which the dividend is distributed, and

"(B) without diminution by reason of dividends distributed during such taxable year.

"(3) UNDISTRIBUTED FOREIGN EARNINGS.—The term 'undistributed foreign earnings' means the portion of the undistributed earnings which is attributable to neither—

"(A) income described in subparagraph (A) of section 245(a)(5), nor

"(B) dividends described in subparagraph (B) of such section (determined without regard to section 245(a)(12)).

"(d) DISALLOWANCE OF FOREIGN TAX CREDIT, ETC.—

"(1) IN GENERAL.—No credit shall be allowed under section 901 for any taxes paid or accrued (or treated as paid or accrued) with respect to any dividend for which a deduction is allowed under this section.

"(2) DENIAL OF DEDUCTION.—No deduction shall be allowed under this chapter for any tax for which credit is not allowable under section 901 by reason of paragraph (1) (determined by treating the taxpayer as having elected the benefits of subpart A of part III of subchapter N).

"(e) SPECIAL RULES FOR HYBRID DIVIDENDS.—

"(1) IN GENERAL.—Subsection (a) shall not apply to any dividend received by a United States shareholder from a controlled foreign corporation if the dividend is a hybrid dividend.

"(2) HYBRID DIVIDENDS OF TIERED CORPORATIONS.—If a controlled foreign corporation with respect to which a domestic corporation is a United States shareholder receives a hybrid dividend from any other controlled foreign corporation with respect to which such domestic corporation is also a United States shareholder, then, notwithstanding any other provision of this title—

"(A) the hybrid dividend shall be treated for purposes of section 951(a)(1)(A) as subpart F income of the receiving controlled foreign corporation for the taxable year of the controlled foreign corporation in which the dividend was received, and

"(B) the United States shareholder shall include in gross income an amount equal to the shareholder's pro rata share (determined in the same manner as under section 951(a)(2)) of the subpart F income described in subparagraph (A).

"(3) DENIAL OF FOREIGN TAX CREDIT, ETC.—The rules of subsection (d) shall apply to any hybrid dividend received by, or any amount included under paragraph (2) in the gross income of, a United States shareholder.

"(4) HYBRID DIVIDEND.—The term 'hybrid dividend' means an amount received from a controlled foreign corporation—

"(A) for which a deduction would be allowed under subsection (a) but for this subsection, and

"(B) for which the controlled foreign corporation received a deduction (or other tax benefit) with respect to any income, war profits, or excess profits taxes imposed by any foreign country or possession of the United States.

"(f) SPECIAL RULE FOR PURGING DISTRIBUTIONS OF PASSIVE FOREIGN INVESTMENT COMPANIES.—Any amount which is treated as a dividend under section 1291(d)(2)(B) shall not be treated as a dividend for purposes of this section.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the provisions of this section, including regulations for the treatment of United States shareholders owning stock of a specified 10 percent owned foreign corporation through a partnership.".

(b) APPLICATION OF HOLDING PERIOD REQUIREMENT.—Subsection (c) of section 246 is amended— 26 USC 246.

(1) by striking "or 245" in paragraph (1) and inserting "245, or 245A", and

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

"(5) SPECIAL RULES FOR FOREIGN SOURCE PORTION OF DIVIDENDS RECEIVED FROM SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATIONS.—

"(A) 1-YEAR HOLDING PERIOD REQUIREMENT.—For purposes of section 245A—

"(i) paragraph (1)(A) shall be applied—

"(I) by substituting '365 days' for '45 days' each place it appears, and

"(II) by substituting '731-day period' for '91-day period', and

"(ii) paragraph (2) shall not apply.

"(B) STATUS MUST BE MAINTAINED DURING HOLDING PERIOD.—For purposes of applying paragraph (1) with respect to section 245A, the taxpayer shall be treated as holding the stock referred to in paragraph (1) for any period only if—

"(i) the specified 10-percent owned foreign corporation referred to in section 245A(a) is a specified 10-percent owned foreign corporation at all times during such period, and

"(ii) the taxpayer is a United States shareholder with respect to such specified 10-percent owned foreign corporation at all times during such period.".

(c) APPLICATION OF RULES GENERALLY APPLICABLE TO DEDUCTIONS FOR DIVIDENDS RECEIVED.—

(1) TREATMENT OF DIVIDENDS FROM CERTAIN CORPORATIONS.—Paragraph (1) of section 246(a) is amended by striking "and 245" and inserting "245, and 245A".

(2) COORDINATION WITH SECTION 1059.—Subparagraph (B) of section 1059(b)(2) is amended by striking "or 245" and inserting "245, or 245A".

(d) COORDINATION WITH FOREIGN TAX CREDIT LIMITATION.—Subsection (b) of section 904 is amended by adding at the end the following new paragraph:

"(5) TREATMENT OF DIVIDENDS FOR WHICH DEDUCTION IS ALLOWED UNDER SECTION 245A.—For purposes of subsection (a), in the case of a domestic corporation which is a United States shareholder with respect to a specified 10-percent owned foreign corporation, such shareholder's taxable income from sources without the United States (and entire taxable income) shall be determined without regard to—

"(A) the foreign-source portion of any dividend received from such foreign corporation, and

"(B) any deductions properly allocable or apportioned to—

"(i) income (other than amounts includible under section 951(a)(1) or 951A(a)) with respect to stock of such specified 10-percent owned foreign corporation, or

"(ii) such stock to the extent income with respect to such stock is other than amounts includible under section 951(a)(1) or 951A(a).

Any term which is used in section 245A and in this paragraph shall have the same meaning for purposes of this paragraph as when used in such section.".

(e) CONFORMING AMENDMENTS.—

26 USC 951.

(1) Subsection (b) of section 951 is amended by striking "subpart" and inserting "title".

(2) Subsection (a) of section 957 is amended by striking "subpart" in the matter preceding paragraph (1) and inserting "title".

26 USC prec. 241.

(3) The table of sections for part VIII of subchapter B of chapter 1 is amended by inserting after the item relating to section 245 the following new item:

"Sec. 245A. Deduction for foreign source-portion of dividends received by domestic corporations from certain 10-percent owned foreign corporations.".

26 USC 245A note.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after (and, in the case of the amendments made by subsection (d), deductions with respect to taxable years ending after) December 31, 2017.

SEC. 14102. SPECIAL RULES RELATING TO SALES OR TRANSFERS INVOLVING SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATIONS.

(a) SALES BY UNITED STATES PERSONS OF STOCK.—

(1) IN GENERAL.—Section 1248 is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

"(j) COORDINATION WITH DIVIDENDS RECEIVED DEDUCTION.—In the case of the sale or exchange by a domestic corporation of stock in a foreign corporation held for 1 year or more, any amount received by the domestic corporation which is treated as a dividend by reason of this section shall be treated as a dividend for purposes of applying section 245A.".

26 USC 1248 note.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to sales or exchanges after December 31, 2017.

(b) BASIS IN SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATION REDUCED BY NONTAXED PORTION OF DIVIDEND FOR PURPOSES OF DETERMINING LOSS.—

(1) IN GENERAL.—Section 961 is amended by adding at the end the following new subsection:

"(d) BASIS IN SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATION REDUCED BY NONTAXED PORTION OF DIVIDEND FOR PURPOSES OF DETERMINING LOSS.—If a domestic corporation received a dividend from a specified 10-percent owned foreign corporation (as defined in section 245A) in any taxable year, solely for purposes of determining loss on any disposition of stock of such foreign corporation in such taxable year or any subsequent taxable year, the basis of such domestic corporation in such stock shall be reduced (but not below zero) by the amount of any deduction allowable to such domestic corporation under section 245A with respect to such stock except to the extent such basis was reduced under section 1059 by reason of a dividend for which such a deduction was allowable.".

26 USC 961 note.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distributions made after December 31, 2017.

(c) SALE BY A CFC OF A LOWER TIER CFC.—

(1) IN GENERAL.—Section 964(e) is amended by adding at the end the following new paragraph: 26 USC 964.

"(4) COORDINATION WITH DIVIDENDS RECEIVED DEDUCTION.—

"(A) IN GENERAL.—If, for any taxable year of a controlled foreign corporation beginning after December 31, 2017, any amount is treated as a dividend under paragraph (1) by reason of a sale or exchange by the controlled foreign corporation of stock in another foreign corporation held for 1 year or more, then, notwithstanding any other provision of this title—

"(i) the foreign-source portion of such dividend shall be treated for purposes of section 951(a)(1)(A) as subpart F income of the selling controlled foreign corporation for such taxable year,

"(ii) a United States shareholder with respect to the selling controlled foreign corporation shall include in gross income for the taxable year of the shareholder with or within which such taxable year of the controlled foreign corporation ends an amount equal to the shareholder's pro rata share (determined in the same manner as under section 951(a)(2)) of the amount treated as subpart F income under clause (i), and

"(iii) the deduction under section 245A(a) shall be allowable to the United States shareholder with respect to the subpart F income included in gross income under clause (ii) in the same manner as if such subpart F income were a dividend received by the shareholder from the selling controlled foreign corporation.

"(B) APPLICATION OF BASIS OR SIMILAR ADJUSTMENT.—For purposes of this title, in the case of a sale or exchange by a controlled foreign corporation of stock in another foreign corporation in a taxable year of the selling controlled foreign corporation beginning after December 31, 2017, rules similar to the rules of section 961(d) shall apply.

"(C) FOREIGN-SOURCE PORTION.—For purposes of this paragraph, the foreign-source portion of any amount treated as a dividend under paragraph (1) shall be determined in the same manner as under section 245A(c).".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to sales or exchanges after December 31, 2017. 26 USC 964 note.

(d) TREATMENT OF FOREIGN BRANCH LOSSES TRANSFERRED TO SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATIONS.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 is amended by adding at the end the following new section:

"SEC. 91. CERTAIN FOREIGN BRANCH LOSSES TRANSFERRED TO SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATIONS. 26 USC 91.

"(a) IN GENERAL.—If a domestic corporation transfers substantially all of the assets of a foreign branch (within the meaning of section 367(a)(3)(C), as in effect before the date of the enactment of the Tax Cuts and Jobs Act) to a specified 10-percent owned foreign corporation (as defined in section 245A) with respect to which it is a United States shareholder after such transfer, such domestic corporation shall include in gross income for the taxable

year which includes such transfer an amount equal to the transferred loss amount with respect to such transfer.

"(b) TRANSFERRED LOSS AMOUNT.—For purposes of this section, the term 'transferred loss amount' means, with respect to any transfer of substantially all of the assets of a foreign branch, the excess (if any) of—

"(1) the sum of losses—

"(A) which were incurred by the foreign branch after December 31, 2017, and before the transfer, and

"(B) with respect to which a deduction was allowed to the taxpayer, over

"(2) the sum of—

"(A) any taxable income of such branch for a taxable year after the taxable year in which the loss was incurred and through the close of the taxable year of the transfer, and

"(B) any amount which is recognized under section 904(f)(3) on account of the transfer.

"(c) REDUCTION FOR RECOGNIZED GAINS.—The transferred loss amount shall be reduced (but not below zero) by the amount of gain recognized by the taxpayer on account of the transfer (other than amounts taken into account under subsection (b)(2)(B)).

"(d) SOURCE OF INCOME.—Amounts included in gross income under this section shall be treated as derived from sources within the United States.

"(e) BASIS ADJUSTMENTS.—Consistent with such regulations or other guidance as the Secretary shall prescribe, proper adjustments shall be made in the adjusted basis of the taxpayer's stock in the specified 10-percent owned foreign corporation to which the transfer is made, and in the transferee's adjusted basis in the property transferred, to reflect amounts included in gross income under this section.".

26 USC prec. 71.

(2) CLERICAL AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 91. Certain foreign branch losses transferred to specified 10-percent owned foreign corporations.".

26 USC 91 note.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to transfers after December 31, 2017.

26 USC 91 note.

(4) TRANSITION RULE.—The amount of gain taken into account under section 91(c) of the Internal Revenue Code of 1986, as added by this subsection, shall be reduced by the amount of gain which would be recognized under section 367(a)(3)(C) (determined without regard to the amendments made by subsection (e)) with respect to losses incurred before January 1, 2018.

(e) REPEAL OF ACTIVE TRADE OR BUSINESS EXCEPTION UNDER SECTION 367.—

26 USC 367.

(1) IN GENERAL.—Section 367(a) is amended by striking paragraph (3) and redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(2) CONFORMING AMENDMENTS.—Section 367(a)(4), as redesignated by paragraph (1), is amended—

(A) by striking "Paragraphs (2) and (3)" and inserting "Paragraph (2)", and

(B) by striking "PARAGRAPHS (2) AND (3)" in the heading and inserting "PARAGRAPH (2)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to transfers after December 31, 2017. 26 USC 367 note.

SEC. 14103. TREATMENT OF DEFERRED FOREIGN INCOME UPON TRANSITION TO PARTICIPATION EXEMPTION SYSTEM OF TAXATION.

(a) IN GENERAL.—Section 965 is amended to read as follows: 26 USC 965.

"SEC. 965. TREATMENT OF DEFERRED FOREIGN INCOME UPON TRANSITION TO PARTICIPATION EXEMPTION SYSTEM OF TAXATION.

"(a) TREATMENT OF DEFERRED FOREIGN INCOME AS SUBPART F INCOME.—In the case of the last taxable year of a deferred foreign income corporation which begins before January 1, 2018, the subpart F income of such foreign corporation (as otherwise determined for such taxable year under section 952) shall be increased by the greater of—

"(1) the accumulated post-1986 deferred foreign income of such corporation determined as of November 2, 2017, or

"(2) the accumulated post-1986 deferred foreign income of such corporation determined as of December 31, 2017.

"(b) REDUCTION IN AMOUNTS INCLUDED IN GROSS INCOME OF UNITED STATES SHAREHOLDERS OF SPECIFIED FOREIGN CORPORATIONS WITH DEFICITS IN EARNINGS AND PROFITS.—

"(1) IN GENERAL.—In the case of a taxpayer which is a United States shareholder with respect to at least one deferred foreign income corporation and at least one E&P deficit foreign corporation, the amount which would (but for this subsection) be taken into account under section 951(a)(1) by reason of subsection (a) as such United States shareholder's pro rata share of the subpart F income of each deferred foreign income corporation shall be reduced by the amount of such United States shareholder's aggregate foreign E&P deficit which is allocated under paragraph (2) to such deferred foreign income corporation.

"(2) ALLOCATION OF AGGREGATE FOREIGN E&P DEFICIT.—The aggregate foreign E&P deficit of any United States shareholder shall be allocated among the deferred foreign income corporations of such United States shareholder in an amount which bears the same proportion to such aggregate as—

"(A) such United States shareholder's pro rata share of the accumulated post-1986 deferred foreign income of each such deferred foreign income corporation, bears to

"(B) the aggregate of such United States shareholder's pro rata share of the accumulated post-1986 deferred foreign income of all deferred foreign income corporations of such United States shareholder.

"(3) DEFINITIONS RELATED TO E&P DEFICITS.—For purposes of this subsection—

"(A) AGGREGATE FOREIGN E&P DEFICIT.—

"(i) IN GENERAL.—The term 'aggregate foreign E&P deficit' means, with respect to any United States shareholder, the lesser of—

"(I) the aggregate of such shareholder's pro rata shares of the specified E&P deficits of the

E&P deficit foreign corporations of such shareholder, or

"(II) the amount determined under paragraph (2)(B).

"(ii) ALLOCATION OF DEFICIT.—If the amount described in clause (i)(II) is less than the amount described in clause (i)(I), then the shareholder shall designate, in such form and manner as the Secretary determines—

"(I) the amount of the specified E&P deficit which is to be taken into account for each E&P deficit corporation with respect to the taxpayer, and

"(II) in the case of an E&P deficit corporation which has a qualified deficit (as defined in section 952), the portion (if any) of the deficit taken into account under subclause (I) which is attributable to a qualified deficit, including the qualified activities to which such portion is attributable.

"(B) E&P DEFICIT FOREIGN CORPORATION.—The term 'E&P deficit foreign corporation' means, with respect to any taxpayer, any specified foreign corporation with respect to which such taxpayer is a United States shareholder, if, as of November 2, 2017—

"(i) such specified foreign corporation has a deficit in post-1986 earnings and profits,

"(ii) such corporation was a specified foreign corporation, and

"(iii) such taxpayer was a United States shareholder of such corporation.

"(C) SPECIFIED E&P DEFICIT.—The term 'specified E&P deficit' means, with respect to any E&P deficit foreign corporation, the amount of the deficit referred to in subparagraph (B).

"(4) TREATMENT OF EARNINGS AND PROFITS IN FUTURE YEARS.—

"(A) REDUCED EARNINGS AND PROFITS TREATED AS PREVIOUSLY TAXED INCOME WHEN DISTRIBUTED.—For purposes of applying section 959 in any taxable year beginning with the taxable year described in subsection (a), with respect to any United States shareholder of a deferred foreign income corporation, an amount equal to such shareholder's reduction under paragraph (1) which is allocated to such deferred foreign income corporation under this subsection shall be treated as an amount which was included in the gross income of such United States shareholder under section 951(a).

"(B) E&P DEFICITS.—For purposes of this title, with respect to any taxable year beginning with the taxable year described in subsection (a), a United States shareholder's pro rata share of the earnings and profits of any E&P deficit foreign corporation under this subsection shall be increased by the amount of the specified E&P deficit of such corporation taken into account by such shareholder under paragraph (1), and, for purposes of section 952, such increase shall be attributable to the same activity to which the deficit so taken into account was attributable.

"(5) NETTING AMONG UNITED STATES SHAREHOLDERS IN SAME AFFILIATED GROUP.—

"(A) IN GENERAL.—In the case of any affiliated group which includes at least one E&P net surplus shareholder and one E&P net deficit shareholder, the amount which would (but for this paragraph) be taken into account under section 951(a)(1) by reason of subsection (a) by each such E&P net surplus shareholder shall be reduced (but not below zero) by such shareholder's applicable share of the affiliated group's aggregate unused E&P deficit.

"(B) E&P NET SURPLUS SHAREHOLDER.—For purposes of this paragraph, the term 'E&P net surplus shareholder' means any United States shareholder which would (determined without regard to this paragraph) take into account an amount greater than zero under section 951(a)(1) by reason of subsection (a).

"(C) E&P NET DEFICIT SHAREHOLDER.—For purposes of this paragraph, the term 'E&P net deficit shareholder' means any United States shareholder if—

"(i) the aggregate foreign E&P deficit with respect to such shareholder (as defined in paragraph (3)(A) without regard to clause (i)(II) thereof), exceeds

"(ii) the amount which would (but for this subsection) be taken into account by such shareholder under section 951(a)(1) by reason of subsection (a).

"(D) AGGREGATE UNUSED E&P DEFICIT.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'aggregate unused E&P deficit' means, with respect to any affiliated group, the lesser of—

"(I) the sum of the excesses described in subparagraph (C), determined with respect to each E&P net deficit shareholder in such group, or

"(II) the amount determined under subparagraph (E)(ii).

"(ii) REDUCTION WITH RESPECT TO E&P NET DEFICIT SHAREHOLDERS WHICH ARE NOT WHOLLY OWNED BY THE AFFILIATED GROUP.—If the group ownership percentage of any E&P net deficit shareholder is less than 100 percent, the amount of the excess described in subparagraph (C) which is taken into account under clause (i)(I) with respect to such E&P net deficit shareholder shall be such group ownership percentage of such amount.

"(E) APPLICABLE SHARE.—For purposes of this paragraph, the term 'applicable share' means, with respect to any E&P net surplus shareholder in any affiliated group, the amount which bears the same proportion to such group's aggregate unused E&P deficit as—

"(i) the product of—

"(I) such shareholder's group ownership percentage, multiplied by

"(II) the amount which would (but for this paragraph) be taken into account under section 951(a)(1) by reason of subsection (a) by such shareholder, bears to

"(ii) the aggregate amount determined under clause (i) with respect to all E&P net surplus shareholders in such group.

"(F) GROUP OWNERSHIP PERCENTAGE.—For purposes of this paragraph, the term 'group ownership percentage' means, with respect to any United States shareholder in any affiliated group, the percentage of the value of the stock of such United States shareholder which is held by other includible corporations in such affiliated group. Notwithstanding the preceding sentence, the group ownership percentage of the common parent of the affiliated group is 100 percent. Any term used in this subparagraph which is also used in section 1504 shall have the same meaning as when used in such section.

"(c) APPLICATION OF PARTICIPATION EXEMPTION TO INCLUDED INCOME.—

"(1) IN GENERAL.—In the case of a United States shareholder of a deferred foreign income corporation, there shall be allowed as a deduction for the taxable year in which an amount is included in the gross income of such United States shareholder under section 951(a)(1) by reason of this section an amount equal to the sum of—

"(A) the United States shareholder's 8 percent rate equivalent percentage of the excess (if any) of—

"(i) the amount so included as gross income, over

"(ii) the amount of such United States shareholder's aggregate foreign cash position, plus

"(B) the United States shareholder's 15.5 percent rate equivalent percentage of so much of the amount described in subparagraph (A)(ii) as does not exceed the amount described in subparagraph (A)(i).

"(2) 8 AND 15.5 PERCENT RATE EQUIVALENT PERCENTAGES.—For purposes of this subsection—

"(A) 8 PERCENT RATE EQUIVALENT PERCENTAGE.—The term '8 percent rate equivalent percentage' means, with respect to any United States shareholder for any taxable year, the percentage which would result in the amount to which such percentage applies being subject to a 8 percent rate of tax determined by only taking into account a deduction equal to such percentage of such amount and the highest rate of tax specified in section 11 for such taxable year. In the case of any taxable year of a United States shareholder to which section 15 applies, the highest rate of tax under section 11 before the effective date of the change in rates and the highest rate of tax under section 11 after the effective date of such change shall each be taken into account under the preceding sentence in the same proportions as the portion of such taxable year which is before and after such effective date, respectively.

"(B) 15.5 PERCENT RATE EQUIVALENT PERCENTAGE.—The term '15.5 percent rate equivalent percentage' means, with respect to any United States shareholder for any taxable year, the percentage determined under subparagraph (A) applied by substituting '15.5 percent rate of tax' for '8 percent rate of tax'.

"(3) AGGREGATE FOREIGN CASH POSITION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'aggregate foreign cash position' means, with respect to any United States shareholder, the greater of—

"(i) the aggregate of such United States shareholder's pro rata share of the cash position of each specified foreign corporation of such United States shareholder determined as of the close of the last taxable year of such specified foreign corporation which begins before January 1, 2018, or

"(ii) one half of the sum of—

"(I) the aggregate described in clause (i) determined as of the close of the last taxable year of each such specified foreign corporation which ends before November 2, 2017, plus

"(II) the aggregate described in clause (i) determined as of the close of the taxable year of each such specified foreign corporation which precedes the taxable year referred to in subclause (I).

"(B) CASH POSITION.—For purposes of this paragraph, the cash position of any specified foreign corporation is the sum of—

"(i) cash held by such foreign corporation,

"(ii) the net accounts receivable of such foreign corporation, plus

"(iii) the fair market value of the following assets held by such corporation:

"(I) Personal property which is of a type that is actively traded and for which there is an established financial market.

"(II) Commercial paper, certificates of deposit, the securities of the Federal government and of any State or foreign government.

"(III) Any foreign currency.

"(IV) Any obligation with a term of less than one year.

"(V) Any asset which the Secretary identifies as being economically equivalent to any asset described in this subparagraph.

"(C) NET ACCOUNTS RECEIVABLE.—For purposes of this paragraph, the term 'net accounts receivable' means, with respect to any specified foreign corporation, the excess (if any) of—

"(i) such corporation's accounts receivable, over

"(ii) such corporation's accounts payable (determined consistent with the rules of section 461).

"(D) PREVENTION OF DOUBLE COUNTING.—Cash positions of a specified foreign corporation described in clause (ii), (iii)(I), or (iii)(IV) of subparagraph (B) shall not be taken into account by a United States shareholder under subparagraph (A) to the extent that such United States shareholder demonstrates to the satisfaction of the Secretary that such amount is so taken into account by such United States shareholder with respect to another specified foreign corporation.

"(E) CASH POSITIONS OF CERTAIN NON-CORPORATE ENTITIES TAKEN INTO ACCOUNT.—An entity (other than a corporation) shall be treated as a specified foreign corporation of a United States shareholder for purposes of determining such United States shareholder's aggregate foreign cash position if any interest in such entity is held by a specified foreign corporation of such United States shareholder (determined after application of this subparagraph) and such entity would be a specified foreign corporation of such United States shareholder if such entity were a foreign corporation.

"(F) ANTI-ABUSE.—If the Secretary determines that a principal purpose of any transaction was to reduce the aggregate foreign cash position taken into account under this subsection, such transaction shall be disregarded for purposes of this subsection.

"(d) DEFERRED FOREIGN INCOME CORPORATION; ACCUMULATED POST-1986 DEFERRED FOREIGN INCOME.—For purposes of this section—

"(1) DEFERRED FOREIGN INCOME CORPORATION.—The term 'deferred foreign income corporation' means, with respect to any United States shareholder, any specified foreign corporation of such United States shareholder which has accumulated post-1986 deferred foreign income (as of the date referred to in paragraph (1) or (2) of subsection (a)) greater than zero.

"(2) ACCUMULATED POST-1986 DEFERRED FOREIGN INCOME.—The term 'accumulated post-1986 deferred foreign income' means the post-1986 earnings and profits except to the extent such earnings—

"(A) are attributable to income of the specified foreign corporation which is effectively connected with the conduct of a trade or business within the United States and subject to tax under this chapter, or

"(B) in the case of a controlled foreign corporation, if distributed, would be excluded from the gross income of a United States shareholder under section 959.

To the extent provided in regulations or other guidance prescribed by the Secretary, in the case of any controlled foreign corporation which has shareholders which are not United States shareholders, accumulated post-1986 deferred foreign income shall be appropriately reduced by amounts which would be described in subparagraph (B) if such shareholders were United States shareholders.

"(3) POST-1986 EARNINGS AND PROFITS.—The term 'post-1986 earnings and profits' means the earnings and profits of the foreign corporation (computed in accordance with sections 964(a) and 986, and by only taking into account periods when the foreign corporation was a specified foreign corporation) accumulated in taxable years beginning after December 31, 1986, and determined—

"(A) as of the date referred to in paragraph (1) or (2) of subsection (a), whichever is applicable with respect to such foreign corporation, and

"(B) without diminution by reason of dividends distributed during the taxable year described in subsection (a) other than dividends distributed to another specified foreign corporation.

"(e) SPECIFIED FOREIGN CORPORATION.—

"(1) IN GENERAL.—For purposes of this section, the term 'specified foreign corporation' means—

"(A) any controlled foreign corporation, and

"(B) any foreign corporation with respect to which one or more domestic corporations is a United States shareholder.

"(2) APPLICATION TO CERTAIN FOREIGN CORPORATIONS.—For purposes of sections 951 and 961, a foreign corporation described in paragraph (1)(B) shall be treated as a controlled foreign corporation solely for purposes of taking into account the subpart F income of such corporation under subsection (a) (and for purposes of applying subsection (f)).

"(3) EXCLUSION OF PASSIVE FOREIGN INVESTMENT COMPANIES.—Such term shall not include any corporation which is a passive foreign investment company (as defined in section 1297) with respect to the shareholder and which is not a controlled foreign corporation.

"(f) DETERMINATIONS OF PRO RATA SHARE.—

"(1) IN GENERAL.—For purposes of this section, the determination of any United States shareholder's pro rata share of any amount with respect to any specified foreign corporation shall be determined under rules similar to the rules of section 951(a)(2) by treating such amount in the same manner as subpart F income (and by treating such specified foreign corporation as a controlled foreign corporation).

"(2) SPECIAL RULES.—The portion which is included in the income of a United States shareholder under section 951(a)(1) by reason of subsection (a) which is equal to the deduction allowed under subsection (c) by reason of such inclusion—

"(A) shall be treated as income exempt from tax for purposes of sections 705(a)(1)(B) and 1367(a)(1)(A), and

"(B) shall not be treated as income exempt from tax for purposes of determining whether an adjustment shall be made to an accumulated adjustment account under section 1368(e)(1)(A).

"(g) DISALLOWANCE OF FOREIGN TAX CREDIT, ETC.—

"(1) IN GENERAL.—No credit shall be allowed under section 901 for the applicable percentage of any taxes paid or accrued (or treated as paid or accrued) with respect to any amount for which a deduction is allowed under this section.

"(2) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term 'applicable percentage' means the amount (expressed as a percentage) equal to the sum of—

"(A) 0.771 multiplied by the ratio of—

"(i) the excess to which subsection (c)(1)(A) applies, divided by

"(ii) the sum of such excess plus the amount to which subsection (c)(1)(B) applies, plus

"(B) 0.557 multiplied by the ratio of—

"(i) the amount to which subsection (c)(1)(B) applies, divided by

"(ii) the sum described in subparagraph (A)(ii).

"(3) DENIAL OF DEDUCTION.—No deduction shall be allowed under this chapter for any tax for which credit is not allowable under section 901 by reason of paragraph (1) (determined by

treating the taxpayer as having elected the benefits of subpart A of part III of subchapter N).

"(4) COORDINATION WITH SECTION 78.—With respect to the taxes treated as paid or accrued by a domestic corporation with respect to amounts which are includible in gross income of such domestic corporation by reason of this section, section 78 shall apply only to so much of such taxes as bears the same proportion to the amount of such taxes as—

"(A) the excess of—

"(i) the amounts which are includible in gross income of such domestic corporation by reason of this section, over

"(ii) the deduction allowable under subsection (c) with respect to such amounts, bears to

"(B) such amounts.

"(h) ELECTION TO PAY LIABILITY IN INSTALLMENTS.—

"(1) IN GENERAL.—In the case of a United States shareholder of a deferred foreign income corporation, such United States shareholder may elect to pay the net tax liability under this section in 8 installments of the following amounts:

"(A) 8 percent of the net tax liability in the case of each of the first 5 of such installments,

"(B) 15 percent of the net tax liability in the case of the 6th such installment,

"(C) 20 percent of the net tax liability in the case of the 7th such installment, and

"(D) 25 percent of the net tax liability in the case of the 8th such installment.

"(2) DATE FOR PAYMENT OF INSTALLMENTS.—If an election is made under paragraph (1), the first installment shall be paid on the due date (determined without regard to any extension of time for filing the return) for the return of tax for the taxable year described in subsection (a) and each succeeding installment shall be paid on the due date (as so determined) for the return of tax for the taxable year following the taxable year with respect to which the preceding installment was made.

"(3) ACCELERATION OF PAYMENT.—If there is an addition to tax for failure to timely pay any installment required under this subsection, a liquidation or sale of substantially all the assets of the taxpayer (including in a title 11 or similar case), a cessation of business by the taxpayer, or any similar circumstance, then the unpaid portion of all remaining installments shall be due on the date of such event (or in the case of a title 11 or similar case, the day before the petition is filed). The preceding sentence shall not apply to the sale of substantially all the assets of a taxpayer to a buyer if such buyer enters into an agreement with the Secretary under which such buyer is liable for the remaining installments due under this subsection in the same manner as if such buyer were the taxpayer.

"(4) PRORATION OF DEFICIENCY TO INSTALLMENTS.—If an election is made under paragraph (1) to pay the net tax liability under this section in installments and a deficiency has been assessed with respect to such net tax liability, the deficiency shall be prorated to the installments payable under paragraph (1). The part of the deficiency so prorated to any installment the date for payment of which has not arrived shall be collected

at the same time as, and as a part of, such installment. The part of the deficiency so prorated to any installment the date for payment of which has arrived shall be paid upon notice and demand from the Secretary. This subsection shall not apply if the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax.

"(5) ELECTION.—Any election under paragraph (1) shall be made not later than the due date for the return of tax for the taxable year described in subsection (a) and shall be made in such manner as the Secretary shall provide.

"(6) NET TAX LIABILITY UNDER THIS SECTION.—For purposes of this subsection—

"(A) IN GENERAL.—The net tax liability under this section with respect to any United States shareholder is the excess (if any) of—

"(i) such taxpayer's net income tax for the taxable year in which an amount is included in the gross income of such United States shareholder under section 951(a)(1) by reason of this section, over

"(ii) such taxpayer's net income tax for such taxable year determined—

"(I) without regard to this section, and

"(II) without regard to any income or deduction properly attributable to a dividend received by such United States shareholder from any deferred foreign income corporation.

"(B) NET INCOME TAX.—The term 'net income tax' means the regular tax liability reduced by the credits allowed under subparts A, B, and D of part IV of subchapter A.

"(i) SPECIAL RULES FOR S CORPORATION SHAREHOLDERS.—

"(1) IN GENERAL.—In the case of any S corporation which is a United States shareholder of a deferred foreign income corporation, each shareholder of such S corporation may elect to defer payment of such shareholder's net tax liability under this section with respect to such S corporation until the shareholder's taxable year which includes the triggering event with respect to such liability. Any net tax liability payment of which is deferred under the preceding sentence shall be assessed on the return of tax as an addition to tax in the shareholder's taxable year which includes such triggering event.

"(2) TRIGGERING EVENT.—

"(A) IN GENERAL.—In the case of any shareholder's net tax liability under this section with respect to any S corporation, the triggering event with respect to such liability is whichever of the following occurs first:

"(i) Such corporation ceases to be an S corporation (determined as of the first day of the first taxable year that such corporation is not an S corporation).

"(ii) A liquidation or sale of substantially all the assets of such S corporation (including in a title 11 or similar case), a cessation of business by such S corporation, such S corporation ceases to exist, or any similar circumstance.

"(iii) A transfer of any share of stock in such S corporation by the taxpayer (including by reason of death, or otherwise).

"(B) PARTIAL TRANSFERS OF STOCK.—In the case of a transfer of less than all of the taxpayer's shares of stock in the S corporation, such transfer shall only be a triggering event with respect to so much of the taxpayer's net tax liability under this section with respect to such S corporation as is properly allocable to such stock.

"(C) TRANSFER OF LIABILITY.—A transfer described in clause (iii) of subparagraph (A) shall not be treated as a triggering event if the transferee enters into an agreement with the Secretary under which such transferee is liable for net tax liability with respect to such stock in the same manner as if such transferee were the taxpayer.

"(3) NET TAX LIABILITY.—A shareholder's net tax liability under this section with respect to any S corporation is the net tax liability under this section which would be determined under subsection (h)(6) if the only subpart F income taken into account by such shareholder by reason of this section were allocations from such S corporation.

"(4) ELECTION TO PAY DEFERRED LIABILITY IN INSTALLMENTS.—In the case of a taxpayer which elects to defer payment under paragraph (1)—

"(A) subsection (h) shall be applied separately with respect to the liability to which such election applies,

"(B) an election under subsection (h) with respect to such liability shall be treated as timely made if made not later than the due date for the return of tax for the taxable year in which the triggering event with respect to such liability occurs,

"(C) the first installment under subsection (h) with respect to such liability shall be paid not later than such due date (but determined without regard to any extension of time for filing the return), and

"(D) if the triggering event with respect to any net tax liability is described in paragraph (2)(A)(ii), an election under subsection (h) with respect to such liability may be made only with the consent of the Secretary.

"(5) JOINT AND SEVERAL LIABILITY OF S CORPORATION.—If any shareholder of an S corporation elects to defer payment under paragraph (1), such S corporation shall be jointly and severally liable for such payment and any penalty, addition to tax, or additional amount attributable thereto.

"(6) EXTENSION OF LIMITATION ON COLLECTION.—Any limitation on the time period for the collection of a liability deferred under this subsection shall not be treated as beginning before the date of the triggering event with respect to such liability.

"(7) ANNUAL REPORTING OF NET TAX LIABILITY.—

"(A) IN GENERAL.—Any shareholder of an S corporation which makes an election under paragraph (1) shall report the amount of such shareholder's deferred net tax liability on such shareholder's return of tax for the taxable year for which such election is made and on the return of tax for each taxable year thereafter until such amount has been fully assessed on such returns.

"(B) DEFERRED NET TAX LIABILITY.—For purposes of this paragraph, the term 'deferred net tax liability' means, with respect to any taxable year, the amount of net tax liability payment of which has been deferred under paragraph (1) and which has not been assessed on a return of tax for any prior taxable year.

"(C) FAILURE TO REPORT.—In the case of any failure to report any amount required to be reported under subparagraph (A) with respect to any taxable year before the due date for the return of tax for such taxable year, there shall be assessed on such return as an addition to tax 5 percent of such amount.

"(8) ELECTION.—Any election under paragraph (1)—

"(A) shall be made by the shareholder of the S corporation not later than the due date for such shareholder's return of tax for the taxable year which includes the close of the taxable year of such S corporation in which the amount described in subsection (a) is taken into account, and

"(B) shall be made in such manner as the Secretary shall provide.

"(j) REPORTING BY S CORPORATION.—Each S corporation which is a United States shareholder of a specified foreign corporation shall report in its return of tax under section 6037(a) the amount includible in its gross income for such taxable year by reason of this section and the amount of the deduction allowable by subsection (c). Any copy provided to a shareholder under section 6037(b) shall include a statement of such shareholder's pro rata share of such amounts.

"(k) EXTENSION OF LIMITATION ON ASSESSMENT.—Notwithstanding section 6501, the limitation on the time period for the assessment of the net tax liability under this section (as defined in subsection (h)(6)) shall not expire before the date that is 6 years after the return for the taxable year described in such subsection was filed.

"(l) RECAPTURE FOR EXPATRIATED ENTITIES.—

"(1) IN GENERAL.—If a deduction is allowed under subsection (c) to a United States shareholder and such shareholder first becomes an expatriated entity at any time during the 10-year period beginning on the date of the enactment of the Tax Cuts and Jobs Act (with respect to a surrogate foreign corporation which first becomes a surrogate foreign corporation during such period), then—

"(A) the tax imposed by this chapter shall be increased for the first taxable year in which such taxpayer becomes an expatriated entity by an amount equal to 35 percent of the amount of the deduction allowed under subsection (c), and

"(B) no credits shall be allowed against the increase in tax under subparagraph (A).

"(2) EXPATRIATED ENTITY.—For purposes of this subsection, the term 'expatriated entity' has the same meaning given such term under section 7874(a)(2), except that such term shall not include an entity if the surrogate foreign corporation with respect to the entity is treated as a domestic corporation under section 7874(b).

"(3) SURROGATE FOREIGN CORPORATION.—For purposes of this subsection, the term 'surrogate foreign corporation' has the meaning given such term in section 7874(a)(2)(B).

"(m) SPECIAL RULES FOR UNITED STATES SHAREHOLDERS WHICH ARE REAL ESTATE INVESTMENT TRUSTS.—

"(1) IN GENERAL.—If a real estate investment trust is a United States shareholder in 1 or more deferred foreign income corporations—

"(A) any amount required to be taken into account under section 951(a)(1) by reason of this section shall not be taken into account as gross income of the real estate investment trust for purposes of applying paragraphs (2) and (3) of section 856(c) to any taxable year for which such amount is taken into account under section 951(a)(1), and

"(B) if the real estate investment trust elects the application of this subparagraph, notwithstanding subsection (a), any amount required to be taken into account under section 951(a)(1) by reason of this section shall, in lieu of the taxable year in which it would otherwise be included in gross income (for purposes of the computation of real estate investment trust taxable income under section 857(b)), be included in gross income as follows:

"(i) 8 percent of such amount in the case of each of the taxable years in the 5-taxable year period beginning with the taxable year in which such amount would otherwise be included.

"(ii) 15 percent of such amount in the case of the 1st taxable year following such period.

"(iii) 20 percent of such amount in the case of the 2nd taxable year following such period.

"(iv) 25 percent of such amount in the case of the 3rd taxable year following such period.

"(2) RULES FOR TRUSTS ELECTING DEFERRED INCLUSION.—

"(A) ELECTION.—Any election under paragraph (1)(B) shall be made not later than the due date for the first taxable year in the 5-taxable year period described in clause (i) of paragraph (1)(B) and shall be made in such manner as the Secretary shall provide.

"(B) SPECIAL RULES.—If an election under paragraph (1)(B) is in effect with respect to any real estate investment trust, the following rules shall apply:

"(i) APPLICATION OF PARTICIPATION EXEMPTION.—For purposes of subsection (c)(1)—

"(I) the aggregate amount to which subparagraph (A) or (B) of subsection (c)(1) applies shall be determined without regard to the election,

"(II) each such aggregate amount shall be allocated to each taxable year described in paragraph (1)(B) in the same proportion as the amount included in the gross income of such United States shareholder under section 951(a)(1) by reason of this section is allocated to each such taxable year.

"(III) NO INSTALLMENT PAYMENTS.—The real estate investment trust may not make an election under subsection (g) for any taxable year described in paragraph (1)(B).

"(ii) ACCELERATION OF INCLUSION.—If there is a liquidation or sale of substantially all the assets of the real estate investment trust (including in a title 11 or similar case), a cessation of business by such trust, or any similar circumstance, then any amount not yet included in gross income under paragraph (1)(B) shall be included in gross income as of the day before the date of the event and the unpaid portion of any tax liability with respect to such inclusion shall be due on the date of such event (or in the case of a title 11 or similar case, the day before the petition is filed).

"(n) ELECTION NOT TO APPLY NET OPERATING LOSS DEDUCTION.—

"(1) IN GENERAL.—If a United States shareholder of a deferred foreign income corporation elects the application of this subsection for the taxable year described in subsection (a), then the amount described in paragraph (2) shall not be taken into account—

"(A) in determining the amount of the net operating loss deduction under section 172 of such shareholder for such taxable year, or

"(B) in determining the amount of taxable income for such taxable year which may be reduced by net operating loss carryovers or carrybacks to such taxable year under section 172.

"(2) AMOUNT DESCRIBED.—The amount described in this paragraph is the sum of—

"(A) the amount required to be taken into account under section 951(a)(1) by reason of this section (determined after the application of subsection (c)), plus

"(B) in the case of a domestic corporation which chooses to have the benefits of subpart A of part III of subchapter N for the taxable year, the taxes deemed to be paid by such corporation under subsections (a) and (b) of section 960 for such taxable year with respect to the amount described in subparagraph (A) which are treated as a dividends under section 78.

"(3) ELECTION.—Any election under this subsection shall be made not later than the due date (including extensions) for filing the return of tax for the taxable year and shall be made in such manner as the Secretary shall prescribe.

"(o) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the provisions of this section, including—

"(1) regulations or other guidance to provide appropriate basis adjustments, and

"(2) regulations or other guidance to prevent the avoidance of the purposes of this section, including through a reduction in earnings and profits, through changes in entity classification or accounting methods, or otherwise.".

26 USC prec. 951.

(b) CLERICAL AMENDMENT.—The table of sections for subpart F of part III of subchapter N of chapter 1 is amended by striking the item relating to section 965 and inserting the following:

"Sec. 965. Treatment of deferred foreign income upon transition to participation exemption system of taxation.".

Subpart B—Rules Related to Passive and Mobile Income

CHAPTER 1—TAXATION OF FOREIGN-DERIVED INTANGIBLE INCOME AND GLOBAL INTANGIBLE LOW-TAXED INCOME

SEC. 14201. CURRENT YEAR INCLUSION OF GLOBAL INTANGIBLE LOW-TAXED INCOME BY UNITED STATES SHAREHOLDERS.

(a) IN GENERAL.—Subpart F of part III of subchapter N of chapter 1 is amended by inserting after section 951 the following new section:

26 USC 951A.

"SEC. 951A. GLOBAL INTANGIBLE LOW-TAXED INCOME INCLUDED IN GROSS INCOME OF UNITED STATES SHAREHOLDERS.

"(a) IN GENERAL.—Each person who is a United States shareholder of any controlled foreign corporation for any taxable year of such United States shareholder shall include in gross income such shareholder's global intangible low-taxed income for such taxable year.

"(b) GLOBAL INTANGIBLE LOW-TAXED INCOME.—For purposes of this section—

"(1) IN GENERAL.—The term 'global intangible low-taxed income' means, with respect to any United States shareholder for any taxable year of such United States shareholder, the excess (if any) of—

"(A) such shareholder's net CFC tested income for such taxable year, over

"(B) such shareholder's net deemed tangible income return for such taxable year.

"(2) NET DEEMED TANGIBLE INCOME RETURN.—The term 'net deemed tangible income return' means, with respect to any United States shareholder for any taxable year, the excess of—

"(A) 10 percent of the aggregate of such shareholder's pro rata share of the qualified business asset investment of each controlled foreign corporation with respect to which such shareholder is a United States shareholder for such taxable year (determined for each taxable year of each such controlled foreign corporation which ends in or with such taxable year of such United States shareholder), over

"(B) the amount of interest expense taken into account under subsection (c)(2)(A)(ii) in determining the shareholder's net CFC tested income for the taxable year to the extent the interest income attributable to such expense is not taken into account in determining such shareholder's net CFC tested income.

"(c) NET CFC TESTED INCOME.—For purposes of this section—

"(1) IN GENERAL.—The term 'net CFC tested income' means, with respect to any United States shareholder for any taxable

year of such United States shareholder, the excess (if any) of—

"(A) the aggregate of such shareholder's pro rata share of the tested income of each controlled foreign corporation with respect to which such shareholder is a United States shareholder for such taxable year of such United States shareholder (determined for each taxable year of such controlled foreign corporation which ends in or with such taxable year of such United States shareholder), over

"(B) the aggregate of such shareholder's pro rata share of the tested loss of each controlled foreign corporation with respect to which such shareholder is a United States shareholder for such taxable year of such United States shareholder (determined for each taxable year of such controlled foreign corporation which ends in or with such taxable year of such United States shareholder).

"(2) TESTED INCOME; TESTED LOSS.—For purposes of this section—

"(A) TESTED INCOME.—The term 'tested income' means, with respect to any controlled foreign corporation for any taxable year of such controlled foreign corporation, the excess (if any) of—

"(i) the gross income of such corporation determined without regard to—

"(I) any item of income described in section 952(b),

"(II) any gross income taken into account in determining the subpart F income of such corporation,

"(III) any gross income excluded from the foreign base company income (as defined in section 954) and the insurance income (as defined in section 953) of such corporation by reason of section 954(b)(4),

"(IV) any dividend received from a related person (as defined in section 954(d)(3)), and

"(V) any foreign oil and gas extraction income (as defined in section 907(c)(1)) of such corporation, over

"(ii) the deductions (including taxes) properly allocable to such gross income under rules similar to the rules of section 954(b)(5) (or to which such deductions would be allocable if there were such gross income).

"(B) TESTED LOSS.—

"(i) IN GENERAL.—The term 'tested loss' means, with respect to any controlled foreign corporation for any taxable year of such controlled foreign corporation, the excess (if any) of the amount described in subparagraph (A)(ii) over the amount described in subparagraph (A)(i).

"(ii) COORDINATION WITH SUBPART F TO DENY DOUBLE BENEFIT OF LOSSES.—Section 952(c)(1)(A) shall be applied by increasing the earnings and profits of the controlled foreign corporation by the tested loss of such corporation.

"(d) QUALIFIED BUSINESS ASSET INVESTMENT.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified business asset investment' means, with respect to any controlled foreign corporation for any taxable year, the average of such corporation's aggregate adjusted bases as of the close of each quarter of such taxable year in specified tangible property—

"(A) used in a trade or business of the corporation, and

"(B) of a type with respect to which a deduction is allowable under section 167.

"(2) SPECIFIED TANGIBLE PROPERTY.—

"(A) IN GENERAL.—The term 'specified tangible property' means, except as provided in subparagraph (B), any tangible property used in the production of tested income.

"(B) DUAL USE PROPERTY.—In the case of property used both in the production of tested income and income which is not tested income, such property shall be treated as specified tangible property in the same proportion that the gross income described in subsection (c)(1)(A) produced with respect to such property bears to the total gross income produced with respect to such property.

"(3) DETERMINATION OF ADJUSTED BASIS.—For purposes of this subsection, notwithstanding any provision of this title (or any other provision of law) which is enacted after the date of the enactment of this section, the adjusted basis in any property shall be determined—

"(A) by using the alternative depreciation system under section 168(g), and

"(B) by allocating the depreciation deduction with respect to such property ratably to each day during the period in the taxable year to which such depreciation relates.

"(3) PARTNERSHIP PROPERTY.—For purposes of this subsection, if a controlled foreign corporation holds an interest in a partnership at the close of such taxable year of the controlled foreign corporation, such controlled foreign corporation shall take into account under paragraph (1) the controlled foreign corporation's distributive share of the aggregate of the partnership's adjusted bases (determined as of such date in the hands of the partnership) in tangible property held by such partnership to the extent such property—

"(A) is used in the trade or business of the partnership,

"(B) is of a type with respect to which a deduction is allowable under section 167, and

"(C) is used in the production of tested income (determined with respect to such controlled foreign corporation's distributive share of income with respect to such property).

For purposes of this paragraph, the controlled foreign corporation's distributive share of the adjusted basis of any property shall be the controlled foreign corporation's distributive share of income with respect to such property.

"(4) REGULATIONS.—The Secretary shall issue such regulations or other guidance as the Secretary determines appropriate to prevent the avoidance of the purposes of this subsection, including regulations or other guidance which provide for the treatment of property if—

"(A) such property is transferred, or held, temporarily, or

"(B) the avoidance of the purposes of this paragraph is a factor in the transfer or holding of such property.

"(e) DETERMINATION OF PRO RATA SHARE, ETC.—For purposes of this section—

"(1) IN GENERAL.—The pro rata shares referred to in subsections (b), (c)(1)(A), and (c)(1)(B), respectively, shall be determined under the rules of section 951(a)(2) in the same manner as such section applies to subpart F income and shall be taken into account in the taxable year of the United States shareholder in which or with which the taxable year of the controlled foreign corporation ends.

"(2) TREATMENT AS UNITED STATES SHAREHOLDER.—A person shall be treated as a United States shareholder of a controlled foreign corporation for any taxable year of such person only if such person owns (within the meaning of section 958(a)) stock in such foreign corporation on the last day in the taxable year of such foreign corporation on which such foreign corporation is a controlled foreign corporation.

"(3) TREATMENT AS CONTROLLED FOREIGN CORPORATION.—A foreign corporation shall be treated as a controlled foreign corporation for any taxable year if such foreign corporation is a controlled foreign corporation at any time during such taxable year.

"(f) TREATMENT AS SUBPART F INCOME FOR CERTAIN PURPOSES.—

"(1) IN GENERAL.—

"(A) APPLICATION.—Except as provided in subparagraph (B), any global intangible low-taxed income included in gross income under subsection (a) shall be treated in the same manner as an amount included under section 951(a)(1)(A) for purposes of applying sections 168(h)(2)(B), 535(b)(10), 851(b), 904(h)(1), 959, 961, 962, 993(a)(1)(E), 996(f)(1), 1248(b)(1), 1248(d)(1), 6501(e)(1)(C), 6654(d)(2)(D), and 6655(e)(4).

"(B) EXCEPTION.—The Secretary shall provide rules for the application of subparagraph (A) to other provisions of this title in any case in which the determination of subpart F income is required to be made at the level of the controlled foreign corporation.

"(2) ALLOCATION OF GLOBAL INTANGIBLE LOW-TAXED INCOME TO CONTROLLED FOREIGN CORPORATIONS.—For purposes of the sections referred to in paragraph (1), with respect to any controlled foreign corporation any pro rata amount from which is taken into account in determining the global intangible low-taxed income included in gross income of a United States shareholder under subsection (a), the portion of such global intangible low-taxed income which is treated as being with respect to such controlled foreign corporation is—

"(A) in the case of a controlled foreign corporation with no tested income, zero, and

"(B) in the case of a controlled foreign corporation with tested income, the portion of such global intangible low-taxed income which bears the same ratio to such global intangible low-taxed income as—

"(i) such United States shareholder's pro rata amount of the tested income of such controlled foreign corporation, bears to

"(ii) the aggregate amount described in subsection (c)(1)(A) with respect to such United States shareholder.".

(b) FOREIGN TAX CREDIT.—

(1) APPLICATION OF DEEMED PAID FOREIGN TAX CREDIT.—Section 960 is amended adding at the end the following new subsection:

26 USC 960.

"(d) DEEMED PAID CREDIT FOR TAXES PROPERLY ATTRIBUTABLE TO TESTED INCOME.—

"(1) IN GENERAL.—For purposes of subpart A of this part, if any amount is includible in the gross income of a domestic corporation under section 951A, such domestic corporation shall be deemed to have paid foreign income taxes equal to 80 percent of the product of—

"(A) such domestic corporation's inclusion percentage, multiplied by

"(B) the aggregate tested foreign income taxes paid or accrued by controlled foreign corporations.

"(2) INCLUSION PERCENTAGE.—For purposes of paragraph (1), the term 'inclusion percentage' means, with respect to any domestic corporation, the ratio (expressed as a percentage) of—

"(A) such corporation's global intangible low-taxed income (as defined in section 951A(b)), divided by

"(B) the aggregate amount described in section 951A(c)(1)(A) with respect to such corporation.

"(3) TESTED FOREIGN INCOME TAXES.—For purposes of paragraph (1), the term 'tested foreign income taxes' means, with respect to any domestic corporation which is a United States shareholder of a controlled foreign corporation, the foreign income taxes paid or accrued by such foreign corporation which are properly attributable to the tested income of such foreign corporation taken into account by such domestic corporation under section 951A.".

(2) APPLICATION OF FOREIGN TAX CREDIT LIMITATION.—

(A) SEPARATE BASKET FOR GLOBAL INTANGIBLE LOW-TAXED INCOME.—Section 904(d)(1) is amended by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) any amount includible in gross income under section 951A (other than passive category income),".

(B) EXCLUSION FROM GENERAL CATEGORY INCOME.—Section 904(d)(2)(A)(ii) is amended by inserting "income described in paragraph (1)(A) and" before "passive category income".

(C) NO CARRYOVER OR CARRYBACK OF EXCESS TAXES.—Section 904(c) is amended by adding at the end the following: "This subsection shall not apply to taxes paid or accrued with respect to amounts described in subsection (d)(1)(A).".

(c) CLERICAL AMENDMENT.—The table of sections for subpart F of part III of subchapter N of chapter 1 is amended by inserting after the item relating to section 951 the following new item: 26 USC prec. 951.

"Sec. 951A. Global intangible low-taxed income included in gross income of United States shareholders.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2017, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end. 26 USC 904 note.

SEC. 14202. DEDUCTION FOR FOREIGN-DERIVED INTANGIBLE INCOME AND GLOBAL INTANGIBLE LOW-TAXED INCOME.

(a) IN GENERAL.—Part VIII of subchapter B of chapter 1 is amended by adding at the end the following new section:

"SEC. 250. FOREIGN-DERIVED INTANGIBLE INCOME AND GLOBAL INTANGIBLE LOW-TAXED INCOME. 26 USC 250.

"(a) ALLOWANCE OF DEDUCTION.—

"(1) IN GENERAL.—In the case of a domestic corporation for any taxable year, there shall be allowed as a deduction an amount equal to the sum of—

"(A) 37.5 percent of the foreign-derived intangible income of such domestic corporation for such taxable year, plus

"(B) 50 percent of—

"(i) the global intangible low-taxed income amount (if any) which is included in the gross income of such domestic corporation under section 951A for such taxable year, and

"(ii) the amount treated as a dividend received by such corporation under section 78 which is attributable to the amount described in clause (i).

"(2) LIMITATION BASED ON TAXABLE INCOME.—

"(A) IN GENERAL.—If, for any taxable year—

"(i) the sum of the foreign-derived intangible income and the global intangible low-taxed income amount otherwise taken into account by the domestic corporation under paragraph (1), exceeds

"(ii) the taxable income of the domestic corporation (determined without regard to this section),

then the amount of the foreign-derived intangible income and the global intangible low-taxed income amount so taken into account shall be reduced as provided in subparagraph (B).

"(B) REDUCTION.—For purposes of subparagraph (A)—

"(i) foreign-derived intangible income shall be reduced by an amount which bears the same ratio to the excess described in subparagraph (A) as such foreign-derived intangible income bears to the sum described in subparagraph (A)(i), and

"(ii) the global intangible low-taxed income amount shall be reduced by the remainder of such excess.

"(3) REDUCTION IN DEDUCTION FOR TAXABLE YEARS AFTER 2025.—In the case of any taxable year beginning after December 31, 2025, paragraph (1) shall be applied by substituting—

"(A) '21.875 percent' for '37.5 percent' in subparagraph (A), and

"(B) '37.5 percent' for '50 percent' in subparagraph (B).

"(b) FOREIGN-DERIVED INTANGIBLE INCOME.—For purposes of this section—

"(1) IN GENERAL.—The foreign-derived intangible income of any domestic corporation is the amount which bears the same ratio to the deemed intangible income of such corporation as—

"(A) the foreign-derived deduction eligible income of such corporation, bears to

"(B) the deduction eligible income of such corporation.

"(2) DEEMED INTANGIBLE INCOME.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'deemed intangible income' means the excess (if any) of—

"(i) the deduction eligible income of the domestic corporation, over

"(ii) the deemed tangible income return of the corporation.

"(B) DEEMED TANGIBLE INCOME RETURN.—The term 'deemed tangible income return' means, with respect to any corporation, an amount equal to 10 percent of the corporation's qualified business asset investment (as defined in section 951A(d), determined by substituting 'deduction eligible income' for 'tested income' in paragraph (2) thereof and without regard to whether the corporation is a controlled foreign corporation).

"(3) DEDUCTION ELIGIBLE INCOME.—

"(A) IN GENERAL.—The term 'deduction eligible income' means, with respect to any domestic corporation, the excess (if any) of—

"(i) gross income of such corporation determined without regard to—

"(I) any amount included in the gross income of such corporation under section 951(a)(1),

"(II) the global intangible low-taxed income included in the gross income of such corporation under section 951A,

"(III) any financial services income (as defined in section 904(d)(2)(D)) of such corporation,

"(IV) any dividend received from a corporation which is a controlled foreign corporation of such domestic corporation,

"(V) any domestic oil and gas extraction income of such corporation, and

"(VI) any foreign branch income (as defined in section 904(d)(2)(J)), over

"(ii) the deductions (including taxes) properly allocable to such gross income.

"(B) DOMESTIC OIL AND GAS EXTRACTION INCOME.—For purposes of subparagraph (A), the term 'domestic oil and gas extraction income' means income described in section 907(c)(1), determined by substituting 'within the United States' for 'without the United States'.

"(4) FOREIGN-DERIVED DEDUCTION ELIGIBLE INCOME.—The term 'foreign-derived deduction eligible income' means, with respect to any taxpayer for any taxable year, any deduction eligible income of such taxpayer which is derived in connection with—

"(A) property—

"(i) which is sold by the taxpayer to any person who is not a United States person, and

"(ii) which the taxpayer establishes to the satisfaction of the Secretary is for a foreign use, or

"(B) services provided by the taxpayer which the taxpayer establishes to the satisfaction of the Secretary are provided to any person, or with respect to property, not located within the United States.

"(5) RULES RELATING TO FOREIGN USE PROPERTY OR SERVICES.—For purposes of this subsection—

"(A) FOREIGN USE.—The term 'foreign use' means any use, consumption, or disposition which is not within the United States.

"(B) PROPERTY OR SERVICES PROVIDED TO DOMESTIC INTERMEDIARIES.—

"(i) PROPERTY.—If a taxpayer sells property to another person (other than a related party) for further manufacture or other modification within the United States, such property shall not be treated as sold for a foreign use even if such other person subsequently uses such property for a foreign use.

"(ii) SERVICES.—If a taxpayer provides services to another person (other than a related party) located within the United States, such services shall not be treated as described in paragraph (4)(B) even if such other person uses such services in providing services which are so described.

"(C) SPECIAL RULES WITH RESPECT TO RELATED PARTY TRANSACTIONS.—

"(i) SALES TO RELATED PARTIES.—If property is sold to a related party who is not a United States person, such sale shall not be treated as for a foreign use unless—

"(I) such property is ultimately sold by a related party, or used by a related party in connection with property which is sold or the provision of services, to another person who is an unrelated party who is not a United States person, and

"(II) the taxpayer establishes to the satisfaction of the Secretary that such property is for a foreign use.

For purposes of this clause, a sale of property shall be treated as a sale of each of the components thereof.

"(ii) SERVICE PROVIDED TO RELATED PARTIES.—If a service is provided to a related party who is not located in the United States, such service shall not be treated described in subparagraph (A)(ii) unless the taxpayer established to the satisfaction of the Secretary that such service is not substantially similar to services provided by such related party to persons located within the United States.

"(D) RELATED PARTY.—For purposes of this paragraph, the term 'related party' means any member of an affiliated group as defined in section 1504(a), determined—

"(i) by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears, and

"(ii) without regard to paragraphs (2) and (3) of section 1504(b).

Any person (other than a corporation) shall be treated as a member of such group if such person is controlled by members of such group (including any entity treated as a member of such group by reason of this sentence) or controls any such member. For purposes of the preceding sentence, control shall be determined under the rules of section 954(d)(3).

"(E) SOLD.—For purposes of this subsection, the terms 'sold', 'sells', and 'sale' shall include any lease, license, exchange, or other disposition.

"(c) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the provisions of this section.".

(b) CONFORMING AMENDMENTS.—

26 USC 172.

(1) Section 172(d), as amended by this Act, is amended by adding at the end the following new paragraph:

"(9) DEDUCTION FOR FOREIGN-DERIVED INTANGIBLE INCOME.—The deduction under section 250 shall not be allowed.".

(2) Section 246(b)(1) is amended—

(A) by striking "and subsection (a) and (b) of section 245" the first place it appears and inserting ", subsection (a) and (b) of section 245, and section 250",

(B) by striking "and subsection (a) and (b) of section 245" the second place it appears and inserting "subsection (a) and (b) of section 245, and 250".

(3) Section 469(i)(3)(F)(iii) is amended by striking "and 222" and inserting "222, and 250".

(4) The table of sections for part VIII of subchapter B of chapter 1 is amended by adding at the end the following new item:

26 USC prec. 241.

"Sec. 250. Foreign-derived intangible income and global intangible low-taxed income.".

26 USC 172 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

CHAPTER 2—OTHER MODIFICATIONS OF SUBPART F PROVISIONS

SEC. 14211. ELIMINATION OF INCLUSION OF FOREIGN BASE COMPANY OIL RELATED INCOME.

(a) REPEAL.—Subsection (a) of section 954 is amended—

(1) by inserting "and" at the end of paragraph (2),

(2) by striking the comma at the end of paragraph (3) and inserting a period, and

(3) by striking paragraph (5).

(b) CONFORMING AMENDMENTS.—

(1) Section 952(c)(1)(B)(iii) is amended by striking subclause (I) and redesignating subclauses (II) through (V) as subclauses (I) through (IV), respectively. 26 USC 952.

(2) Section 954(b) is amended—

(A) by striking the second sentence of paragraph (4),

(B) by striking "the foreign base company services income, and the foreign base company oil related income" in paragraph (5) and inserting "and the foreign base company services income", and

(C) by striking paragraph (6).

(3) Section 954 is amended by striking subsection (g).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2017, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end. 26 USC 952 note.

SEC. 14212. REPEAL OF INCLUSION BASED ON WITHDRAWAL OF PREVIOUSLY EXCLUDED SUBPART F INCOME FROM QUALIFIED INVESTMENT.

(a) IN GENERAL.—Subpart F of part III of subchapter N of chapter 1 is amended by striking section 955.

(b) CONFORMING AMENDMENTS.—

(1)(A) Section 951(a)(1)(A) is amended to read as follows:

"(A) his pro rata share (determined under paragraph (2)) of the corporation's subpart F income for such year, and".

(B) Section 851(b) is amended by striking "section 951(a)(1)(A)(i)" in the flush language at the end and inserting "section 951(a)(1)(A)".

(C) Section 952(c)(1)(B)(i) is amended by striking "section 951(a)(1)(A)(i)" and inserting "section 951(a)(1)(A)".

(D) Section 953(c)(1)(C) is amended by striking "section 951(a)(1)(A)(i)" and inserting "section 951(a)(1)(A)".

(2) Section 951(a) is amended by striking paragraph (3).

(3) Section 953(d)(4)(B)(iv)(II) is amended by striking "or amounts referred to in clause (ii) or (iii) of section 951(a)(1)(A)".

(4) Section 964(b) is amended by striking ", 955,".

(5) Section 970 is amended by striking subsection (b).

(6) The table of sections for subpart F of part III of subchapter N of chapter 1 is amended by striking the item relating to section 955. 26 USC prec. 951.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2017, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end. 26 USC 851 note.

SEC. 14213. MODIFICATION OF STOCK ATTRIBUTION RULES FOR DETERMINING STATUS AS A CONTROLLED FOREIGN CORPORATION.

(a) IN GENERAL.—Section 958(b) is amended—

(1) by striking paragraph (4), and

(2) by striking "Paragraphs (1) and (4)" in the last sentence and inserting "Paragraph (1)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to— 26 USC 958 note.

(1) the last taxable year of foreign corporations beginning before January 1, 2018, and each subsequent taxable year of such foreign corporations, and

(2) taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

SEC. 14214. MODIFICATION OF DEFINITION OF UNITED STATES SHAREHOLDER.

26 USC 951.

(a) IN GENERAL.—Section 951(b) is amended by inserting ", or 10 percent or more of the total value of shares of all classes of stock of such foreign corporation" after "such foreign corporation".

26 USC 951 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2017, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 14215. ELIMINATION OF REQUIREMENT THAT CORPORATION MUST BE CONTROLLED FOR 30 DAYS BEFORE SUBPART F INCLUSIONS APPLY.

(a) IN GENERAL.—Section 951(a)(1) is amended by striking "for an uninterrupted period of 30 days or more" and inserting "at any time".

26 USC 951 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2017, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

CHAPTER 3—PREVENTION OF BASE EROSION

SEC. 14221. LIMITATIONS ON INCOME SHIFTING THROUGH INTANGIBLE PROPERTY TRANSFERS.

(a) DEFINITION OF INTANGIBLE ASSET.—Section 936(h)(3)(B) is amended—

(1) by striking "or" at the end of clause (v),

(2) by striking clause (vi) and inserting the following:

"(vi) any goodwill, going concern value, or workforce in place (including its composition and terms and conditions (contractual or otherwise) of its employment); or

"(vii) any other item the value or potential value of which is not attributable to tangible property or the services of any individual.", and

(3) by striking the flush language after clause (vii), as added by paragraph (2).

(b) CLARIFICATION OF ALLOWABLE VALUATION METHODS.—

(1) FOREIGN CORPORATIONS.—Section 367(d)(2) is amended by adding at the end the following new subparagraph:

"(D) REGULATORY AUTHORITY.—For purposes of the last sentence of subparagraph (A), the Secretary shall require—

"(i) the valuation of transfers of intangible property, including intangible property transferred with other property or services, on an aggregate basis, or

"(ii) the valuation of such a transfer on the basis of the realistic alternatives to such a transfer,

if the Secretary determines that such basis is the most reliable means of valuation of such transfers.".

(2) ALLOCATION AMONG TAXPAYERS.—Section 482 is amended by adding at the end the following: "For purposes of this section, the Secretary shall require the valuation of transfers of intangible property (including intangible property transferred with other property or services) on an aggregate basis or the valuation of such a transfer on the basis of the realistic alternatives to such a transfer, if the Secretary determines that such basis is the most reliable means of valuation of such transfers.". 26 USC 482.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to transfers in taxable years beginning after December 31, 2017. 26 USC 367 note.

(2) NO INFERENCE.—Nothing in the amendment made by subsection (a) shall be construed to create any inference with respect to the application of section 936(h)(3) of the Internal Revenue Code of 1986, or the authority of the Secretary of the Treasury to provide regulations for such application, with respect to taxable years beginning before January 1, 2018. 26 USC 963 note.

SEC. 14222. CERTAIN RELATED PARTY AMOUNTS PAID OR ACCRUED IN HYBRID TRANSACTIONS OR WITH HYBRID ENTITIES.

(a) IN GENERAL.—Part IX of subchapter B of chapter 1 is amended by inserting after section 267 the following:

"SEC. 267A. CERTAIN RELATED PARTY AMOUNTS PAID OR ACCRUED IN HYBRID TRANSACTIONS OR WITH HYBRID ENTITIES. 26 USC 267A.

"(a) IN GENERAL.—No deduction shall be allowed under this chapter for any disqualified related party amount paid or accrued pursuant to a hybrid transaction or by, or to, a hybrid entity.

"(b) DISQUALIFIED RELATED PARTY AMOUNT.—For purposes of this section—

"(1) DISQUALIFIED RELATED PARTY AMOUNT.—The term 'disqualified related party amount' means any interest or royalty paid or accrued to a related party to the extent that—

"(A) such amount is not included in the income of such related party under the tax law of the country of which such related party is a resident for tax purposes or is subject to tax, or

"(B) such related party is allowed a deduction with respect to such amount under the tax law of such country.

Such term shall not include any payment to the extent such payment is included in the gross income of a United States shareholder under section 951(a).

"(2) RELATED PARTY.—The term 'related party' means a related person as defined in section 954(d)(3), except that such section shall be applied with respect to the person making the payment described in paragraph (1) in lieu of the controlled foreign corporation otherwise referred to in such section.

"(c) HYBRID TRANSACTION.—For purposes of this section, the term 'hybrid transaction' means any transaction, series of transactions, agreement, or instrument one or more payments with respect to which are treated as interest or royalties for purposes of this chapter and which are not so treated for purposes the tax law of the foreign country of which the recipient of such payment is resident for tax purposes or is subject to tax.

"(d) HYBRID ENTITY.—For purposes of this section, the term 'hybrid entity' means any entity which is either—

"(1) treated as fiscally transparent for purposes of this chapter but not so treated for purposes of the tax law of the foreign country of which the entity is resident for tax purposes or is subject to tax, or

"(2) treated as fiscally transparent for purposes of such tax law but not so treated for purposes of this chapter.

"(e) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance providing for—

"(1) rules for treating certain conduit arrangements which involve a hybrid transaction or a hybrid entity as subject to subsection (a),

"(2) rules for the application of this section to branches or domestic entities,

"(3) rules for treating certain structured transactions as subject to subsection (a),

"(4) rules for treating a tax preference as an exclusion from income for purposes of applying subsection (b)(1) if such tax preference has the effect of reducing the generally applicable statutory rate by 25 percent or more,

"(5) rules for treating the entire amount of interest or royalty paid or accrued to a related party as a disqualified related party amount if such amount is subject to a participation exemption system or other system which provides for the exclusion or deduction of a substantial portion of such amount,

"(6) rules for determining the tax residence of a foreign entity if the entity is otherwise considered a resident of more than one country or of no country,

"(7) exceptions from subsection (a) with respect to—

"(A) cases in which the disqualified related party amount is taxed under the laws of a foreign country other than the country of which the related party is a resident for tax purposes, and

"(B) other cases which the Secretary determines do not present a risk of eroding the Federal tax base,

"(8) requirements for record keeping and information reporting in addition to any requirements imposed by section 6038A.".

(b) CONFORMING AMENDMENT.—The table of sections for part IX of subchapter B of chapter 1 is amended by inserting after the item relating to section 267 the following new item:

26 USC prec. 261.

"Sec. 267A. Certain related party amounts paid or accrued in hybrid transactions or with hybrid entities.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

26 USC 267A note.

SEC. 14223. SHAREHOLDERS OF SURROGATE FOREIGN CORPORATIONS NOT ELIGIBLE FOR REDUCED RATE ON DIVIDENDS.

(a) IN GENERAL.—Section 1(h)(11)(C)(iii) is amended—

26 USC 1.

(1) by striking "shall not include any foreign corporation" and inserting "shall not include—

"(I) any foreign corporation",

(2) by striking the period at the end and inserting ", and", and

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

"(II) any corporation which first becomes a surrogate foreign corporation (as defined in section 7874(a)(2)(B)) after the date of the enactment of this subclause, other than a foreign corporation which is treated as a domestic corporation under section 7874(b).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends received after the date of the enactment of this Act. 26 USC 1 note.

Subpart C—Modifications Related to Foreign Tax Credit System

SEC. 14301. REPEAL OF SECTION 902 INDIRECT FOREIGN TAX CREDITS; DETERMINATION OF SECTION 960 CREDIT ON CURRENT YEAR BASIS.

(a) REPEAL OF SECTION 902 INDIRECT FOREIGN TAX CREDITS.—Subpart A of part III of subchapter N of chapter 1 is amended by striking section 902. 26 USC 902.

(b) DETERMINATION OF SECTION 960 CREDIT ON CURRENT YEAR BASIS.—Section 960, as amended by section 14201, is amended—

(1) by striking subsection (c), by redesignating subsection (b) as subsection (c), by striking all that precedes subsection (c) (as so redesignated) and inserting the following:

"SEC. 960. DEEMED PAID CREDIT FOR SUBPART F INCLUSIONS.

"(a) IN GENERAL.—For purposes of subpart A of this part, if there is included in the gross income of a domestic corporation any item of income under section 951(a)(1) with respect to any controlled foreign corporation with respect to which such domestic corporation is a United States shareholder, such domestic corporation shall be deemed to have paid so much of such foreign corporation's foreign income taxes as are properly attributable to such item of income.

"(b) SPECIAL RULES FOR DISTRIBUTIONS FROM PREVIOUSLY TAXED EARNINGS AND PROFITS.—For purposes of subpart A of this part—

"(1) IN GENERAL.—If any portion of a distribution from a controlled foreign corporation to a domestic corporation which is a United States shareholder with respect to such controlled foreign corporation is excluded from gross income under section 959(a), such domestic corporation shall be deemed to have paid so much of such foreign corporation's foreign income taxes as—

"(A) are properly attributable to such portion, and

"(B) have not been deemed to have to been paid by such domestic corporation under this section for the taxable year or any prior taxable year.

"(2) TIERED CONTROLLED FOREIGN CORPORATIONS.—If section 959(b) applies to any portion of a distribution from a controlled foreign corporation to another controlled foreign corporation, such controlled foreign corporation shall be deemed to have paid so much of such other controlled foreign corporation's foreign income taxes as—

"(A) are properly attributable to such portion, and

"(B) have not been deemed to have been paid by a domestic corporation under this section for the taxable year or any prior taxable year.",

(2) and by adding after subsection (d) (as added by section 14201) the following new subsections:

"(e) FOREIGN INCOME TAXES.—The term 'foreign income taxes' means any income, war profits, or excess profits taxes paid or accrued to any foreign country or possession of the United States.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the provisions of this section.".

(c) CONFORMING AMENDMENTS.—

26 USC 78.

(1) Section 78 is amended to read as follows:

"SEC. 78. GROSS UP FOR DEEMED PAID FOREIGN TAX CREDIT.

"If a domestic corporation chooses to have the benefits of subpart A of part III of subchapter N (relating to foreign tax credit) for any taxable year, an amount equal to the taxes deemed to be paid by such corporation under subsections (a), (b), and (d) of section 960 (determined without regard to the phrase '80 percent of' in subsection (d)(1) thereof) for such taxable year shall be treated for purposes of this title (other than sections 245 and 245A) as a dividend received by such domestic corporation from the foreign corporation.".

(2) Paragraph (4) of section 245(a) is amended to read as follows:

"(4) POST-1986 UNDISTRIBUTED EARNINGS.—The term 'post-1986 undistributed earnings' means the amount of the earnings and profits of the foreign corporation (computed in accordance with sections 964(a) and 986) accumulated in taxable years beginning after December 31, 1986—

"(A) as of the close of the taxable year of the foreign corporation in which the dividend is distributed, and

"(B) without diminution by reason of dividends distributed during such taxable year.".

(3) Section 245(a)(10)(C) is amended by striking "902, 907, and 960" and inserting "907 and 960".

(4) Sections 535(b)(1) and 545(b)(1) are each amended by striking "section 902(a) or 960(a)(1)" and inserting "section 960".

(5) Section 814(f)(1) is amended—

(A) by striking subparagraph (B), and

(B) by striking all that precedes "No income" and inserting the following:

"(1) TREATMENT OF FOREIGN TAXES.—".

(6) Section 865(h)(1)(B) is amended by striking "902, 907," and inserting "907".

(7) Section 901(a) is amended by striking "sections 902 and 960" and inserting "section 960".

(8) Section 901(e)(2) is amended by striking "but is not limited to—" and all that follows through "that portion" and inserting "but is not limited to that portion".

(9) Section 901(f) is amended by striking "sections 902 and 960" and inserting "section 960".

(10) Section 901(j)(1)(A) is amended by striking "902 or".

(11) Section 901(j)(1)(B) is amended by striking "sections 902 and 960" and inserting "section 960".

(12) Section 901(k)(2) is amended by striking ", 902,". 26 USC 901.

(13) Section 901(k)(6) is amended by striking "902 or".

(14) Section 901(m)(1)(B) is amended to read as follows:

"(B) in the case of a foreign income tax paid by a foreign corporation, shall not be taken into account for purposes of section 960.".

(15) Section 904(d)(2)(E) is amended—

(A) by amending clause (i) to read as follows:

"(i) NONCONTROLLED 10-PERCENT OWNED FOREIGN CORPORATION.—The term 'noncontrolled 10-percent owned foreign corporation' means any foreign corporation which is—

"(I) a specified 10-percent owned foreign corporation (as defined in section 245A(b)), or

"(II) a passive foreign investment company (as defined in section 1297(a)) with respect to which the taxpayer meets the stock ownership requirements of section 902(a) (or, for purposes of applying paragraphs (3) and (4), the requirements of section 902(b)).

A controlled foreign corporation shall not be treated as a noncontrolled 10-percent owned foreign corporation with respect to any distribution out of its earnings and profits for periods during which it was a controlled foreign corporation. Any reference to section 902 in this clause shall be treated as a reference to such section as in effect before its repeal.", and

(B) by striking "non-controlled section 902 corporation" in clause (ii) and inserting "noncontrolled 10-percent owned foreign corporation".

(16) Section 904(d)(4) is amended—

(A) by striking "noncontrolled section 902 corporation" each place it appears and inserting "noncontrolled 10-percent owned foreign corporation",

(B) by striking "NONCONTROLLED SECTION 902 CORPORATIONS" in the heading thereof and inserting "NONCONTROLLED 10-PERCENT OWNED FOREIGN CORPORATIONS".

(17) Section 904(d)(6)(A) is amended by striking "902, 907," and inserting "907".

(18) Section 904(h)(10)(A) is amended by striking "sections 902, 907, and 960" and inserting "sections 907 and 960".

(19) Section 904(k) is amended to read as follows:

"(k) CROSS REFERENCES.—For increase of limitation under subsection (a) for taxes paid with respect to amounts received which were included in the gross income of the taxpayer for a prior taxable year as a United States shareholder with respect to a controlled foreign corporation, see section 960(c).".

(20) Section 905(c)(1) is amended by striking the last sentence.

(21) Section 905(c)(2)(B)(i) is amended to read as follows:

"(i) shall be taken into account for the taxable year to which such taxes relate, and".

(22) Section 906(a) is amended by striking "(or deemed, under section 902, paid or accrued during the taxable year)".

(23) Section 906(b) is amended by striking paragraphs (4) and (5).

(24) Section 907(b)(2)(B) is amended by striking "902 or".

26 USC 907.

(25) Section 907(c)(3)(A) is amended—

(A) by striking subparagraph (A) and inserting the following:

"(A) interest, to the extent the category of income of such interest is determined under section 904(d)(3),", and

(B) by striking "section 960(a)" in subparagraph (B) and inserting "section 960".

(26) Section 907(c)(5) is amended by striking "902 or".

(27) Section 907(f)(2)(B)(i) is amended by striking "902 or".

(28) Section 908(a) is amended by striking "902 or".

(29) Section 909(b) is amended—

(A) by striking "section 902 corporation" in the matter preceding paragraph (1) and inserting "specified 10-percent owned foreign corporation (as defined in section 245A(b) without regard to paragraph (2) thereof)",

(B) by striking "902 or" in paragraph (1),

(C) by striking "by such section 902 corporation" and all that follows in the matter following paragraph (2) and inserting "by such specified 10-percent owned foreign corporation or a domestic corporation which is a United States shareholder with respect to such specified 10-percent owned foreign corporation.", and

(D) by striking "SECTION 902 CORPORATIONS" in the heading thereof and inserting "SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATIONS".

(30) Section 909(d) is amended by striking paragraph (5).

(31) Section 958(a)(1) is amended by striking "960(a)(1)" and inserting "960".

(32) Section 959(d) is amended by striking "Except as provided in section 960(a)(3), any" and inserting "Any".

(33) Section 959(e) is amended by striking "section 960(b)" and inserting "section 960(c)".

(34) Section 1291(g)(2)(A) is amended by striking "any distribution—" and all that follows through "but only if" and inserting "any distribution, any withholding tax imposed with respect to such distribution, but only if".

(35) Section 1293(f) is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) a domestic corporation which owns (or is treated under section 1298(a) as owning) stock of a qualified electing fund shall be treated in the same manner as a United States shareholder of a controlled foreign corporation (and such qualified electing fund shall be treated in the same manner as such controlled foreign corporation) if such domestic corporation meets the stock ownership requirements of subsection (a) or (b) of section 902 (as in effect before its repeal) with respect to such qualified electing fund.".

(36) Section 6038(c)(1)(B) is amended by striking "sections 902 (relating to foreign tax credit for corporate stockholder in foreign corporation) and 960 (relating to special rules for foreign tax credit)" and inserting "section 960".

(37) Section 6038(c)(4) is amended by striking subparagraph (C).

(38) The table of sections for subpart A of part III of subchapter N of chapter 1 is amended by striking the item relating to section 902. 26 USC prec. 901.

(39) The table of sections for subpart F of part III of subchapter N of chapter 1 is amended by striking the item relating to section 960 and inserting the following: 26 USC prec. 951.

"Sec. 960. Deemed paid credit for subpart F inclusions.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2017, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end. 26 USC 78 note.

SEC. 14302. SEPARATE FOREIGN TAX CREDIT LIMITATION BASKET FOR FOREIGN BRANCH INCOME.

(a) IN GENERAL.—Section 904(d)(1), as amended by section 14201, is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph: 26 USC 904.

"(B) foreign branch income,".

(b) FOREIGN BRANCH INCOME.—

(1) IN GENERAL.—Section 904(d)(2) is amended by inserting after subparagraph (I) the following new subparagraph:

"(J) FOREIGN BRANCH INCOME.—

"(i) IN GENERAL.—The term 'foreign branch income' means the business profits of such United States person which are attributable to 1 or more qualified business units (as defined in section 989(a)) in 1 or more foreign countries. For purposes of the preceding sentence, the amount of business profits attributable to a qualified business unit shall be determined under rules established by the Secretary.

"(ii) EXCEPTION.—Such term shall not include any income which is passive category income.".

(2) CONFORMING AMENDMENT.—Section 904(d)(2)(A)(ii), as amended by section 14201, is amended by striking "income described in paragraph (1)(A) and" and inserting "income described in paragraph (1)(A), foreign branch income, and".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017. 26 USC 904 note.

SEC. 14303. SOURCE OF INCOME FROM SALES OF INVENTORY DETERMINED SOLELY ON BASIS OF PRODUCTION ACTIVITIES.

(a) IN GENERAL.—Section 863(b) is amended by adding at the end the following: "Gains, profits, and income from the sale or exchange of inventory property described in paragraph (2) shall be allocated and apportioned between sources within and without the United States solely on the basis of the production activities with respect to the property.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017. 26 USC 863 note.

SEC. 14304. ELECTION TO INCREASE PERCENTAGE OF DOMESTIC TAXABLE INCOME OFFSET BY OVERALL DOMESTIC LOSS TREATED AS FOREIGN SOURCE.

(a) IN GENERAL.—Section 904(g) is amended by adding at the end the following new paragraph:

"(5) ELECTION TO INCREASE PERCENTAGE OF TAXABLE INCOME TREATED AS FOREIGN SOURCE.—

"(A) IN GENERAL.—If any pre-2018 unused overall domestic loss is taken into account under paragraph (1) for any applicable taxable year, the taxpayer may elect to have such paragraph applied to such loss by substituting a percentage greater than 50 percent (but not greater than 100 percent) for 50 percent in subparagraph (B) thereof.

"(B) PRE-2018 UNUSED OVERALL DOMESTIC LOSS.—For purposes of this paragraph, the term 'pre-2018 unused overall domestic loss' means any overall domestic loss which—

"(i) arises in a qualified taxable year beginning before January 1, 2018, and

"(ii) has not been used under paragraph (1) for any taxable year beginning before such date.

"(C) APPLICABLE TAXABLE YEAR.—For purposes of this paragraph, the term 'applicable taxable year' means any taxable year of the taxpayer beginning after December 31, 2017, and before January 1, 2028.".

26 USC 904 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

PART II—INBOUND TRANSACTIONS

SEC. 14401. BASE EROSION AND ANTI-ABUSE TAX.

26 USC prec. 59A.

(a) IMPOSITION OF TAX.—Subchapter A of chapter 1 is amended by adding at the end the following new part:

"PART VII—BASE EROSION AND ANTI-ABUSE TAX

26 USC 59A.

"SEC. 59A. TAX ON BASE EROSION PAYMENTS OF TAXPAYERS WITH SUBSTANTIAL GROSS RECEIPTS.

"(a) IMPOSITION OF TAX.—There is hereby imposed on each applicable taxpayer for any taxable year a tax equal to the base erosion minimum tax amount for the taxable year. Such tax shall be in addition to any other tax imposed by this subtitle.

"(b) BASE EROSION MINIMUM TAX AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the term 'base erosion minimum tax amount' means, with respect to any applicable taxpayer for any taxable year, the excess (if any) of—

"(A) an amount equal to 10 percent (5 percent in the case of taxable years beginning in calendar year 2018) of the modified taxable income of such taxpayer for the taxable year, over

"(B) an amount equal to the regular tax liability (as defined in section 26(b)) of the taxpayer for the taxable year, reduced (but not below zero) by the excess (if any) of—

"(i) the credits allowed under this chapter against such regular tax liability, over

"(ii) the sum of—

"(I) the credit allowed under section 38 for the taxable year which is properly allocable to the research credit determined under section 41(a), plus

"(II) the portion of the applicable section 38 credits not in excess of 80 percent of the lesser of the amount of such credits or the base erosion minimum tax amount (determined without regard to this subclause).

"(2) MODIFICATIONS FOR TAXABLE YEARS BEGINNING AFTER 2025.—In the case of any taxable year beginning after December 31, 2025, paragraph (1) shall be applied—

"(A) by substituting '12.5 percent' for '10 percent' in subparagraph (A) thereof, and

"(B) by reducing (but not below zero) the regular tax liability (as defined in section 26(b)) for purposes of subparagraph (B) thereof by the aggregate amount of the credits allowed under this chapter against such regular tax liability rather than the excess described in such subparagraph.

"(3) INCREASED RATE FOR CERTAIN BANKS AND SECURITIES DEALERS.—

"(A) IN GENERAL.—In the case of a taxpayer described in subparagraph (B) who is an applicable taxpayer for any taxable year, the percentage otherwise in effect under paragraphs (1)(A) and (2)(A) shall each be increased by one percentage point.

"(B) TAXPAYER DESCRIBED.—A taxpayer is described in this subparagraph if such taxpayer is a member of an affiliated group (as defined in section 1504(a)(1)) which includes—

"(i) a bank (as defined in section 581), or

"(ii) a registered securities dealer under section 15(a) of the Securities Exchange Act of 1934.

"(4) APPLICABLE SECTION 38 CREDITS.—For purposes of paragraph (1)(B)(ii)(II), the term 'applicable section 38 credits' means the credit allowed under section 38 for the taxable year which is properly allocable to—

"(A) the low-income housing credit determined under section 42(a),

"(B) the renewable electricity production credit determined under section 45(a), and

"(C) the investment credit determined under section 46, but only to the extent properly allocable to the energy credit determined under section 48.

"(c) MODIFIED TAXABLE INCOME.—For purposes of this section—

"(1) IN GENERAL.—The term 'modified taxable income' means the taxable income of the taxpayer computed under this chapter for the taxable year, determined without regard to—

"(A) any base erosion tax benefit with respect to any base erosion payment, or

"(B) the base erosion percentage of any net operating loss deduction allowed under section 172 for the taxable year.

"(2) BASE EROSION TAX BENEFIT.—

"(A) IN GENERAL.—The term 'base erosion tax benefit' means—

"(i) any deduction described in subsection (d)(1) which is allowed under this chapter for the taxable year with respect to any base erosion payment,

"(ii) in the case of a base erosion payment described in subsection (d)(2), any deduction allowed under this chapter for the taxable year for depreciation (or amortization in lieu of depreciation) with respect to the property acquired with such payment,

"(iii) in the case of a base erosion payment described in subsection (d)(3)—

"(I) any reduction under section 803(a)(1)(B) in the gross amount of premiums and other consideration on insurance and annuity contracts for premiums and other consideration arising out of indemnity insurance, and

"(II) any deduction under section 832(b)(4)(A) from the amount of gross premiums written on insurance contracts during the taxable year for premiums paid for reinsurance, and

"(iv) in the case of a base erosion payment described in subsection (d)(4), any reduction in gross receipts with respect to such payment in computing gross income of the taxpayer for the taxable year for purposes of this chapter.

"(B) TAX BENEFITS DISREGARDED IF TAX WITHHELD ON BASE EROSION PAYMENT.—

"(i) IN GENERAL.—Except as provided in clause (ii), any base erosion tax benefit attributable to any base erosion payment—

"(I) on which tax is imposed by section 871 or 881, and

"(II) with respect to which tax has been deducted and withheld under section 1441 or 1442,

shall not be taken into account in computing modified taxable income under paragraph (1)(A) or the base erosion percentage under paragraph (4).

"(ii) EXCEPTION.—The amount not taken into account in computing modified taxable income by reason of clause (i) shall be reduced under rules similar to the rules under section 163(j)(5)(B) (as in effect before the date of the enactment of the Tax Cuts and Jobs Act).

"(3) SPECIAL RULES FOR DETERMINING INTEREST FOR WHICH DEDUCTION ALLOWED.—For purposes of applying paragraph (1), in the case of a taxpayer to which section 163(j) applies for the taxable year, the reduction in the amount of interest for which a deduction is allowed by reason of such subsection shall be treated as allocable first to interest paid or accrued to persons who are not related parties with respect to the taxpayer and then to such related parties.

"(4) BASE EROSION PERCENTAGE.—For purposes of paragraph (1)(B)—

"(A) IN GENERAL.—The term 'base erosion percentage' means, for any taxable year, the percentage determined by dividing—

"(i) the aggregate amount of base erosion tax benefits of the taxpayer for the taxable year, by

"(ii) the sum of—

"(I) the aggregate amount of the deductions (including deductions described in clauses (i) and (ii) of paragraph (2)(A)) allowable to the taxpayer under this chapter for the taxable year, plus

"(II) the base erosion tax benefits described in clauses (iii) and (iv) of paragraph (2)(A) allowable to the taxpayer for the taxable year.

"(B) CERTAIN ITEMS NOT TAKEN INTO ACCOUNT.—The amount under subparagraph (A)(ii) shall be determined by not taking into account—

"(i) any deduction allowed under section 172, 245A, or 250 for the taxable year,

"(ii) any deduction for amounts paid or accrued for services to which the exception under subsection (d)(5) applies, and

"(iii) any deduction for qualified derivative payments which are not treated as a base erosion payment by reason of subsection (h).

"(d) BASE EROSION PAYMENT.—For purposes of this section—

"(1) IN GENERAL.—The term 'base erosion payment' means any amount paid or accrued by the taxpayer to a foreign person which is a related party of the taxpayer and with respect to which a deduction is allowable under this chapter.

"(2) PURCHASE OF DEPRECIABLE PROPERTY.—Such term shall also include any amount paid or accrued by the taxpayer to a foreign person which is a related party of the taxpayer in connection with the acquisition by the taxpayer from such person of property of a character subject to the allowance for depreciation (or amortization in lieu of depreciation).

"(3) REINSURANCE PAYMENTS.—Such term shall also include any premium or other consideration paid or accrued by the taxpayer to a foreign person which is a related party of the taxpayer for any reinsurance payments which are taken into account under sections 803(a)(1)(B) or 832(b)(4)(A).

"(4) CERTAIN PAYMENTS TO EXPATRIATED ENTITIES.—

"(A) IN GENERAL.—Such term shall also include any amount paid or accrued by the taxpayer with respect to a person described in subparagraph (B) which results in a reduction of the gross receipts of the taxpayer.

"(B) PERSON DESCRIBED.—A person is described in this subparagraph if such person is a—

"(i) surrogate foreign corporation which is a related party of the taxpayer, but only if such person first became a surrogate foreign corporation after November 9, 2017, or

"(ii) foreign person which is a member of the same expanded affiliated group as the surrogate foreign corporation.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) SURROGATE FOREIGN CORPORATION.—The term 'surrogate foreign corporation' has the meaning given such term by section 7874(a)(2)(B) but does not include a foreign corporation treated as a domestic corporation under section 7874(b).

"(ii) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' has the meaning given such term by section 7874(c)(1).

"(5) EXCEPTION FOR CERTAIN AMOUNTS WITH RESPECT TO SERVICES.—Paragraph (1) shall not apply to any amount paid or accrued by a taxpayer for services if—

"(A) such services are services which meet the requirements for eligibility for use of the services cost method under section 482 (determined without regard to the requirement that the services not contribute significantly to fundamental risks of business success or failure), and

"(B) such amount constitutes the total services cost with no markup component.

"(e) APPLICABLE TAXPAYER.—For purposes of this section—

"(1) IN GENERAL.—The term 'applicable taxpayer' means, with respect to any taxable year, a taxpayer—

"(A) which is a corporation other than a regulated investment company, a real estate investment trust, or an S corporation,

"(B) the average annual gross receipts of which for the 3-taxable-year period ending with the preceding taxable year are at least $500,000,000, and

"(C) the base erosion percentage (as determined under subsection (c)(4)) of which for the taxable year is 3 percent (2 percent in the case of a taxpayer described in subsection (b)(3)(B)) or higher.

"(2) GROSS RECEIPTS.—

"(A) SPECIAL RULE FOR FOREIGN PERSONS.—In the case of a foreign person the gross receipts of which are taken into account for purposes of paragraph (1)(B), only gross receipts which are taken into account in determining income which is effectively connected with the conduct of a trade or business within the United States shall be taken into account. In the case of a taxpayer which is a foreign person, the preceding sentence shall not apply to the gross receipts of any United States person which are aggregated with the taxpayer's gross receipts by reason of paragraph (3).

"(B) OTHER RULES MADE APPLICABLE.—Rules similar to the rules of subparagraphs (B), (C), and (D) of section 448(c)(3) shall apply in determining gross receipts for purposes of this section.

"(3) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) of section 52 shall be treated as 1 person for purposes of this subsection and subsection (c)(4), except that in applying section 1563 for purposes of section 52, the exception for foreign corporations under section 1563(b)(2)(C) shall be disregarded.

"(f) FOREIGN PERSON.—For purposes of this section, the term 'foreign person' has the meaning given such term by section 6038A(c)(3).

"(g) RELATED PARTY.—For purposes of this section—

"(1) IN GENERAL.—The term 'related party' means, with respect to any applicable taxpayer—

"(A) any 25-percent owner of the taxpayer,

"(B) any person who is related (within the meaning of section 267(b) or 707(b)(1)) to the taxpayer or any 25-percent owner of the taxpayer, and

"(C) any other person who is related (within the meaning of section 482) to the taxpayer.

"(2) 25-PERCENT OWNER.—The term '25-percent owner' means, with respect to any corporation, any person who owns at least 25 percent of—

"(A) the total voting power of all classes of stock of a corporation entitled to vote, or

"(B) the total value of all classes of stock of such corporation.

"(3) SECTION 318 TO APPLY.—Section 318 shall apply for purposes of paragraphs (1) and (2), except that—

"(A) '10 percent' shall be substituted for '50 percent' in section 318(a)(2)(C), and

"(B) subparagraphs (A), (B), and (C) of section 318(a)(3) shall not be applied so as to consider a United States person as owning stock which is owned by a person who is not a United States person.

"(h) EXCEPTION FOR CERTAIN PAYMENTS MADE IN THE ORDINARY COURSE OF TRADE OR BUSINESS.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (3), any qualified derivative payment shall not be treated as a base erosion payment.

"(2) QUALIFIED DERIVATIVE PAYMENT.—

"(A) IN GENERAL.—The term 'qualified derivative payment' means any payment made by a taxpayer pursuant to a derivative with respect to which the taxpayer—

"(i) recognizes gain or loss as if such derivative were sold for its fair market value on the last business day of the taxable year (and such additional times as required by this title or the taxpayer's method of accounting),

"(ii) treats any gain or loss so recognized as ordinary, and

"(iii) treats the character of all items of income, deduction, gain, or loss with respect to a payment pursuant to the derivative as ordinary.

"(B) REPORTING REQUIREMENT.—No payments shall be treated as qualified derivative payments under subparagraph (A) for any taxable year unless the taxpayer includes in the information required to be reported under section 6038B(b)(2) with respect to such taxable year such information as is necessary to identify the payments to be so treated and such other information as the Secretary determines necessary to carry out the provisions of this subsection.

"(3) EXCEPTIONS FOR PAYMENTS OTHERWISE TREATED AS BASE EROSION PAYMENTS.—This subsection shall not apply to any qualified derivative payment if—

"(A) the payment would be treated as a base erosion payment if it were not made pursuant to a derivative, including any interest, royalty, or service payment, or

"(B) in the case of a contract which has derivative and nonderivative components, the payment is properly allocable to the nonderivative component.

"(4) DERIVATIVE DEFINED.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'derivative' means any contract (including any option, forward contract, futures contract, short position, swap, or similar contract) the value of which, or any payment or other transfer with respect to which, is (directly or indirectly) determined by reference to one or more of the following:

"(i) Any share of stock in a corporation.

"(ii) Any evidence of indebtedness.

"(iii) Any commodity which is actively traded.

"(iv) Any currency.

"(v) Any rate, price, amount, index, formula, or algorithm.

Such term shall not include any item described in clauses (i) through (v).

"(B) TREATMENT OF AMERICAN DEPOSITORY RECEIPTS AND SIMILAR INSTRUMENTS.—Except as otherwise provided by the Secretary, for purposes of this part, American depository receipts (and similar instruments) with respect to shares of stock in foreign corporations shall be treated as shares of stock in such foreign corporations.

"(C) EXCEPTION FOR CERTAIN CONTRACTS.—Such term shall not include any insurance, annuity, or endowment contract issued by an insurance company to which subchapter L applies (or issued by any foreign corporation to which such subchapter would apply if such foreign corporation were a domestic corporation).

"(i) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the provisions of this section, including regulations—

"(1) providing for such adjustments to the application of this section as are necessary to prevent the avoidance of the purposes of this section, including through—

"(A) the use of unrelated persons, conduit transactions, or other intermediaries, or

"(B) transactions or arrangements designed, in whole or in part—

"(i) to characterize payments otherwise subject to this section as payments not subject to this section, or

"(ii) to substitute payments not subject to this section for payments otherwise subject to this section and

"(2) for the application of subsection (g), including rules to prevent the avoidance of the exceptions under subsection (g)(3).".

(b) REPORTING REQUIREMENTS AND PENALTIES.—

26 USC 6038A.

(1) IN GENERAL.—Subsection (b) of section 6038A is amended to read as follows:

"(b) REQUIRED INFORMATION.—

"(1) IN GENERAL.—For purposes of subsection (a), the information described in this subsection is such information as the Secretary prescribes by regulations relating to—

"(A) the name, principal place of business, nature of business, and country or countries in which organized or resident, of each person which—

"(i) is a related party to the reporting corporation, and

"(ii) had any transaction with the reporting corporation during its taxable year,

"(B) the manner in which the reporting corporation is related to each person referred to in subparagraph (A), and

"(C) transactions between the reporting corporation and each foreign person which is a related party to the reporting corporation.

"(2) ADDITIONAL INFORMATION REGARDING BASE EROSION PAYMENTS.—For purposes of subsection (a) and section 6038C, if the reporting corporation or the foreign corporation to whom section 6038C applies is an applicable taxpayer, the information described in this subsection shall include—

"(A) such information as the Secretary determines necessary to determine the base erosion minimum tax amount, base erosion payments, and base erosion tax benefits of the taxpayer for purposes of section 59A for the taxable year, and

"(B) such other information as the Secretary determines necessary to carry out such section.

For purposes of this paragraph, any term used in this paragraph which is also used in section 59A shall have the same meaning as when used in such section.".

(2) INCREASE IN PENALTY.—Paragraphs (1) and (2) of section 6038A(d) are each amended by striking "$10,000" and inserting "$25,000". 26 USC 6038A.

(c) DISALLOWANCE OF CREDITS AGAINST BASE EROSION TAX.—Paragraph (2) of section 26(b) is amended by inserting after subparagraph (A) the following new subparagraph:

"(B) section 59A (relating to base erosion and anti-abuse tax),".

(d) CONFORMING AMENDMENTS.—

(1) The table of parts for subchapter A of chapter 1 is amended by adding after the item relating to part VI the following new item: 26 USC prec. 1.

"PART VII. BASE EROSION AND ANTI-ABUSE TAX".

(2) Paragraph (1) of section 882(a), as amended by this Act, is amended by inserting "or 59A," after "section 11,".

(3) Subparagraph (A) of section 6425(c)(1), as amended by section 13001, is amended to read as follows:

"(A) the sum of—

"(i) the tax imposed by section 11, or subchapter L of chapter 1, whichever is applicable, plus

"(ii) the tax imposed by section 59A, over".

(4)(A) Subparagraph (A) of section 6655(g)(1), as amended by sections 12001 and 13001, is amended by striking "plus" at the end of clause (i), by redesignating clause (ii) as clause (iii), and by inserting after clause (i) the following new clause:

"(ii) the tax imposed by section 59A, plus".

(B) Subparagraphs (A)(i) and (B)(i) of section 6655(e)(2), as amended by sections 12001 and 13001, are each amended by inserting "and modified taxable income" after "taxable income".

(C) Subparagraph (B) of section 6655(e)(2) is amended by adding at the end the following new clause:

"(iii) MODIFIED TAXABLE INCOME.—The term 'modified taxable income' has the meaning given such term by section 59A(c)(1).".

26 USC 26 note.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to base erosion payments (as defined in section 59A(d) of the Internal Revenue Code of 1986, as added by this section) paid or accrued in taxable years beginning after December 31, 2017.

PART III—OTHER PROVISIONS

SEC. 14501. RESTRICTION ON INSURANCE BUSINESS EXCEPTION TO PASSIVE FOREIGN INVESTMENT COMPANY RULES.

26 USC 1297.

(a) IN GENERAL.—Section 1297(b)(2)(B) is amended to read as follows:

"(B) derived in the active conduct of an insurance business by a qualifying insurance corporation (as defined in subsection (f)),".

(b) QUALIFYING INSURANCE CORPORATION DEFINED.—Section 1297 is amended by adding at the end the following new subsection:

"(f) QUALIFYING INSURANCE CORPORATION.—For purposes of subsection (b)(2)(B)—

"(1) IN GENERAL.—The term 'qualifying insurance corporation' means, with respect to any taxable year, a foreign corporation—

"(A) which would be subject to tax under subchapter L if such corporation were a domestic corporation, and

"(B) the applicable insurance liabilities of which constitute more than 25 percent of its total assets, determined on the basis of such liabilities and assets as reported on the corporation's applicable financial statement for the last year ending with or within the taxable year.

"(2) ALTERNATIVE FACTS AND CIRCUMSTANCES TEST FOR CERTAIN CORPORATIONS.—If a corporation fails to qualify as a qualified insurance corporation under paragraph (1) solely because the percentage determined under paragraph (1)(B) is 25 percent or less, a United States person that owns stock in such corporation may elect to treat such stock as stock of a qualifying insurance corporation if—

"(A) the percentage so determined for the corporation is at least 10 percent, and

"(B) under regulations provided by the Secretary, based on the applicable facts and circumstances—

"(i) the corporation is predominantly engaged in an insurance business, and

"(ii) such failure is due solely to runoff-related or rating-related circumstances involving such insurance business.

"(3) APPLICABLE INSURANCE LIABILITIES.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'applicable insurance liabilities' means, with respect to any life or property and casualty insurance business—

"(i) loss and loss adjustment expenses, and

"(ii) reserves (other than deficiency, contingency, or unearned premium reserves) for life and health insurance risks and life and health insurance claims with respect to contracts providing coverage for mortality or morbidity risks.

"(B) LIMITATIONS ON AMOUNT OF LIABILITIES.—Any amount determined under clause (i) or (ii) of subparagraph (A) shall not exceed the lesser of such amount—

"(i) as reported to the applicable insurance regulatory body in the applicable financial statement described in paragraph (4)(A) (or, if less, the amount required by applicable law or regulation), or

"(ii) as determined under regulations prescribed by the Secretary.

"(4) OTHER DEFINITIONS AND RULES.—For purposes of this subsection—

"(A) APPLICABLE FINANCIAL STATEMENT.—The term 'applicable financial statement' means a statement for financial reporting purposes which—

"(i) is made on the basis of generally accepted accounting principles,

"(ii) is made on the basis of international financial reporting standards, but only if there is no statement that meets the requirement of clause (i), or

"(iii) except as otherwise provided by the Secretary in regulations, is the annual statement which is required to be filed with the applicable insurance regulatory body, but only if there is no statement which meets the requirements of clause (i) or (ii).

"(B) APPLICABLE INSURANCE REGULATORY BODY.—The term 'applicable insurance regulatory body' means, with respect to any insurance business, the entity established by law to license, authorize, or regulate such business and to which the statement described in subparagraph (A) is provided.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017. 26 USC 1297 note.

SEC. 14502. REPEAL OF FAIR MARKET VALUE METHOD OF INTEREST EXPENSE APPORTIONMENT.

(a) IN GENERAL.—Paragraph (2) of section 864(e) is amended to read as follows: 26 USC 864.

"(2) GROSS INCOME AND FAIR MARKET VALUE METHODS MAY NOT BE USED FOR INTEREST.—All allocations and apportionments of interest expense shall be determined using the adjusted bases of assets rather than on the basis of the fair market value of the assets or gross income.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017. 26 USC 864 note.

TITLE II

SEC. 20001. OIL AND GAS PROGRAM. 26 USC 3143 note.

(a) DEFINITIONS.—In this section:

(1) COASTAL PLAIN.—The term "Coastal Plain" means the area identified as the 1002 Area on the plates prepared by

the United States Geological Survey entitled "ANWR Map – Plate 1" and "ANWR Map – Plate 2", dated October 24, 2017, and on file with the United States Geological Survey and the Office of the Solicitor of the Department of the Interior.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Land Management.

(b) OIL AND GAS PROGRAM.—

(1) IN GENERAL.—Section 1003 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3143) shall not apply to the Coastal Plain.

(2) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary shall establish and administer a competitive oil and gas program for the leasing, development, production, and transportation of oil and gas in and from the Coastal Plain.

(B) PURPOSES.—Section 303(2)(B) of the Alaska National Interest Lands Conservation Act (Public Law 96–487; 94 Stat. 2390) is amended—

16 USC 668dd note.

(i) in clause (iii), by striking "and" at the end;

(ii) in clause (iv), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(v) to provide for an oil and gas program on the Coastal Plain.".

(3) MANAGEMENT.—Except as otherwise provided in this section, the Secretary shall manage the oil and gas program on the Coastal Plain in a manner similar to the administration of lease sales under the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501 et seq.) (including regulations).

(4) ROYALTIES.—Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.), the royalty rate for leases issued pursuant to this section shall be 16.67 percent.

(5) RECEIPTS.—Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.), of the amount of adjusted bonus, rental, and royalty receipts derived from the oil and gas program and operations on Federal land authorized under this section—

(A) 50 percent shall be paid to the State of Alaska; and

(B) the balance shall be deposited into the Treasury as miscellaneous receipts.

(c) 2 LEASE SALES WITHIN 10 YEARS.—

(1) REQUIREMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall conduct not fewer than 2 lease sales area-wide under the oil and gas program under this section by not later than 10 years after the date of enactment of this Act.

(B) SALE ACREAGES; SCHEDULE.—

(i) ACREAGES.—The Secretary shall offer for lease under the oil and gas program under this section—

(I) not fewer than 400,000 acres area-wide in each lease sale; and

(II) those areas that have the highest potential for the discovery of hydrocarbons.

(ii) SCHEDULE.—The Secretary shall offer—

(I) the initial lease sale under the oil and gas program under this section not later than 4 years after the date of enactment of this Act; and

(II) a second lease sale under the oil and gas program under this section not later than 7 years after the date of enactment of this Act.

(2) RIGHTS-OF-WAY.—The Secretary shall issue any rights-of-way or easements across the Coastal Plain for the exploration, development, production, or transportation necessary to carry out this section.

(3) SURFACE DEVELOPMENT.—In administering this section, the Secretary shall authorize up to 2,000 surface acres of Federal land on the Coastal Plain to be covered by production and support facilities (including airstrips and any area covered by gravel berms or piers for support of pipelines) during the term of the leases under the oil and gas program under this section.

SEC. 20002. LIMITATIONS ON AMOUNT OF DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF REVENUES.

Section 105(f)(1) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended by striking "exceed $500,000,000 for each of fiscal years 2016 through 2055." and inserting the following: "exceed—

"(A) $500,000,000 for each of fiscal years 2016 through 2019;

"(B) $650,000,000 for each of fiscal years 2020 and 2021; and

"(C) $500,000,000 for each of fiscal years 2022 through 2055.".

SEC. 20003. STRATEGIC PETROLEUM RESERVE DRAWDOWN AND SALE.

42 USC 6241 note.

(a) DRAWDOWN AND SALE.—

(1) IN GENERAL.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), except as provided in subsections (b) and (c), the Secretary of Energy shall draw down and sell from the Strategic Petroleum Reserve 7,000,000 barrels of crude oil during the period of fiscal years 2026 through 2027.

(2) DEPOSIT OF AMOUNTS RECEIVED FROM SALE.—Amounts received from a sale under paragraph (1) shall be deposited in the general fund of the Treasury during the fiscal year in which the sale occurs.

(b) EMERGENCY PROTECTION.—The Secretary of Energy shall not draw down and sell crude oil under subsection (a) in a quantity that would limit the authority to sell petroleum products under subsection (h) of section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) in the full quantity authorized by that subsection.

(c) LIMITATION.—The Secretary of Energy shall not drawdown or conduct sales of crude oil under subsection (a) after the date on which a total of $600,000,000 has been deposited in the general fund of the Treasury from sales authorized under that subsection.

Approved December 22, 2017.

LEGISLATIVE HISTORY—H.R. 1 (S. 1):

HOUSE REPORTS: Nos. 115–409 (Comm. on Ways and Means) and 115–466 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 163 (2017):

Nov. 15, 16, considered and passed House.

Nov. 29, 30, Dec. 1, considered and passed Senate, amended.

Dec. 19, House agreed to conference report. Senate sustained point of order against conference report; receded from its amendment and concurred with an amendment.

Dec. 20, House concurred in Senate amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2017):

Dec. 22, Presidential remarks.

Public Law 115–98
115th Congress

An Act

To reauthorize the United States Fire Administration, the Assistance to Firefighters Grants program, the Fire Prevention and Safety Grants program, and the Staffing for Adequate Fire and Emergency Response grant program, and for other purposes.

Jan. 3, 2018
[H.R. 4661]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

United States Fire Administration, AFG, and SAFER Program Reauthorization Act of 2017.
15 USC 2201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Fire Administration, AFG, and SAFER Program Reauthorization Act of 2017".

SEC. 2. REAUTHORIZATION OF THE UNITED STATES FIRE ADMINISTRATION.

Section 17(g)(1)(M) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216 (g)(1)(M)) is amended—

(1) by striking "fiscal year 2017" and inserting "for each of fiscal years 2017 through 2023"; and

(2) by inserting "for each such fiscal year" after "$2,753,672".

SEC. 3. REAUTHORIZATION OF ASSISTANCE TO FIREFIGHTERS GRANTS PROGRAM AND THE FIRE PREVENTION AND SAFETY GRANTS PROGRAM.

(a) SUNSET.—Section 33(r) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(r)) is amended by striking "the date that is 5 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012" and inserting "September 30, 2024".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 33(q)(1)(B) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(q)(1)(B)) is amended, in the matter preceding clause (i), by striking "2017" and inserting "2023".

(c) AUTHORIZATION FOR CERTAIN TRAINING UNDER ASSISTANCE TO FIREFIGHTERS GRANTS PROGRAM.—Section 33(c)(3) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(c)(3)) is amended by adding at the end the following:

> "(N) To provide specialized training to firefighters, paramedics, emergency medical service workers, and other first responders to recognize individuals who have mental illness and how to properly intervene with individuals with mental illness, including strategies for verbal de-escalation of crisis.".

SEC. 4. REAUTHORIZATION OF STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANT PROGRAM.

(a) SUNSET.—Section 34(k) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(k)) is amended by striking "the date that is 5 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012" and inserting "September 30, 2024".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 34(j)(1)(I) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(j)(1)(I)) is amended, in the matter preceding clause (i), by striking "2017" and inserting "2023".

(c) MODIFICATION OF APPLICATION REQUIREMENTS.—Section 34(b)(3)(B) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(b)(3)(B)) is amended by striking "of subsection (a)(1)(B)(ii) and (F)" and inserting "of subsection (a)(1)(F)".

(d) MODIFICATION OF LIMITATION.—Section 34(c)(2) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(c)(2)) is amended by striking "prior to the date of enactment of this section" and inserting "prior to the date of the application for the grant".

(e) MODIFICATION OF WAIVER AUTHORITY.—Section 34(d)(1)(B) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(d)(1)(B)) is amended by striking "subsection (a)(1)(E) or subsection (c)(2)" and inserting "subsection (a)(1)(E), (c)(2), or (c)(4)".

(f) EXPANSION OF STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANT PROGRAM; REPEAL OF AUTHORITY FOR CERTAIN USE OF GRANT AMOUNTS TRANSFERRED TO ASSISTANCE TO FIREFIGHTERS GRANTS PROGRAM.—Section 34(a)(1)(B) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)(B)) is amended—

(1) by inserting "or to change the status of part-time or paid-on-call (as defined in section 33(a)) firefighters to full-time firefighters" after "firefighters"; and

(2) by striking "and to provide" and all that follows through "of crises".

15 USC 2229 note.

SEC. 5. TRAINING ON ADMINISTRATION OF FIRE GRANT PROGRAMS.

(a) IN GENERAL.—The Administrator of the Federal Emergency Management Agency, acting through the Administrator of the United States Fire Administration, may develop and make widely available an electronic, online training course for members of the fire and emergency response community on matters relating to the administration of grants under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

(b) REQUIREMENTS.—The Administrator of the Federal Emergency Management Agency shall ensure that any training developed and made available under subsection (a) is—

(1) tailored to the financial and time constraints of members of the fire and emergency response community; and

(2) accessible to all individuals in the career, combination, paid-on-call, and volunteer fire and emergency response community.

SEC. 6. FRAMEWORK FOR OVERSIGHT AND MONITORING OF THE ASSISTANCE TO FIREFIGHTERS GRANTS PROGRAM, THE FIRE PREVENTION AND SAFETY GRANTS PROGRAM, AND THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANT PROGRAM.

Fraud.
22 USC 2229 note.

(a) FRAMEWORK.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, acting through the Administrator of the United States Fire Administration, shall develop and implement a grant monitoring and oversight framework to mitigate and minimize risks of fraud, waste, abuse, and mismanagement relating to the grants programs under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

Deadline.

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

(1) Developing standardized guidance and training for all participants in the grant programs described in subsection (a).

Guidance.

(2) Conducting regular risk assessments.

Assessments.

(3) Conducting desk reviews and site visits.

Reviews.

(4) Enforcement actions to recoup potential questionable costs of grant recipients.

(5) Such other oversight and monitoring tools as the Administrator of the Federal Emergency Management Agency considers necessary to mitigate and minimize fraud, waste, abuse, and mismanagement relating to the grant programs described in subsection (a).

Approved January 3, 2018.

LEGISLATIVE HISTORY—H.R. 4661:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Dec. 18, considered and passed House.
Dec. 21, considered and passed Senate.

Public Law 115–99
115th Congress

An Act

Jan. 3, 2018
[S. 1536]

To designate a human trafficking prevention coordinator and to expand the scope of activities authorized under the Federal Motor Carrier Safety Administration's outreach and education program to include human trafficking prevention activities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Combating Human Trafficking in Commercial Vehicles Act.
49 USC 30101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Combating Human Trafficking in Commercial Vehicles Act".

49 USC 102 note.

SEC. 2. HUMAN TRAFFICKING PREVENTION COORDINATOR.

The Secretary of Transportation shall designate an official within the Department of Transportation who shall—

(1) coordinate human trafficking prevention efforts across modal administrations in the Department of Transportation and with other departments and agencies of the Federal Government; and

(2) in coordinating such efforts, take into account the unique challenges of combating human trafficking within different transportation modes.

SEC. 3. EXPANSION OF OUTREACH AND EDUCATION PROGRAM.

Section 31110(c)(1) of title 49, United States Code, is amended by adding at the end the following: "The program authorized under this subsection may support, in addition to funds otherwise available for such purposes, the recognition, prevention, and reporting of human trafficking, while deferring to existing resources, as practicable.".

SEC. 4. EXPANSION OF COMMERCIAL DRIVER'S LICENSE FINANCIAL ASSISTANCE PROGRAM.

Section 31313(a)(3) of title 49, United States Code, is amended—

(1) in subparagraph (D), by striking "or" at the end;

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

(3) by inserting after subparagraph (D) the following:

"(E) support, in addition to funds otherwise available for such purposes, the recognition, prevention, and reporting of human trafficking; or".

SEC. 5. ESTABLISHMENT OF THE DEPARTMENT OF TRANSPORTATION ADVISORY COMMITTEE ON HUMAN TRAFFICKING.

(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee on human trafficking.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Committee shall be composed of not more than 15 external stakeholder members whose diverse experience and background enable them to provide balanced points of view with regard to carrying out the duties of the Committee.

(2) SELECTION.—The Secretary shall appoint the external stakeholder members to the Committee, including representatives from— Appointments.

(A) trafficking advocacy organizations;

(B) law enforcement; and

(C) trucking, bus, rail, aviation, maritime, and port sectors, including industry and labor.

(3) PERIODS OF APPOINTMENT.—Members shall be appointed for the life of the Committee.

(4) VACANCIES.—A vacancy in the Committee shall be filled in the manner in which the original appointment was made and shall not affect the powers or duties of the Committee.

(5) COMPENSATION.—Committee members shall serve without compensation.

(c) AUTHORITY.—Not later than 9 months after the date of enactment of this Act, the Secretary shall establish and appoint all members of the Committee. Deadline.

(d) DUTIES.—

(1) RECOMMENDATIONS FOR THE DEPARTMENT OF TRANSPORTATION.—Not later than 18 months after the date of enactment of this Act, the Committee shall make recommendations to the Secretary on actions the Department can take to help combat human trafficking, including the development and implementation of— Deadline.

(A) successful strategies for identifying and reporting instances of human trafficking; and Strategies.

(B) recommendations for administrative or legislative changes necessary to use programs, properties, or other resources owned, operated, or funded by the Department to combat human trafficking.

(2) BEST PRACTICES AND RECOMMENDATIONS.—

(A) IN GENERAL.—The Committee shall develop recommended best practices for States and State and local transportation stakeholders to follow in combating human trafficking.

(B) DEVELOPMENT.—The best practices shall be based on multidisciplinary research and promising, evidence-based models and programs.

(C) CONTENT.—The best practices shall be user-friendly, incorporate the most up-to-date technology, and include the following: Strategies.

(i) Sample training materials.

(ii) Strategies to identify victims.

(iii) Sample protocols and recommendations, including—

(I) strategies to collect, document, and share data across systems and agencies;

(II) strategies to help agencies better understand the types of trafficking involved, the scope of the problem, and the degree of victim interaction with multiple systems; and

(III) strategies to identify effective pathways for State agencies to utilize their position in educating critical stakeholder groups and assisting victims.

(D) INFORMING STATES OF BEST PRACTICES.—The Secretary shall ensure that State Governors and State departments of transportation are notified of the best practices and recommendations.

(e) REPORTS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(1) submit a report on the actions of the Committee described in subsection (d) to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives; and

Public information. Web posting.

(2) make the report under paragraph (1) publicly available both physically and online.

(f) DEFINITIONS.—In this section:

(1) COMMITTEE.—The term "Committee" means the Department of Transportation Advisory Committee on Human Trafficking established under subsection (a).

(2) HUMAN TRAFFICKING.—The term "human trafficking" means an act or practice described in paragraph (9) or paragraph (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(3) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

Approved January 3, 2018.

LEGISLATIVE HISTORY—S. 1536 (H.R. 3813):

HOUSE REPORTS: No. 115–467 (Comm. on Transportation and Infrastructure) accompanying H.R. 3813.

SENATE REPORTS: No. 115–177 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 163 (2017):
Sept. 14, considered and passed Senate.
Dec. 19, considered and passed House.

Public Law 115–100
115th Congress

An Act

To extend the period during which vessels that are shorter than 79 feet in length and fishing vessels are not required to have a permit for discharges incidental to the normal operation of the vessel.

Jan. 3, 2018
[S. 2273]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF MORATORIUM.

Section 2(a) of Public Law 110–299 (33 U.S.C. 1342 note) is amended by striking "December 18, 2017" and inserting "January 19, 2018".

Approved January 3, 2018.

LEGISLATIVE HISTORY—S. 2273:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Dec. 21, considered and passed Senate.
Dec. 22, considered and passed House.

Public Law 115–101
115th Congress

An Act

Jan. 8, 2018
[H.R. 560]

To amend the Delaware Water Gap National Recreation Area Improvement Act to provide access to certain vehicles serving residents of municipalities adjacent to the Delaware Water Gap National Recreation Area, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VEHICULAR ACCESS AND FEES.

119 Stat. 2948.

Section 4 of the Delaware Water Gap National Recreation Area Improvement Act (Public Law 109–156) is amended to read as follows:

"SEC. 4. USE OF CERTAIN ROADS WITHIN THE RECREATION AREA.

"(a) IN GENERAL.—Except as otherwise provided in this section, Highway 209, a federally owned road within the boundaries of the Recreation Area, shall be closed to all commercial vehicles.

"(b) EXCEPTION FOR LOCAL BUSINESS USE.—Until September 30, 2021, subsection (a) shall not apply with respect to the use of commercial vehicles that have four or fewer axles and are—

"(1) owned and operated by a business physically located in—

"(A) the Recreation Area; or

"(B) one or more adjacent municipalities; or

"(2) necessary to provide services to businesses or persons located in—

"(A) the Recreation Area; or

"(B) one of more adjacent municipalities.

"(c) FEE.—The Secretary shall establish a fee and permit program for the use by commercial vehicles of Highway 209 under subsection (b). The program shall include an annual fee not to exceed $200 per vehicle. All fees received under the program shall be set aside in a special account and be available, without further appropriation, to the Secretary for the administration and enforcement of the program, including registering vehicles, issuing permits and vehicle identification stickers, and personnel costs.

"(d) EXCEPTIONS.—The following vehicles may use Highway 209 and shall not be subject to a fee or permit requirement under subsection (c):

"(1) Local school buses.

"(2) Fire, ambulance, and other safety and emergency vehicles.

"(3) Commercial vehicles using Federal Road Route 209, from—

"(A) Milford to the Delaware River Bridge leading to U.S. Route 206 in New Jersey; and

"(B) mile 0 of Federal Road Route 209 to Pennsylvania State Route 2001.".

SEC. 2. DEFINITIONS.

Section 2 of the Delaware Water Gap National Recreation Area Improvement Act (Public Law 109–156) is amended— 119 Stat. 2946.

(1) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(2) by inserting before paragraph (2) (as so redesignated by paragraph (1) of this section) the following:

"(1) ADJACENT MUNICIPALITIES.—The term 'adjacent municipalities' means Delaware Township, Dingman Township, Lehman Township, Matamoras Borough, Middle Smithfield Township, Milford Borough, Milford Township, Smithfield Township and Westfall Township, in Pennsylvania.".

SEC. 3. CONFORMING AMENDMENT.

Section 702 of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333) is repealed. 110 Stat. 4185.

Approved January 8, 2018.

LEGISLATIVE HISTORY—H.R. 560:

SENATE REPORTS: No. 115–51 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 163 (2017):
Jan. 30, considered and passed House.
Dec. 21, considered and passed Senate.

Public Law 115–102
115th Congress

An Act

Jan. 8, 2018
[H.R. 1242]

To establish the 400 Years of African-American History Commission, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

400 Years of African-American History Commission Act.
36 USC note prec. 101.

SECTION 1. SHORT TITLE.

This Act may be cited as the "400 Years of African-American History Commission Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMEMORATION.—The term "commemoration" means the commemoration of the 400th anniversary of the arrival of Africans in the English colonies, at Point Comfort, Virginia, in 1619.

(2) COMMISSION.—The term "Commission" means the 400 Years of African-American History Commission established by section 3(a).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. ESTABLISHMENT.

(a) IN GENERAL.—There is established a commission, to be known as the "400 Years of African-American History Commission".

(b) MEMBERSHIP.—

Appointments.

(1) COMPOSITION.—The Commission shall be composed of 15 members, of whom—

(A) three members shall be appointed by the Secretary after considering recommendations of Governors, including the Governor of Virginia;

(B) six members shall be appointed by the Secretary after considering recommendations of civil rights organizations and historical organizations;

(C) one member shall be an employee of the National Park Service having experience relative to the historical and cultural resources related to the commemoration, to be appointed by the Secretary;

(D) two members shall be appointed by the Secretary after considering the recommendations of the Secretary of the Smithsonian Institution; and

(E) three members shall be individuals who have an interest in, support for, and expertise appropriate to the commemoration, appointed by the Secretary after considering the recommendations of Members of Congress.

(2) TIME OF APPOINTMENT.—Each appointment of an initial member of the Commission shall be made before the expiration of the 120-day period beginning on the date of enactment of this Act. Time period. Effective date.

(3) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—

(i) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(ii) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(C) CONTINUATION OF MEMBERSHIP.—If a member of the Commission was appointed to the Commission as an employee of the National Park Service, and ceases to be an employee of the National Park Service, that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date on which that member ceases to be an employee of the National Park Service. Time period.

(c) DUTIES.—The Commission shall—

(1) plan, develop, and carry out programs and activities throughout the United States—

(A) appropriate for the commemoration;

(B) to recognize and highlight the resilience and contributions of African-Americans since 1619;

(C) to acknowledge the impact that slavery and laws that enforced racial discrimination had on the United States; and

(D) to educate the public about—

(i) the arrival of Africans in the United States; and

(ii) the contributions of African-Americans to the United States;

(2) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand understanding and appreciation of—

(A) the significance of the arrival of Africans in the United States; and

(B) the contributions of African-Americans to the United States;

(3) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration;

(4) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of— Coordination.

(A) the arrival of Africans in the United States; and

(B) the contributions of African-Americans to the United States;

(5) ensure that the commemoration provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs; and

(6) help ensure that the observances of the commemoration are inclusive and appropriately recognize the experiences and

heritage of all individuals present at the arrival of Africans in the United States.

SEC. 4. COMMISSION MEETINGS.

Deadline.

(a) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(b) MEETINGS.—The Commission shall meet—

(1) at least three times each year; or

(2) at the call of the Chairperson or the majority of the members of the Commission.

(c) QUORUM.—A majority of the voting members shall constitute a quorum, but a lesser number may hold meetings.

(d) CHAIRPERSON AND VICE CHAIRPERSON.—

(1) ELECTION.—The Commission shall elect the Chairperson and the Vice Chairperson of the Commission on an annual basis.

(2) ABSENCE OF THE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(e) VOTING.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

SEC. 5. COMMISSION POWERS.

(a) GIFTS.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money or other property for aiding or facilitating the work of the Commission.

(b) APPOINTMENT OF ADVISORY COMMITTEES.—The Commission may appoint such advisory committees as the Commission determines to be necessary to carry out this Act.

(c) AUTHORIZATION OF ACTION.—The Commission may authorize any member or employee of the Commission to take any action that the Commission is authorized to take under this Act.

(d) PROCUREMENT.—

(1) IN GENERAL.—The Commission may procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements, to carry out this Act (except that a contract, lease, or other legal agreement made or entered into by the Commission shall not extend beyond the date of termination of the Commission).

(2) LIMITATION.—The Commission may not purchase real property.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(f) GRANTS AND TECHNICAL ASSISTANCE.—The Commission may—

(1) provide grants in amounts not to exceed $20,000 per grant to communities and nonprofit organizations for use in developing programs to assist in the commemoration;

(2) provide grants to research and scholarly organizations to research, publish, or distribute information relating to the arrival of Africans in the United States; and

(3) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a member of the Commission shall serve without compensation.

(2) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation other than the compensation received for the services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(c) DIRECTOR AND STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), nominate an executive director to enable the Commission to perform the duties of the Commission.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(d) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(2) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(e) DETAIL OF GOVERNMENT EMPLOYEES.—

(1) FEDERAL EMPLOYEES.—

(A) DETAIL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(B) CIVIL SERVICE STATUS.—The detail of an employee under subparagraph (A) shall be without interruption or loss of civil service status or privilege.

(2) STATE EMPLOYEES.—The Commission may—

(A) accept the services of personnel detailed from the State; and

(B) reimburse the State for services of detailed personnel.

(f) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(g) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use such voluntary and uncompensated services as the Commission determines to be necessary.

(h) SUPPORT SERVICES.—

(1) IN GENERAL.—The Secretary shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(2) REIMBURSEMENT.—Any reimbursement under this paragraph shall be credited to the appropriation, fund, or account used for paying the amounts reimbursed.

(i) NO EFFECT ON AUTHORITY.—Nothing in this section supersedes the authority of the National Park Service with respect to the commemoration.

SEC. 7. PLANS; REPORTS.

(a) STRATEGIC PLAN.—The Commission shall prepare a strategic plan for the activities of the Commission carried out under this Act.

(b) FINAL REPORT.—Not later than July 1, 2020, the Commission shall complete and submit to Congress a final report that contains—

Summary.

(1) a summary of the activities of the Commission;

(2) a final accounting of funds received and expended by the Commission; and

Recommendations.

(3) the findings and recommendations of the Commission.

SEC. 8. TERMINATION OF COMMISSION.

(a) DATE OF TERMINATION.—The Commission shall terminate on July 1, 2020.

(b) TRANSFER OF DOCUMENTS AND MATERIALS.—Before the date of termination specified in subsection (a), the Commission shall transfer all documents and materials of the Commission to the National Archives or another appropriate Federal entity.

SEC. 9. EXPENDITURES OF COMMISSION.

All expenditures of the Commission shall be made solely from donated funds.

Approved January 8, 2018.

LEGISLATIVE HISTORY—H.R. 1242 (S. 392) (S. 1460):

HOUSE REPORTS: No. 115–105 (Comm. on Oversight and Government Reform).
SENATE REPORTS: No. 115–63 (Comm. on Energy and Natural Resources) accompanying S. 392.
CONGRESSIONAL RECORD, Vol. 163 (2017):
May 1, considered and passed House.
Dec. 21, considered and passed Senate.

Public Law 115–103
115th Congress

An Act

To provide for the conveyance of certain Federal land in the State of Oregon, and for other purposes.

Jan. 8, 2018
[H.R. 1306]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Western Oregon Tribal Fairness Act.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Western Oregon Tribal Fairness Act".

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

TITLE I—COW CREEK UMPQUA LAND CONVEYANCE

SEC. 101. DEFINITIONS.

In this title:

(1) COUNCIL CREEK LAND.—The term "Council Creek land" means the approximately 17,519 acres of land, as generally depicted on the map entitled "Canyon Mountain Land Conveyance" and dated May 24, 2016.

(2) TRIBE.—The term "Tribe" means the Cow Creek Band of Umpqua Tribe of Indians.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 102. LAND TO BE HELD IN TRUST.

(a) IN GENERAL.—Subject to valid existing rights, including rights-of-way, all right, title, and interest of the United States

in and to the Council Creek land, including any improvements located on the land, appurtenances to the land, and minerals on or in the land, including oil and gas, shall be—

(1) held in trust by the United States for the benefit of the Tribe; and

(2) part of the reservation of the Tribe.

Deadline.

(b) SURVEY.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete a survey to establish the boundaries of the land taken into trust under subsection (a).

Records.

(c) EFFECTIVE DATE.—Subsection (a) shall take effect on the day after the date on which the Secretary records the agreement entered into under section 104(d)(1).

SEC. 103. MAP AND LEGAL DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Council Creek land with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Natural Resources of the House of Representatives.

(b) FORCE AND EFFECT.—The map and legal description filed under subsection (a) shall have the same force and effect as if included in this title, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(c) PUBLIC AVAILABILITY.—The map and legal description filed under subsection (a) shall be on file and available for public inspection in the Office of the Secretary.

SEC. 104. ADMINISTRATION.

(a) IN GENERAL.—Unless expressly provided in this title, nothing in this title affects any right or claim of the Tribe existing on the date of enactment of this Act to any land or interest in land.

(b) PROHIBITIONS.—

Applicability.

(1) EXPORTS OF UNPROCESSED LOGS.—Federal law (including regulations) relating to the export of unprocessed logs harvested from Federal land shall apply to any unprocessed logs that are harvested from the Council Creek land.

(2) NON-PERMISSIBLE USE OF LAND.—Any real property taken into trust under section 102 shall not be eligible, or used, for any gaming activity carried out under Public Law 100–497 (25 U.S.C. 2701 et seq.).

(c) FOREST MANAGEMENT.—Any forest management activity that is carried out on the Council Creek land shall be managed in accordance with all applicable Federal laws.

(d) AGREEMENTS.—

(1) MEMORANDUM OF AGREEMENT FOR ADMINISTRATIVE ACCESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall seek to enter into an agreement with the Tribe that secures existing administrative access by the Secretary to the Council Creek land.

Deadline.

Effective dates.

(2) RECIPROCAL RIGHT-OF-WAY AGREEMENTS.—

(A) IN GENERAL.—On the date on which the agreement is entered into under paragraph (1), the Secretary shall provide to the Tribe all reciprocal right-of-way agreements to the Council Creek land in existence as of the date of enactment of this Act.

(B) CONTINUED ACCESS.—Beginning on the date on which the Council Creek land is taken into trust under section 102, the Tribe shall continue the access provided by the agreements referred to in subparagraph (A) in perpetuity.

(e) LAND USE PLANNING REQUIREMENTS.—Except as provided in subsection (c), once the Council Creek land is taken into trust under section 102, the Council Creek land shall not be subject to the land use planning requirements of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) or the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

SEC. 105. LAND RECLASSIFICATION.

Deadlines.

(a) IDENTIFICATION OF OREGON AND CALIFORNIA RAILROAD GRANT LAND.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture and the Secretary shall identify any Oregon and California Railroad grant land that is held in trust by the United States for the benefit of the Tribe under section 102.

(b) IDENTIFICATION OF PUBLIC DOMAIN LAND.—Not later than 2 years after the date of enactment of this Act, the Secretary shall identify public domain land in the State of Oregon that—

(1) is approximately equal in acreage and condition as the Oregon and California Railroad grant land identified under subsection (a); and

(2) is located within the 18 western Oregon and California Railroad grant land counties (other than Klamath County, Oregon).

Federal Register, publication.

(c) MAPS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress and publish in the Federal Register one or more maps depicting the land identified in subsections (a) and (b).

(d) RECLASSIFICATION.—

(1) IN GENERAL.—After providing an opportunity for public comment, the Secretary shall reclassify the land identified in subsection (b) as Oregon and California Railroad grant land.

(2) APPLICABILITY.—The Act of August 28, 1937 (43 U.S.C. 1181a et seq.), shall apply to land reclassified as Oregon and California Railroad grant land under paragraph (1).

TITLE II—OREGON COASTAL LAND CONVEYANCE

SEC. 201. DEFINITIONS.

In this title:

(1) CONFEDERATED TRIBES.—The term "Confederated Tribes" means the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians.

(2) OREGON COASTAL LAND.—The term "Oregon Coastal land" means the approximately 14,742 acres of land, as generally depicted on the map entitled "Oregon Coastal Land Conveyance" and dated July 11, 2016.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 202. LAND TO BE HELD IN TRUST.

(a) IN GENERAL.—Subject to valid existing rights, including rights-of-way, all right, title, and interest of the United States in and to the Oregon Coastal land, including any improvements located on the land, appurtenances to the land, and minerals on or in the land, including oil and gas, shall be—

(1) held in trust by the United States for the benefit of the Confederated Tribes; and

(2) part of the reservation of the Confederated Tribes.

Deadline.

(b) SURVEY.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete a survey to establish the boundaries of the land taken into trust under subsection (a).

Records.

(c) EFFECTIVE DATE.—Subsection (a) shall take effect on the day after the date on which the Secretary records the agreement entered into under section 204(d)(1).

SEC. 203. MAP AND LEGAL DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Oregon Coastal land with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Natural Resources of the House of Representatives.

(b) FORCE AND EFFECT.—The map and legal description filed under subsection (a) shall have the same force and effect as if included in this title, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(c) PUBLIC AVAILABILITY.—The map and legal description filed under subsection (a) shall be on file and available for public inspection in the Office of the Secretary.

SEC. 204. ADMINISTRATION.

(a) IN GENERAL.—Unless expressly provided in this title, nothing in this title affects any right or claim of the Confederated Tribes existing on the date of enactment of this Act to any land or interest in land.

(b) PROHIBITIONS.—

Applicability.

(1) EXPORTS OF UNPROCESSED LOGS.—Federal law (including regulations) relating to the export of unprocessed logs harvested from Federal land shall apply to any unprocessed logs that are harvested from the Oregon Coastal land taken into trust under section 202.

(2) NON-PERMISSIBLE USE OF LAND.—Any real property taken into trust under section 202 shall not be eligible, or used, for any gaming activity carried out under Public Law 100–497 (25 U.S.C. 2701 et seq.).

(c) FOREST MANAGEMENT.—Any forest management activity that is carried out on the Oregon Coastal land shall be managed in accordance with all applicable Federal laws.

(d) AGREEMENTS.—

Deadline.

(1) MEMORANDUM OF AGREEMENT FOR ADMINISTRATIVE ACCESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall seek to enter into an agreement with the Confederated Tribes that secures existing administrative access by the Secretary to the Oregon Coastal land and that provides for—

(A) access for certain activities, including—
(i) forest management;
(ii) timber and rock haul;
(iii) road maintenance;
(iv) wildland fire protection and management;
(v) cadastral surveys;
(vi) wildlife, cultural, and other surveys; and
(vii) law enforcement activities;

(B) the management of the Oregon Coastal land that is acquired or developed under chapter 2003 of title 54, United States Code, consistent with section 200305(f)(3) of that title; and

(C) the terms of public vehicular transit across the Oregon Coastal land to and from the Hult Log Storage Reservoir located in T. 15 S., R. 7 W., as generally depicted on the map described in section 201(2), subject to the requirement that if the Bureau of Land Management discontinues maintenance of the public recreation site known as "Hult Reservoir", the terms of any agreement in effect on that date that provides for public vehicular transit to and from the Hult Log Storage Reservoir shall be void.

(2) RECIPROCAL RIGHT-OF-WAY AGREEMENTS.— Effective dates.

(A) IN GENERAL.—On the date on which the agreement is entered into under paragraph (1), the Secretary shall provide to the Confederated Tribes all reciprocal right-of-way agreements to the Oregon Coastal land in existence on the date of enactment of this Act.

(B) CONTINUED ACCESS.—Beginning on the date on which the Oregon Coastal land is taken into trust under section 202, the Confederated Tribes shall continue the access provided by the reciprocal right-of-way agreements referred to in subparagraph (A) in perpetuity.

(e) LAND USE PLANNING REQUIREMENTS.—Except as provided in subsection (c), once the Oregon Coastal land is taken into trust under section 202, the Oregon Coastal land shall not be subject to the land use planning requirements of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) or the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

SEC. 205. LAND RECLASSIFICATION. Deadlines.

(a) IDENTIFICATION OF OREGON AND CALIFORNIA RAILROAD GRANT LAND.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture and the Secretary shall identify any Oregon and California Railroad grant land that is held in trust by the United States for the benefit of the Confederated Tribes under section 202.

(b) IDENTIFICATION OF PUBLIC DOMAIN LAND.—Not later than 2 years after the date of enactment of this Act, the Secretary shall identify public domain land in the State of Oregon that—

(1) is approximately equal in acreage and condition as the Oregon and California Railroad grant land identified under subsection (a); and

(2) is located within the 18 western Oregon and California Railroad grant land counties (other than Klamath County, Oregon).

(c) MAPS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress and publish Federal Register, publication.

in the Federal Register one or more maps depicting the land identified in subsections (a) and (b).

(d) RECLASSIFICATION.—

(1) IN GENERAL.—After providing an opportunity for public comment, the Secretary shall reclassify the land identified in subsection (b) as Oregon and California Railroad grant land.

(2) APPLICABILITY.—The Act of August 28, 1937 (43 U.S.C. 1181a et seq.), shall apply to land reclassified as Oregon and California Railroad grant land under paragraph (1).

TITLE III—AMENDMENTS TO COQUILLE RESTORATION ACT

SEC. 301. AMENDMENTS TO COQUILLE RESTORATION ACT.

25 USC 715c.

Section 5(d) of the Coquille Restoration Act (Public Law 101–42; 103 Stat. 92, 110 Stat. 3009–537) is amended—

(1) by striking paragraph (5) and inserting the following:

"(5) MANAGEMENT.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary, acting through the Assistant Secretary for Indian Affairs, shall manage the Coquille Forest in accordance with the laws pertaining to the management of Indian trust land.

"(B) ADMINISTRATION.—

"(i) UNPROCESSED LOGS.—Unprocessed logs harvested from the Coquille Forest shall be subject to the same Federal statutory restrictions on export to foreign nations that apply to unprocessed logs harvested from Federal land.

"(ii) SALES OF TIMBER.—Notwithstanding any other provision of law, all sales of timber from land subject to this subsection shall be advertised, offered, and awarded according to competitive bidding practices, with sales being awarded to the highest responsible bidder.";

(2) by striking paragraph (9); and

(3) by redesignating paragraphs (10) through (12) as paragraphs (9) through (11), respectively.

Approved January 8, 2018.

LEGISLATIVE HISTORY—H.R. 1306:

HOUSE REPORTS: No. 115–204 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 163 (2017):
July 11, considered and passed House.
Dec. 21, considered and passed Senate.

Public Law 115–104
115th Congress

An Act

Jan. 8, 2018
[H.R. 1927]

To amend title 54, United States Code, to establish within the National Park Service the African American Civil Rights Network, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

African American Civil Rights Network Act of 2017.
54 USC 100101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "African American Civil Rights Network Act of 2017".

54 USC 308401 note.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to recognize—

(A) the importance of the African American civil rights movement; and

(B) the sacrifices made by the people who fought against discrimination and segregation; and

(2) to authorize the National Park Service to coordinate and facilitate Federal and non-Federal activities to commemorate, honor, and interpret—

(A) the history of the African American civil rights movement;

(B) the significance of the civil rights movement as a crucial element in the evolution of the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.); and

(C) the relevance of the African American civil rights movement in fostering the spirit of social justice and national reconciliation.

SEC. 3. U.S. CIVIL RIGHTS NETWORK PROGRAM.

(a) IN GENERAL.—Subdivision 1 of division B of subtitle III of title 54, United States Code, is amended by inserting after chapter 3083 the following:

54 USC prec. 308401.

"CHAPTER 3084—U.S. CIVIL RIGHTS NETWORK

54 USC 308401.

"§ 308401. Definition of network

"In this chapter, the term 'Network' means the African American Civil Rights Network established under section 308402(a).

"§ 308402. U.S. Civil Rights Network 54 USC 308402.

"(a) IN GENERAL.—The Secretary shall establish, within the Service, a program to be known as the 'U.S. Civil Rights Network'.

"(b) DUTIES OF SECRETARY.—In carrying out the Network, the Secretary shall—

"(1) review studies and reports to complement and not duplicate studies of the historical importance of the African American civil rights movement that may be underway or completed, such as the Civil Rights Framework Study; Review.

"(2) produce and disseminate appropriate educational materials relating to the African American civil rights movement, such as handbooks, maps, interpretive guides, or electronic information;

"(3) enter into appropriate cooperative agreements and memoranda of understanding to provide technical assistance under subsection (c); and Contracts.

"(4)(A) create and adopt an official, uniform symbol or device for the Network; and

"(B) issue regulations for the use of the symbol or device adopted under subparagraph (A). Regulations.

"(c) ELEMENTS.—The Network shall encompass the following elements:

"(1) All units and programs of the Service that are determined by the Secretary to relate to the African American civil rights movement during the period from 1939 through 1968.

"(2) With the consent of the property owner, other Federal, State, local, and privately owned properties that—

"(A) relate to the African American civil rights movement;

"(B) have a verifiable connection to the African American civil rights movement; and

"(C) are included in, or determined by the Secretary to be eligible for inclusion in, the National Register of Historic Places. Historic preservation.

"(3) Other governmental and nongovernmental facilities and programs of an educational, research, or interpretive nature that are directly related to the African American civil rights movement.

"§ 308403. Cooperative agreements and memoranda of understanding 54 USC 308403.

"To achieve the purposes of this chapter and to ensure effective coordination of the Federal and non-Federal elements of the Network described in section 308402(c) with System units and programs of the Service, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical assistance to the heads of other Federal agencies, States, units of local government, regional governmental bodies, and private entities.

"§ 308404. Sunset 54 USC 308404.

"This program shall expire on the date that is 7 years after the date of enactment of this chapter.".

(b) CLERICAL AMENDMENT.—The table of chapters for title 54, United States Code, is amended by inserting after the item relating to chapter 3083 the following: 54 USC prec. 100101.

"3084 U.S. Civil Rights Network ..... 308401".

SEC. 4. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to carry out the requirements of this Act and the amendments made by this Act. Such requirements shall be carried out using amounts otherwise authorized.

Approved January 8, 2018.

LEGISLATIVE HISTORY—H.R. 1927:

HOUSE REPORTS: No. 115–241 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 163 (2017):
July 26, considered and passed House.
Dec. 21, considered and passed Senate.

Public Law 115–105
115th Congress

An Act

To streamline the process by which active duty military, reservists, and veterans receive commercial driver's licenses.

Jan. 8, 2018
[S. 1393]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Jobs for Our Heroes Act.
49 USC 30101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jobs for Our Heroes Act".

SEC. 2. MEDICAL CERTIFICATE FOR VETERANS OPERATING COMMERCIAL MOTOR VEHICLES.

(a) QUALIFIED EXAMINERS.—Section 5403(d)(2) of the FAST Act (49 U.S.C. 31149 note; 129 Stat. 1548) is amended to read as follows:

"(2) QUALIFIED EXAMINER.—The term 'qualified examiner' means an individual who— Definition.

"(A) is employed by the Department of Veterans Affairs as an advanced practice nurse, doctor of chiropractic, doctor of medicine, doctor of osteopathy, physician assistant, or other medical professional;

"(B) is licensed, certified, or registered in a State to perform physical examinations;

"(C) is familiar with the standards for, and physical requirements of, an operator required to be medically certified under section 31149 of title 49, United States Code; and

"(D) has never, with respect to such section, been found to have acted fraudulently, including by fraudulently awarding a medical certificate.".

(b) CONFORMING AMENDMENTS.—Section 5403 of the FAST Act (49 U.S.C. 31149 note; 129 Stat. 1548) is amended—

(1) in subsection (a), by striking "physician-approved veteran operator, the qualified physician" and inserting "veteran operator approved by a qualified examiner, the qualified examiner";

(2) in subsection (b)(1)—

(A) by striking "the physician" and inserting "the examiner"; and

(B) by striking "qualified physician" and inserting "qualified examiner";

(3) in subsection (c)—

(A) by striking "qualified physicians" and inserting "qualified examiners"; and

(B) by striking "such physicians" and inserting "such examiners"; and

(4) in subsection (d)—

(A) by redesignating paragraphs (1), (2), and (3) as paragraphs (3), (1), and (2), respectively, and by moving the text of paragraph (3), as redesignated, to appear after paragraph (2), as redesignated; and

(B) in paragraph (3), as redesignated—

(i) in the paragraph heading, by striking "PHYSICIAN-APPROVED VETERAN OPERATOR" and inserting "VETERAN OPERATOR APPROVED BY A QUALIFIED EXAMINER"; and

(ii) by striking "physician-approved veteran operator" and inserting "veteran operator approved by a qualified examiner".

49 USC 31149 note.

(c) RULEMAKING.—The amendments made by this section shall be incorporated into any rulemaking proceeding related to section 5403 of the FAST Act (49 U.S.C. 31149 note; 129 Stat. 1548) that is being conducted as of the date of the enactment of this Act.

SEC. 3. COMMERCIAL DRIVER'S LICENSE STANDARDS FOR CURRENT AND FORMER MEMBERS OF THE ARMED FORCES.

Section 31305(d) of title 49, United States Code, is amended—

(1) in the subsection heading, by striking "VETERAN OPERATORS" and inserting "OPERATORS WHO ARE MEMBERS OF THE ARMED FORCES, RESERVISTS, OR VETERANS";

(2) in paragraph (1)(B), by striking "subparagraph (A) during, at least," and inserting "subparagraph (A)—

"(i) while serving in the armed forces or reserve components; and

"(ii) during"; and

(3) in paragraph (2)(B)—

(A) by inserting "current or" before "former" each place the term appears; and

(B) by inserting "one of" before "the reserve components".

Approved January 8, 2018.

LEGISLATIVE HISTORY—S. 1393 (H.R. 2258):

HOUSE REPORTS: No. 115–189 (Comm. on Transportation and Infrastructure) accompanying H.R. 2258.

SENATE REPORTS: No. 115–161 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 163 (2017):

Sept. 14, considered and passed Senate.

Dec. 19, 21, considered and passed House.

Public Law 115–106
115th Congress

An Act

To disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle in committing a felony involving human trafficking.

Jan. 8, 2018
[S. 1532]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

No Human Trafficking on Our Roads Act. 49 USC 30101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "No Human Trafficking on Our Roads Act".

SEC. 2. LIFETIME DISQUALIFICATION WITHOUT REINSTATEMENT.

Section 31310(d) of title 49, United States Code, is amended—

(1) in the heading, by striking "CONTROLLED SUBSTANCE VIOLATIONS" and inserting "LIFETIME DISQUALIFICATION WITHOUT REINSTATEMENT";

(2) by striking "The Secretary" and inserting "(1) CONTROLLED SUBSTANCE VIOLATIONS.—The Secretary"; and

(3) by adding at the end the following:

"(2) HUMAN TRAFFICKING VIOLATIONS.—The Secretary shall disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle in committing a felony involving an act or practice described in paragraph (9) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)).".

Approved January 8, 2018.

LEGISLATIVE HISTORY—S. 1532 (H.R. 3814):

HOUSE REPORTS: No. 115–468 (Comm. on Transportation and Infrastructure) accompanying H.R. 3814.

SENATE REPORTS: No. 115–188 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 163 (2017):
Sept. 14, considered and passed Senate.
Dec. 19, 21, considered and passed House.

Public Law 115–107
115th Congress

An Act

Jan. 8, 2018
[S. 1766]

To reauthorize the SAFER Act of 2013, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sexual Assault Forensic Evidence Reporting Act of 2017.
34 USC 10101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sexual Assault Forensic Evidence Reporting Act of 2017" or the "SAFER Act of 2017".

SEC. 2. PEDIATRIC SEXUAL ASSAULT NURSE EXAMINERS.

Section 304(c)(2) of the DNA Sexual Assault Justice Act of 2004 (34 U.S.C. 40723(c)(2)) is amended—

(1) by inserting ", both adult and pediatric," after "role of forensic nurses"; and

(2) by striking "and elder abuse" and inserting "elder abuse, and, in particular, the need for pediatric sexual assault nurse examiners, including such nurse examiners working in the multidisciplinary setting, in responding to abuse of both children and adolescents".

SEC. 3. REDUCING THE RAPE KIT BACKLOG.

(a) REAUTHORIZATION.—Section 2(c)(4) of the DNA Analysis Backlog Elimination Act of 2000 (34 U.S.C. 40701(c)(4)) is amended by striking "2017" and inserting "2022".

(b) SUNSET.—Section 1006 of the SAFER Act of 2013 (34 U.S.C. 40701 note) is amended by striking "2018" and inserting "2023".

Approved January 8, 2018.

LEGISLATIVE HISTORY—S. 1766:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Oct. 23, considered and passed Senate.
Dec. 21, considered and passed House.

Public Law 115–108
115th Congress

An Act

To redesignate the Martin Luther King, Junior, National Historic Site in the State of Georgia, and for other purposes.

Jan. 8, 2018
[H.R. 267]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Martin Luther King, Jr. National Historical Park Act of 2017. 54 USC 320101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Martin Luther King, Jr. National Historical Park Act of 2017".

SEC. 2. MARTIN LUTHER KING, JR. NATIONAL HISTORICAL PARK.

The Act entitled "An Act to establish the Martin Luther King, Junior, National Historic Site in the State of Georgia, and for other purposes" (Public Law 96–428) is amended—

(1) in subsection (a) of the first section, by striking "the map entitled 'Martin Luther King, Junior, National Historic Site Boundary Map', number 489/80,013B, and dated September 1992" and inserting "the map entitled 'Martin Luther King, Jr. National Historical Park Proposed Boundary Revision', numbered 489/128,786 and dated June 2015";

(2) by striking "Martin Luther King, Junior, National Historic Site" each place it appears and inserting "Martin Luther King, Jr. National Historical Park";

(3) by striking "national historic site" each place it appears and inserting "national historical park"; and

(4) by striking "historic site" each place it appears and inserting "historical park".

SEC. 3. REFERENCES.

Any reference in a law (other than this Act), map, regulation, document, paper, or other record of the United States to "Martin Luther King, Junior, National Historic Site" shall be deemed to be a reference to "Martin Luther King, Jr. National Historical Park".

Approved January 8, 2018.

LEGISLATIVE HISTORY—H.R. 267:

SENATE REPORTS: No. 115–49 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 163 (2017):
Mar. 15, considered and passed House.
Dec. 21, considered and passed Senate.

Public Law 115–109
115th Congress

An Act

Jan. 10, 2018
[H.R. 381]

To designate a mountain in the John Muir Wilderness of the Sierra National Forest as "Sky Point".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

California.
16 USC 1132 note.
Sky Mote.

SECTION 1. FINDINGS.

Congress finds the following:

(1) Staff Sergeant Sky Mote, USMC, grew up in El Dorado, California.

(2) Staff Sergeant Mote graduated from Union Mine High School.

(3) Upon graduation, Staff Sergeant Mote promptly enlisted in the Marine Corps.

(4) Staff Sergeant Mote spent 9 years serving his country in the United States Marine Corps, including a deployment to Iraq and two deployments to Afghanistan.

(5) By his decisive actions, heroic initiative, and resolute dedication to duty, Staff Sergeant Mote gave his life to protect fellow Marines on August 10, 2012, by gallantly rushing into action during an attack by a rogue Afghan policeman inside the base perimeter in Helmand province.

(6) Staff Sergeant Mote was awarded the Navy Cross, a Purple Heart, the Navy-Marine Corps Commendation Medal, a Navy-Marine Corps Achievement Medal, two Combat Action Ribbons and three Good Conduct Medals.

(7) The Congress of the United States, in acknowledgment of this debt that cannot be repaid, honors Staff Sergeant Mote for his ultimate sacrifice and recognizes his service to his country, faithfully executed to his last, full measure of devotion.

(8) A presently unnamed peak in the center of Humphrey Basin holds special meaning to the friends and family of Sky Mote, as their annual hunting trips set up camp beneath this point; under the stars, the memories made beneath this rounded peak will be cherished forever.

SEC. 2. SKY POINT.

(a) DESIGNATION.—The mountain in the John Muir Wilderness of the Sierra National Forest in California, located at 37°15′16.10091″N 118°43′39.54102″W, shall be known and designated as "Sky Point".

(b) REFERENCES.—Any reference in a law, map, regulation, document, record, or other paper of the United States to the mountain described in subsection (a) shall be considered to be a reference to "Sky Point".

Approved January 10, 2018.

LEGISLATIVE HISTORY—H.R. 381:

SENATE REPORTS: No. 115–111 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 163 (2017):
Jan. 30, considered and passed House.
Dec. 21, considered and passed Senate.

Public Law 115–110
115th Congress

An Act

Jan. 10, 2018
[H.R. 699]

To amend the Omnibus Public Land Management Act of 2009 to modify provisions relating to certain land exchanges in the Mt. Hood Wilderness in the State of Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Mount Hood Cooper Spur Land Exchange Clarification Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mount Hood Cooper Spur Land Exchange Clarification Act".

SEC. 2. COOPER SPUR LAND EXCHANGE CLARIFICATION AMENDMENTS.

Section 1206(a) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1018) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking "120 acres" and inserting "107 acres"; and

(B) in subparagraph (E)(ii), by inserting "improvements," after "buildings,"; and

(2) in paragraph (2)—

(A) in subparagraph (D)—

(i) in clause (i), by striking "As soon as practicable after the date of enactment of this Act, the Secretary and Mt. Hood Meadows shall select" and inserting "Not later than 120 days after the date of the enactment of the Mount Hood Cooper Spur Land Exchange Clarification Act, the Secretary and Mt. Hood Meadows shall jointly select";

Deadline.

(ii) in clause (ii), in the matter preceding subclause (I), by striking "An appraisal under clause (i) shall" and inserting "Except as provided under clause (iii), an appraisal under clause (i) shall assign a separate value to each tax lot to allow for the equalization of values and"; and

(iii) by adding at the end the following:

"(iii) FINAL APPRAISED VALUE.—

Time period.
Effective date.

"(I) IN GENERAL.—Subject to subclause (II), after the final appraised value of the Federal land and the non-Federal land are determined and approved by the Secretary, the Secretary shall not be required to reappraise or update the final appraised value for a period of up to 3 years, beginning on the date of the approval by the Secretary of the final appraised value.

"(II) EXCEPTION.—Subclause (I) shall not apply if the condition of either the Federal land or the non-Federal land referred to in subclause (I) is significantly and substantially altered by fire, windstorm, or other events.

"(iv) PUBLIC REVIEW.—Before completing the land exchange under this Act, the Secretary shall make available for public review the complete appraisals of the land to be exchanged."; and

(B) by striking subparagraph (G) and inserting the following:

"(G) REQUIRED CONVEYANCE CONDITIONS.—Prior to the exchange of the Federal and non-Federal land—

"(i) the Secretary and Mt. Hood Meadows may mutually agree for the Secretary to reserve a conservation easement to protect the identified wetland in accordance with applicable law, subject to the requirements that— Conservation.

"(I) the conservation easement shall be consistent with the terms of the September 30, 2015, mediation between the Secretary and Mt. Hood Meadows; and

"(II) in order to take effect, the conservation easement shall be finalized not later than 120 days after the date of enactment of the Mount Hood Cooper Spur Land Exchange Clarification Act; and Deadline.

"(ii) the Secretary shall reserve a 24-foot-wide nonexclusive trail easement at the existing trail locations on the Federal land that retains for the United States existing rights to construct, reconstruct, maintain, and permit nonmotorized use by the public of existing trails subject to the right of the owner of the Federal land—

"(I) to cross the trails with roads, utilities, and infrastructure facilities; and

"(II) to improve or relocate the trails to accommodate development of the Federal land.

"(H) EQUALIZATION OF VALUES.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A), in addition to or in lieu of monetary compensation, a lesser area of Federal land or non-Federal land may be conveyed if necessary to equalize appraised values of the exchange properties, without limitation, consistent with the requirements of this Act and subject to the approval of the Secretary and Mt. Hood Meadows.

"(ii) TREATMENT OF CERTAIN COMPENSATION OR CONVEYANCES AS DONATION.—If, after payment of compensation or adjustment of land area subject to exchange under this Act, the amount by which the appraised value of the land and other property conveyed by Mt. Hood Meadows under subparagraph (A) exceeds the appraised value of the land conveyed by

the Secretary under subparagraph (A) shall be considered a donation by Mt. Hood Meadows to the United States.".

Approved January 10, 2018.

LEGISLATIVE HISTORY—H.R. 699 (S. 225):

SENATE REPORTS: Nos. 115–59 and 115–52, accompanying S. 225, (both from Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 163 (2017):
Feb. 27, considered and passed House.
Dec. 21, considered and passed Senate.

Public Law 115–111
115th Congress

An Act

To facilitate the addition of park administration at the Coltsville National Historical Park, and for other purposes.

Jan. 10, 2018
[H.R. 863]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO COLTSVILLE NATIONAL HISTORICAL PARK DONATION SITE.

Section 3032(b)(2)(B) of Public Law 113–291 (16 U.S.C. 410qqq) is amended by striking "East Armory" and inserting "Colt Armory Complex".

Approved January 10, 2018.

LEGISLATIVE HISTORY—H.R. 863:

SENATE REPORTS: No. 115–70 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 163 (2017):
Feb. 27, considered and passed House.
Dec. 21, considered and passed Senate.

Public Law 115–112
115th Congress

An Act

Jan. 10, 2018
[H.R. 2142]

To improve the ability of U.S. Customs and Border Protection to interdict fentanyl, other synthetic opioids, and other narcotics and psychoactive substances that are illegally imported into the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

International Narcotics Trafficking Emergency Response by Detecting Incoming Contraband with Technology Act. 6 USC 211 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Narcotics Trafficking Emergency Response by Detecting Incoming Contraband with Technology Act" or the "INTERDICT Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) CHEMICAL SCREENING DEVICE.—The term "chemical screening device" means an immunoassay, narcotics field test kit, infrared spectrophotometer, mass spectrometer, nuclear magnetic resonance spectrometer, Raman spectrophotometer, or other scientific instrumentation able to collect data that can be interpreted to determine the presence of fentanyl, other synthetic opioids, and other narcotics and psychoactive substances.

(2) COMMISSIONER.—The term "Commissioner" means the Commissioner of U.S. Customs and Border Protection.

(3) EXPRESS CONSIGNMENT OPERATOR OR CARRIER.—The term "express consignment operator or carrier" has the meaning given that term in section 128.1 of title 19, Code of Federal Regulations (or any similar successor regulation).

SEC. 3. INTERDICTION OF FENTANYL, OTHER SYNTHETIC OPIOIDS, AND OTHER NARCOTICS AND PSYCHOACTIVE SUBSTANCES.

(a) CHEMICAL SCREENING DEVICES.—The Commissioner shall—

(1) increase the number of chemical screening devices available to U.S. Customs and Border Protection officers over the number of such devices that are available on the date of the enactment of this Act; and

(2) make such additional chemical screening devices available to U.S. Customs and Border Protection officers as the Commissioner determines are necessary to interdict fentanyl, other synthetic opioids, and other narcotics and psychoactive substances that are illegally imported into the United States, including such substances that are imported through the mail or by an express consignment operator or carrier.

(b) PERSONNEL TO INTERPRET DATA.—The Commissioner shall dedicate the appropriate number of U.S. Customs and Border

Protection personnel, including scientists, so that such personnel are available during all operational hours to interpret data collected by chemical screening devices.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Commissioner $9,000,000 to ensure that U.S. Customs and Border Protection has resources, including chemical screening devices, personnel, and scientists, available during all operational hours to prevent, detect, and interdict the unlawful importation of fentanyl, other synthetic opioids, and other narcotics and psychoactive substances.

Approved January 10, 2018.

LEGISLATIVE HISTORY—H.R. 2142:

HOUSE REPORTS: No. 115–317 (Comm. on Homeland Security).
CONGRESSIONAL RECORD, Vol. 163 (2017):
Oct. 23, 24, considered and passed House.
Dec. 21, considered and passed Senate.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2017):
Jan. 10, Presidential remarks.

Public Law 115–113
115th Congress

An Act

Jan. 10, 2018
[H.R. 2228]

To provide support for law enforcement agency efforts to protect the mental health and well-being of law enforcement officers, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Law Enforcement Mental Health and Wellness Act of 2017.
34 USC 10101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Law Enforcement Mental Health and Wellness Act of 2017".

Reports.
Consultation.
Public information.

SEC. 2. SUPPORT FOR LAW ENFORCEMENT AGENCIES.

(a) INTERAGENCY COLLABORATION.—The Attorney General shall consult with the Secretary of Defense and the Secretary of Veterans Affairs to submit to Congress a report, which shall be made publicly available, on Department of Defense and Department of Veterans Affairs mental health practices and services that could be adopted by Federal, State, local, or tribal law enforcement agencies.

(b) CASE STUDIES.—The Director of the Office of Community Oriented Policing Services shall submit to Congress a report—

(1) that is similar to the report entitled "Health, Safety, and Wellness Program Case Studies in Law Enforcement" published by the Office of Community Oriented Policing Services in 2015; and

(2) that focuses on case studies of programs designed primarily to address officer psychological health and well-being.

(c) PEER MENTORING PILOT PROGRAM.—Section 1701(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10381(b)) is amended—

(1) in paragraph (21), by striking "; and" and inserting a semicolon;

(2) in paragraph (22), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(23) to establish peer mentoring mental health and wellness pilot programs within State, tribal, and local law enforcement agencies.".

34 USC note prec. 50101.

SEC. 3. SUPPORT FOR MENTAL HEALTH PROVIDERS.

The Attorney General, in coordination with the Secretary of Health and Human Services, shall develop resources to educate mental health providers about the culture of Federal, State, tribal, and local law enforcement agencies and evidence-based therapies for mental health issues common to Federal, State, local, and tribal law enforcement officers.

SEC. 4. SUPPORT FOR OFFICERS.

Recommendations.
34 USC note prec. 50101.

The Attorney General shall—

(1) in consultation with Federal, State, local, and tribal law enforcement agencies—

(A) identify and review the effectiveness of any existing crisis hotlines for law enforcement officers; Review.

(B) provide recommendations to Congress on whether Federal support for existing crisis hotlines or the creation of an alternative hotline would improve the effectiveness or use of the hotline; and

(C) conduct research into the efficacy of an annual mental health check for law enforcement officers;

(2) in consultation with the Secretary of Homeland Security and the head of other Federal agencies that employ law enforcement officers, examine the mental health and wellness needs of Federal law enforcement officers, including the efficacy of expanding peer mentoring programs for law enforcement officers at each Federal agency;

(3) ensure that any recommendations, resources, or programs provided under this Act protect the privacy of participating law enforcement officers; and Privacy.

(4) not later than 1 year after the date of enactment of this Act, submit a report to Congress containing findings from the review and research under paragraphs (1) and (2), and final recommendations based upon those findings. Deadline. Reports.

Approved January 10, 2018.

LEGISLATIVE HISTORY—H.R. 2228 (S. 867):

HOUSE REPORTS: No. 115–428 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 163 (2017):
Nov. 28, considered and passed House.
Dec. 21, considered and passed Senate.

Public Law 115–114
115th Congress

An Act

Jan. 10, 2018
[H.R. 2331]

To require a new or updated Federal website that is intended for use by the public to be mobile friendly, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Connected Government Act.
44 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Connected Government Act".

SEC. 2. FEDERAL WEBSITES REQUIRED TO BE MOBILE FRIENDLY.

(a) AMENDMENT.—Subchapter II of chapter 35 of title 44, United States Code, is amended by adding at the end the following new section:

44 USC 3559.

"§ 3559. Federal websites required to be mobile friendly

Time period.

"(a) IN GENERAL.—If, on or after the date that is 180 days after the date of the enactment of this section, an agency creates a website that is intended for use by the public or conducts a redesign of an existing legacy website that is intended for use by the public, the agency shall ensure to the greatest extent practicable that the website is mobile friendly.

"(b) DEFINITIONS.—In this section:

"(1) AGENCY.—The term 'agency' has the meaning given that term in section 551 of title 5.

"(2) MOBILE FRIENDLY.—The term 'mobile friendly' means, with respect to a website, that the website is configured in such a way that the website may be navigated, viewed, and accessed on a smartphone, tablet computer, or similar mobile device.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 35 of title 44, United States Code, is amended by adding after the item related to section 3558 the following new item:

44 USC prec. 3501.

"3559. Federal websites required to be mobile friendly.".

Deadline. Consultation. Public information.

(c) REPORT BY OMB AND GSA REQUIRED.—Not later than 18 months after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, shall make publicly available and submit to Congress a report that—

(1) describes the implementation of the requirement described under section 3559 of title 44, United States Code, as added by subsection (a); and

(2) assesses the compliance of each agency with such requirement. Assessment.

Approved January 10, 2018.

LEGISLATIVE HISTORY—H.R. 2331:

HOUSE REPORTS: No. 115–406 (Comm. on Oversight and Government Reform).
CONGRESSIONAL RECORD, Vol. 163 (2017):
Nov. 13, 15, considered and passed House.
Dec. 21, considered and passed Senate.

Public Law 115–115
115th Congress

An Act

Jan. 12, 2018
[H.R. 518]

To amend the Energy Policy and Conservation Act to exclude power supply circuits, drivers, and devices designed to be connected to, and power, light-emitting diodes or organic light-emitting diodes providing illumination from energy conservation standards for external power supplies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

EPS Improvement Act of 2017.
42 USC 6201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "EPS Improvement Act of 2017".

SEC. 2. APPLICATION OF ENERGY CONSERVATION STANDARDS TO CERTAIN EXTERNAL POWER SUPPLIES.

(a) DEFINITION OF EXTERNAL POWER SUPPLY.—Section 321(36)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6291(36)(A)) is amended—

(1) by striking the subparagraph designation and all that follows through "The term" and inserting the following:

"(A) EXTERNAL POWER SUPPLY.—

"(i) IN GENERAL.—The term"; and

(2) by adding at the end the following:

"(ii) EXCLUSION.—The term 'external power supply' does not include a power supply circuit, driver, or device that is designed exclusively to be connected to, and power—

"(I) light-emitting diodes providing illumination;

"(II) organic light-emitting diodes providing illumination; or

"(III) ceiling fans using direct current motors.".

(b) STANDARDS FOR LIGHTING POWER SUPPLY CIRCUITS.—

(1) DEFINITION.—Section 340(2)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6311(2)(B)) is amended by striking clause (v) and inserting the following:

"(v) electric lights and lighting power supply circuits;".

(2) ENERGY CONSERVATION STANDARD FOR CERTAIN EQUIPMENT.—Section 342 of the Energy Policy and Conservation Act (42 U.S.C. 6313) is amended by adding at the end the following:

"(g) LIGHTING POWER SUPPLY CIRCUITS.—If the Secretary, acting pursuant to section 341(b), includes as covered equipment solid state lighting power supply circuits, drivers, or devices described in section 321(36)(A)(ii), the Secretary may prescribe under this part, not earlier than 1 year after the date on which

a test procedure has been prescribed, an energy conservation standard for such equipment.".

(c) TECHNICAL CORRECTIONS.—

(1) Section 321(6)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6291(6)(B)) is amended by striking "(19)" and inserting "(20)".

(2) Section 324 of the Energy Policy and Conservation Act (42 U.S.C. 6294) is amended by striking "(19)" each place it appears in each of subsections (a)(3), (b)(1)(B), (b)(3), and (b)(5) and inserting "(20)".

(3) Section 325(l) of the Energy Policy and Conservation Act (42 U.S.C. 6295(l)) is amended by striking "paragraph (19)" each place it appears and inserting "paragraph (20)".

Approved January 12, 2018.

LEGISLATIVE HISTORY—H.R. 518:

CONGRESSIONAL RECORD, Vol. 163 (2017):
Jan. 23, considered and passed House.
Dec. 21, considered and passed Senate.

Public Law 115–116
115th Congress

An Act

Jan. 12, 2018
[H.R. 954]

To remove the use restrictions on certain land transferred to Rockingham County, Virginia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REMOVAL OF USE RESTRICTION.

Public Law 101–479 (104 Stat. 1158) is amended—

(1) by striking section 2(d); and

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

"SEC. 4. REMOVAL OF USE RESTRICTION.

"(a) The approximately 1-acre portion of the land referred to in section 3 that is used for purposes of a child care center, as authorized by this Act, shall not be subject to the use restriction imposed in the deed referred to in section 3.

"(b) Upon enactment of this section, the Secretary of the Interior shall execute an instrument to carry out subsection (a).".

Approved January 12, 2018.

LEGISLATIVE HISTORY—H.R. 954:

HOUSE REPORTS: No. 115–203 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 163 (2017):
July 11, considered and passed House.
Dec. 21, considered and passed Senate.

Public Law 115–117
115th Congress

An Act

To modify the boundary of the Little Rock Central High School National Historic Site, and for other purposes.

Jan. 12, 2018
[H.R. 2611]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Little Rock Central High School National Historic Site Boundary Modification Act. Arkansas. 54 USC 320101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Little Rock Central High School National Historic Site Boundary Modification Act".

SEC. 2. LITTLE ROCK CENTRAL HIGH SCHOOL NATIONAL HISTORIC SITE BOUNDARY MODIFICATION.

Section 2 of Public Law 105–356 (112 Stat. 3268) is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(2) by inserting after subsection (a) the following:

"(b) BOUNDARY MODIFICATION.—The boundary of the historic site is modified to include the 7 residences on South Park Street in Little Rock, Arkansas, consisting of 1.47 acres, as generally depicted on the map entitled 'Central High School National Historic Site Proposed Boundary', numbered 037/80,001, and dated August, 2004."; and

(3) in subsection (d) (as redesignated by paragraph (1))—

(A) in paragraph (1), by striking "(1) The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary";

(B) in paragraph (2), by striking "(2) The Secretary" and inserting the following:

"(3) COORDINATION.—The Secretary"; and

(C) by inserting after paragraph (1) the following:

"(2) COOPERATIVE AGREEMENTS FOR THE PRESERVATION AND INTERPRETATION OF CERTAIN PROPERTIES.—

"(A) IN GENERAL.—The Secretary may enter into cooperative agreements with the owners of the 7 residences referred to in subsection (b) pursuant to which the Secretary may use appropriated funds to mark, interpret, improve, restore, and provide technical assistance with respect to the preservation and interpretation of the properties.

"(B) INCLUSIONS.—An agreement entered into under subparagraph (A) shall include a provision specifying that no changes or alterations shall be made to the exterior

of the properties subject to the agreement, except by the mutual agreement of the parties to the agreement.".

Approved January 12, 2018.

LEGISLATIVE HISTORY—H.R. 2611:

HOUSE REPORTS: No. 115–290 (Comm. on Natural Resources).
CONGRESSIONAL RECORD, Vol. 163 (2017):
Sept. 12, considered and passed House.
Dec. 21, considered and passed Senate.

CONCURRENT RESOLUTIONS

FIRST SESSION, ONE HUNDRED FIFTEENTH CONGRESS

JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES—REAUTHORIZATION AND CAPITOL AUTHORIZATIONS

Jan. 3, 2017
[S. Con. Res. 1]

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. REAUTHORIZATION OF JOINT COMMITTEE.

Effective from January 3, 2017, the joint committee created by Senate Concurrent Resolution 28 (114th Congress), to make the necessary arrangements for the inauguration of the President-elect and the Vice President-elect of the United States, is continued with the same power and authority provided for in that resolution.

SEC. 2. USE OF CAPITOL.

Effective from January 3, 2017, the provisions of Senate Concurrent Resolution 29 (114th Congress), to authorize the use of the rotunda and Emancipation Hall of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States are continued with the same power and authority provided for in that resolution.

Agreed to January 3, 2017.

JOINT SESSION—ELECTORAL VOTE COUNT

Jan. 3, 2017
[S. Con. Res. 2]

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall meet in the Hall of the House of Representatives on Friday, the 6th day of January 2017, at 1 o'clock post meridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter "A"; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

Agreed to January 3, 2017.

Jan. 13, 2017
[S. Con. Res. 3]

FEDERAL BUDGET—FISCAL YEAR 2017

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2017.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2017 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2018 through 2026.

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

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Subtitle A—Budgetary Levels in Both Houses

SEC. 1101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2017 through 2026:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2017: $2,682,088,000,000.
Fiscal year 2018: $2,787,834,000,000.
Fiscal year 2019: $2,884,637,000,000.
Fiscal year 2020: $3,012,645,000,000.
Fiscal year 2021: $3,131,369,000,000.
Fiscal year 2022: $3,262,718,000,000.

Fiscal year 2023: $3,402,888,000,000.
Fiscal year 2024: $3,556,097,000,000.
Fiscal year 2025: $3,727,756,000,000.
Fiscal year 2026: $3,903,628,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2017: $0.
Fiscal year 2018: $0.
Fiscal year 2019: $0.
Fiscal year 2020: $0.
Fiscal year 2021: $0.
Fiscal year 2022: $0.
Fiscal year 2023: $0.
Fiscal year 2024: $0.
Fiscal year 2025: $0.
Fiscal year 2026: $0.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2017: $3,308,000,000,000.
Fiscal year 2018: $3,350,010,000,000.
Fiscal year 2019: $3,590,479,000,000.
Fiscal year 2020: $3,779,449,000,000.
Fiscal year 2021: $3,947,834,000,000.
Fiscal year 2022: $4,187,893,000,000.
Fiscal year 2023: $4,336,952,000,000.
Fiscal year 2024: $4,473,818,000,000.
Fiscal year 2025: $4,726,484,000,000.
Fiscal year 2026: $4,961,154,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2017: $3,264,662,000,000.
Fiscal year 2018: $3,329,394,000,000.
Fiscal year 2019: $3,558,237,000,000.
Fiscal year 2020: $3,741,304,000,000.
Fiscal year 2021: $3,916,533,000,000.
Fiscal year 2022: $4,159,803,000,000.
Fiscal year 2023: $4,295,742,000,000.
Fiscal year 2024: $4,419,330,000,000.
Fiscal year 2025: $4,673,813,000,000.
Fiscal year 2026: $4,912,205,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2017: $582,574,000,000.
Fiscal year 2018: $541,560,000,000.
Fiscal year 2019: $673,600,000,000.
Fiscal year 2020: $728,659,000,000.
Fiscal year 2021: $785,164,000,000.
Fiscal year 2022: $897,085,000,000.
Fiscal year 2023: $892,854,000,000.
Fiscal year 2024: $863,233,000,000.
Fiscal year 2025: $946,057,000,000.
Fiscal year 2026: $1,008,577,000,000.

(5) PUBLIC DEBT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)(5)), the appropriate levels of the public debt are as follows:

Fiscal year 2017: $20,034,788,000,000.
Fiscal year 2018: $20,784,183,000,000.
Fiscal year 2019: $21,625,729,000,000.
Fiscal year 2020: $22,504,763,000,000.
Fiscal year 2021: $23,440,271,000,000.
Fiscal year 2022: $24,509,421,000,000.
Fiscal year 2023: $25,605,527,000,000.
Fiscal year 2024: $26,701,273,000,000.
Fiscal year 2025: $27,869,175,000,000.
Fiscal year 2026: $29,126,158,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2017: $14,593,316,000,000.
Fiscal year 2018: $15,198,740,000,000.
Fiscal year 2019: $15,955,144,000,000.
Fiscal year 2020: $16,791,740,000,000.
Fiscal year 2021: $17,713,599,000,000.
Fiscal year 2022: $18,787,230,000,000.
Fiscal year 2023: $19,901,290,000,000.
Fiscal year 2024: $21,033,163,000,000.
Fiscal year 2025: $22,301,661,000,000.
Fiscal year 2026: $23,691,844,000,000.

SEC. 1102. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2017 through 2026 for each major functional category are:

(1) National Defense (050):

Fiscal year 2017:
(A) New budget authority, $623,910,000,000.
(B) Outlays, $603,716,000,000.
Fiscal year 2018:
(A) New budget authority, $618,347,000,000.
(B) Outlays, $601,646,000,000.
Fiscal year 2019:
(A) New budget authority, $632,742,000,000.
(B) Outlays, $617,943,000,000.
Fiscal year 2020:
(A) New budget authority, $648,198,000,000.
(B) Outlays, $632,435,000,000.
Fiscal year 2021:
(A) New budget authority, $663,703,000,000.
(B) Outlays, $646,853,000,000.
Fiscal year 2022:
(A) New budget authority, $679,968,000,000.
(B) Outlays, $666,926,000,000.
Fiscal year 2023:
(A) New budget authority, $696,578,000,000.
(B) Outlays, $678,139,000,000.
Fiscal year 2024:
(A) New budget authority, $713,664,000,000.
(B) Outlays, $689,531,000,000.
Fiscal year 2025:
(A) New budget authority, $731,228,000,000.
(B) Outlays, $711,423,000,000.
Fiscal year 2026:
(A) New budget authority, $750,069,000,000.

(B) Outlays, $729,616,000,000.
(2) International Affairs (150):
Fiscal year 2017:
(A) New budget authority, $61,996,000,000.
(B) Outlays, $51,907,000,000.
Fiscal year 2018:
(A) New budget authority, $60,099,000,000.
(B) Outlays, $53,541,000,000.
Fiscal year 2019:
(A) New budget authority, $61,097,000,000.
(B) Outlays, $55,800,000,000.
Fiscal year 2020:
(A) New budget authority, $60,686,000,000.
(B) Outlays, $57,690,000,000.
Fiscal year 2021:
(A) New budget authority, $61,085,000,000.
(B) Outlays, $58,756,000,000.
Fiscal year 2022:
(A) New budget authority, $62,576,000,000.
(B) Outlays, $60,205,000,000.
Fiscal year 2023:
(A) New budget authority, $64,141,000,000.
(B) Outlays, $61,513,000,000.
Fiscal year 2024:
(A) New budget authority, $65,588,000,000.
(B) Outlays, $62,705,000,000.
Fiscal year 2025:
(A) New budget authority, $67,094,000,000.
(B) Outlays, $63,915,000,000.
Fiscal year 2026:
(A) New budget authority, $68,692,000,000.
(B) Outlays, $65,305,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 2017:
(A) New budget authority, $31,562,000,000.
(B) Outlays, $30,988,000,000.
Fiscal year 2018:
(A) New budget authority, $32,787,000,000.
(B) Outlays, $32,225,000,000.
Fiscal year 2019:
(A) New budget authority, $33,476,000,000.
(B) Outlays, $32,978,000,000.
Fiscal year 2020:
(A) New budget authority, $34,202,000,000.
(B) Outlays, $33,645,000,000.
Fiscal year 2021:
(A) New budget authority, $34,961,000,000.
(B) Outlays, $34,313,000,000.
Fiscal year 2022:
(A) New budget authority, $35,720,000,000.
(B) Outlays, $35,038,000,000.
Fiscal year 2023:
(A) New budget authority, $36,516,000,000.
(B) Outlays, $35,812,000,000.
Fiscal year 2024:
(A) New budget authority, $37,318,000,000.
(B) Outlays, $36,580,000,000.

Fiscal year 2025:
(A) New budget authority, $38,151,000,000.
(B) Outlays, $37,393,000,000.
Fiscal year 2026:
(A) New budget authority, $39,021,000,000.
(B) Outlays, $38,238,000,000.
(4) Energy (270):
Fiscal year 2017:
(A) New budget authority, $4,773,000,000.
(B) Outlays, $3,455,000,000.
Fiscal year 2018:
(A) New budget authority, $4,509,000,000.
(B) Outlays, $3,495,000,000.
Fiscal year 2019:
(A) New budget authority, $4,567,000,000.
(B) Outlays, $4,058,000,000.
Fiscal year 2020:
(A) New budget authority, $4,975,000,000.
(B) Outlays, $4,456,000,000.
Fiscal year 2021:
(A) New budget authority, $5,109,000,000.
(B) Outlays, $4,523,000,000.
Fiscal year 2022:
(A) New budget authority, $5,019,000,000.
(B) Outlays, $4,332,000,000.
Fiscal year 2023:
(A) New budget authority, $4,083,000,000.
(B) Outlays, $3,337,000,000.
Fiscal year 2024:
(A) New budget authority, $3,590,000,000.
(B) Outlays, $2,796,000,000.
Fiscal year 2025:
(A) New budget authority, $3,608,000,000.
(B) Outlays, $2,755,000,000.
Fiscal year 2026:
(A) New budget authority, $5,955,000,000.
(B) Outlays, $5,124,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2017:
(A) New budget authority, $41,264,000,000.
(B) Outlays, $42,254,000,000.
Fiscal year 2018:
(A) New budget authority, $43,738,000,000.
(B) Outlays, $44,916,000,000.
Fiscal year 2019:
(A) New budget authority, $44,486,000,000.
(B) Outlays, $45,425,000,000.
Fiscal year 2020:
(A) New budget authority, $46,201,000,000.
(B) Outlays, $46,647,000,000.
Fiscal year 2021:
(A) New budget authority, $47,126,000,000.
(B) Outlays, $47,457,000,000.
Fiscal year 2022:
(A) New budget authority, $48,203,000,000.
(B) Outlays, $48,388,000,000.
Fiscal year 2023:

(A) New budget authority, $49,403,000,000.
(B) Outlays, $49,536,000,000.
Fiscal year 2024:
(A) New budget authority, $50,497,000,000.
(B) Outlays, $50,055,000,000.
Fiscal year 2025:
(A) New budget authority, $51,761,000,000.
(B) Outlays, $51,164,000,000.
Fiscal year 2026:
(A) New budget authority, $53,017,000,000.
(B) Outlays, $51,915,000,000.
(6) Agriculture (350):
Fiscal year 2017:
(A) New budget authority, $25,214,000,000.
(B) Outlays, $24,728,000,000.
Fiscal year 2018:
(A) New budget authority, $26,148,000,000.
(B) Outlays, $24,821,000,000.
Fiscal year 2019:
(A) New budget authority, $23,483,000,000.
(B) Outlays, $21,927,000,000.
Fiscal year 2020:
(A) New budget authority, $22,438,000,000.
(B) Outlays, $21,751,000,000.
Fiscal year 2021:
(A) New budget authority, $22,834,000,000.
(B) Outlays, $22,179,000,000.
Fiscal year 2022:
(A) New budget authority, $22,600,000,000.
(B) Outlays, $21,984,000,000.
Fiscal year 2023:
(A) New budget authority, $23,037,000,000.
(B) Outlays, $22,437,000,000.
Fiscal year 2024:
(A) New budget authority, $23,018,000,000.
(B) Outlays, $22,409,000,000.
Fiscal year 2025:
(A) New budget authority, $23,343,000,000.
(B) Outlays, $22,714,000,000.
Fiscal year 2026:
(A) New budget authority, $23,812,000,000.
(B) Outlays, $23,192,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2017:
(A) New budget authority, $14,696,000,000.
(B) Outlays, $666,000,000.
Fiscal year 2018:
(A) New budget authority, $16,846,000,000.
(B) Outlays, $1,378,000,000.
Fiscal year 2019:
(A) New budget authority, $18,171,000,000.
(B) Outlays, $5,439,000,000.
Fiscal year 2020:
(A) New budget authority, $15,799,000,000.
(B) Outlays, $2,666,000,000.
Fiscal year 2021:
(A) New budget authority, $14,821,000,000.

(B) Outlays, $915,000,000.
Fiscal year 2022:
(A) New budget authority, $15,408,000,000.
(B) Outlays, $674,000,000.
Fiscal year 2023:
(A) New budget authority, $15,739,000,000.
(B) Outlays, −$840,000,000.
Fiscal year 2024:
(A) New budget authority, $16,143,000,000.
(B) Outlays, −$1,688,000,000.
Fiscal year 2025:
(A) New budget authority, $17,889,000,000.
(B) Outlays, −$2,003,000,000.
Fiscal year 2026:
(A) New budget authority, $17,772,000,000.
(B) Outlays, −$2,238,000,000.

(8) Transportation (400):
Fiscal year 2017:
(A) New budget authority, $92,782,000,000.
(B) Outlays, $91,684,000,000.
Fiscal year 2018:
(A) New budget authority, $94,400,000,000.
(B) Outlays, $93,214,000,000.
Fiscal year 2019:
(A) New budget authority, $96,522,000,000.
(B) Outlays, $95,683,000,000.
Fiscal year 2020:
(A) New budget authority, $91,199,000,000.
(B) Outlays, $97,992,000,000.
Fiscal year 2021:
(A) New budget authority, $92,154,000,000.
(B) Outlays, $99,772,000,000.
Fiscal year 2022:
(A) New budget authority, $93,111,000,000.
(B) Outlays, $101,692,000,000.
Fiscal year 2023:
(A) New budget authority, $94,118,000,000.
(B) Outlays, $103,431,000,000.
Fiscal year 2024:
(A) New budget authority, $95,143,000,000.
(B) Outlays, $105,313,000,000.
Fiscal year 2025:
(A) New budget authority, $96,209,000,000.
(B) Outlays, $107,374,000,000.
Fiscal year 2026:
(A) New budget authority, $97,323,000,000.
(B) Outlays, $109,188,000,000.

(9) Community and Regional Development (450):
Fiscal year 2017:
(A) New budget authority, $19,723,000,000.
(B) Outlays, $22,477,000,000.
Fiscal year 2018:
(A) New budget authority, $19,228,000,000.
(B) Outlays, $21,277,000,000.
Fiscal year 2019:
(A) New budget authority, $19,457,000,000.
(B) Outlays, $20,862,000,000.

Fiscal year 2020:
(A) New budget authority, $19,941,000,000.
(B) Outlays, $20,011,000,000.
Fiscal year 2021:
(A) New budget authority, $20,384,000,000.
(B) Outlays, $21,048,000,000.
Fiscal year 2022:
(A) New budget authority, $20,825,000,000.
(B) Outlays, $19,831,000,000.
Fiscal year 2023:
(A) New budget authority, $21,288,000,000.
(B) Outlays, $19,535,000,000.
Fiscal year 2024:
(A) New budget authority, $21,756,000,000.
(B) Outlays, $19,787,000,000.
Fiscal year 2025:
(A) New budget authority, $22,245,000,000.
(B) Outlays, $19,285,000,000.
Fiscal year 2026:
(A) New budget authority, $22,751,000,000.
(B) Outlays, $20,037,000,000.

(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2017:
(A) New budget authority, $104,433,000,000.
(B) Outlays, $104,210,000,000.
Fiscal year 2018:
(A) New budget authority, $108,980,000,000.
(B) Outlays, $112,802,000,000.
Fiscal year 2019:
(A) New budget authority, $112,424,000,000.
(B) Outlays, $110,765,000,000.
Fiscal year 2020:
(A) New budget authority, $114,905,000,000.
(B) Outlays, $113,377,000,000.
Fiscal year 2021:
(A) New budget authority, $116,921,000,000.
(B) Outlays, $115,591,000,000.
Fiscal year 2022:
(A) New budget authority, $119,027,000,000.
(B) Outlays, $117,545,000,000.
Fiscal year 2023:
(A) New budget authority, $121,298,000,000.
(B) Outlays, $119,761,000,000.
Fiscal year 2024:
(A) New budget authority, $123,621,000,000.
(B) Outlays, $122,001,000,000.
Fiscal year 2025:
(A) New budget authority, $126,016,000,000.
(B) Outlays, $124,359,000,000.
Fiscal year 2026:
(A) New budget authority, $128,391,000,000.
(B) Outlays, $126,748,000,000.

(11) Health (550):
Fiscal year 2017:
(A) New budget authority, $562,137,000,000.
(B) Outlays, $560,191,000,000.

Fiscal year 2018:
(A) New budget authority, $583,006,000,000.
(B) Outlays, $593,197,000,000.
Fiscal year 2019:
(A) New budget authority, $615,940,000,000.
(B) Outlays, $618,089,000,000.
Fiscal year 2020:
(A) New budget authority, $655,892,000,000.
(B) Outlays, $645,814,000,000.
Fiscal year 2021:
(A) New budget authority, $677,902,000,000.
(B) Outlays, $676,781,000,000.
Fiscal year 2022:
(A) New budget authority, $711,176,000,000.
(B) Outlays, $709,301,000,000.
Fiscal year 2023:
(A) New budget authority, $744,335,000,000.
(B) Outlays, $742,568,000,000.
Fiscal year 2024:
(A) New budget authority, $780,899,000,000.
(B) Outlays, $778,293,000,000.
Fiscal year 2025:
(A) New budget authority, $818,388,000,000.
(B) Outlays, $815,246,000,000.
Fiscal year 2026:
(A) New budget authority, $857,176,000,000.
(B) Outlays, $853,880,000,000.

(12) Medicare (570):
Fiscal year 2017:
(A) New budget authority, $600,857,000,000.
(B) Outlays, $600,836,000,000.
Fiscal year 2018:
(A) New budget authority, $600,832,000,000.
(B) Outlays, $600,762,000,000.
Fiscal year 2019:
(A) New budget authority, $667,638,000,000.
(B) Outlays, $667,571,000,000.
Fiscal year 2020:
(A) New budget authority, $716,676,000,000.
(B) Outlays, $716,575,000,000.
Fiscal year 2021:
(A) New budget authority, $767,911,000,000.
(B) Outlays, $767,814,000,000.
Fiscal year 2022:
(A) New budget authority, $862,042,000,000.
(B) Outlays, $861,941,000,000.
Fiscal year 2023:
(A) New budget authority, $886,515,000,000.
(B) Outlays, $886,407,000,000.
Fiscal year 2024:
(A) New budget authority, $903,861,000,000.
(B) Outlays, $903,750,000,000.
Fiscal year 2025:
(A) New budget authority, $1,007,624,000,000.
(B) Outlays, $1,007,510,000,000.
Fiscal year 2026:
(A) New budget authority, $1,085,293,000,000.

(B) Outlays, $1,085,173,000,000.
(13) Income Security (600):
Fiscal year 2017:
(A) New budget authority, $518,181,000,000.
(B) Outlays, $511,658,000,000.
Fiscal year 2018:
(A) New budget authority, $524,233,000,000.
(B) Outlays, $511,612,000,000.
Fiscal year 2019:
(A) New budget authority, $542,725,000,000.
(B) Outlays, $534,067,000,000.
Fiscal year 2020:
(A) New budget authority, $558,241,000,000.
(B) Outlays, $549,382,000,000.
Fiscal year 2021:
(A) New budget authority, $571,963,000,000.
(B) Outlays, $563,481,000,000.
Fiscal year 2022:
(A) New budget authority, $590,120,000,000.
(B) Outlays, $587,572,000,000.
Fiscal year 2023:
(A) New budget authority, $599,505,000,000.
(B) Outlays, $592,338,000,000.
Fiscal year 2024:
(A) New budget authority, $609,225,000,000.
(B) Outlays, $597,287,000,000.
Fiscal year 2025:
(A) New budget authority, $630,433,000,000.
(B) Outlays, $619,437,000,000.
Fiscal year 2026:
(A) New budget authority, $646,660,000,000.
(B) Outlays, $641,957,000,000.
(14) Social Security (650):
Fiscal year 2017:
(A) New budget authority, $37,199,000,000.
(B) Outlays, $37,227,000,000.
Fiscal year 2018:
(A) New budget authority, $40,124,000,000.
(B) Outlays, $40,141,000,000.
Fiscal year 2019:
(A) New budget authority, $43,373,000,000.
(B) Outlays, $43,373,000,000.
Fiscal year 2020:
(A) New budget authority, $46,627,000,000.
(B) Outlays, $46,627,000,000.
Fiscal year 2021:
(A) New budget authority, $50,035,000,000.
(B) Outlays, $50,035,000,000.
Fiscal year 2022:
(A) New budget authority, $53,677,000,000.
(B) Outlays, $53,677,000,000.
Fiscal year 2023:
(A) New budget authority, $57,540,000,000.
(B) Outlays, $57,540,000,000.
Fiscal year 2024:
(A) New budget authority, $61,645,000,000.
(B) Outlays, $61,645,000,000.

Fiscal year 2025:
(A) New budget authority, $66,076,000,000.
(B) Outlays, $66,076,000,000.
Fiscal year 2026:
(A) New budget authority, $70,376,000,000.
(B) Outlays, $70,376,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2017:
(A) New budget authority, $177,448,000,000.
(B) Outlays, $182,448,000,000.
Fiscal year 2018:
(A) New budget authority, $178,478,000,000.
(B) Outlays, $179,109,000,000.
Fiscal year 2019:
(A) New budget authority, $193,088,000,000.
(B) Outlays, $192,198,000,000.
Fiscal year 2020:
(A) New budget authority, $199,907,000,000.
(B) Outlays, $198,833,000,000.
Fiscal year 2021:
(A) New budget authority, $206,700,000,000.
(B) Outlays, $205,667,000,000.
Fiscal year 2022:
(A) New budget authority, $223,542,000,000.
(B) Outlays, $222,308,000,000.
Fiscal year 2023:
(A) New budget authority, $221,861,000,000.
(B) Outlays, $220,563,000,000.
Fiscal year 2024:
(A) New budget authority, $219,382,000,000.
(B) Outlays, $218,147,000,000.
Fiscal year 2025:
(A) New budget authority, $237,641,000,000.
(B) Outlays, $236,254,000,000.
Fiscal year 2026:
(A) New budget authority, $245,565,000,000.
(B) Outlays, $244,228,000,000.
(16) Administration of Justice (750):
Fiscal year 2017:
(A) New budget authority, $64,519,000,000.
(B) Outlays, $58,662,000,000.
Fiscal year 2018:
(A) New budget authority, $62,423,000,000.
(B) Outlays, $63,800,000,000.
Fiscal year 2019:
(A) New budget authority, $62,600,000,000.
(B) Outlays, $66,596,000,000.
Fiscal year 2020:
(A) New budget authority, $64,168,000,000.
(B) Outlays, $69,555,000,000.
Fiscal year 2021:
(A) New budget authority, $65,134,000,000.
(B) Outlays, $68,538,000,000.
Fiscal year 2022:
(A) New budget authority, $66,776,000,000.
(B) Outlays, $67,691,000,000.
Fiscal year 2023:

(A) New budget authority, $68,489,000,000.
(B) Outlays, $68,466,000,000.
Fiscal year 2024:
(A) New budget authority, $70,227,000,000.
(B) Outlays, $69,976,000,000.
Fiscal year 2025:
(A) New budget authority, $72,023,000,000.
(B) Outlays, $71,615,000,000.
Fiscal year 2026:
(A) New budget authority, $79,932,000,000.
(B) Outlays, $80,205,000,000.
(17) General Government (800):
Fiscal year 2017:
(A) New budget authority, $25,545,000,000.
(B) Outlays, $24,318,000,000.
Fiscal year 2018:
(A) New budget authority, $27,095,000,000.
(B) Outlays, $25,884,000,000.
Fiscal year 2019:
(A) New budget authority, $27,620,000,000.
(B) Outlays, $26,584,000,000.
Fiscal year 2020:
(A) New budget authority, $28,312,000,000.
(B) Outlays, $27,576,000,000.
Fiscal year 2021:
(A) New budget authority, $29,046,000,000.
(B) Outlays, $28,366,000,000.
Fiscal year 2022:
(A) New budget authority, $29,787,000,000.
(B) Outlays, $29,149,000,000.
Fiscal year 2023:
(A) New budget authority, $30,519,000,000.
(B) Outlays, $29,886,000,000.
Fiscal year 2024:
(A) New budget authority, $31,101,000,000.
(B) Outlays, $30,494,000,000.
Fiscal year 2025:
(A) New budget authority, $31,942,000,000.
(B) Outlays, $31,248,000,000.
Fiscal year 2026:
(A) New budget authority, $32,789,000,000.
(B) Outlays, $32,071,000,000.
(18) Net Interest (900):
Fiscal year 2017:
(A) New budget authority, $393,295,000,000.
(B) Outlays, $393,295,000,000.
Fiscal year 2018:
(A) New budget authority, $453,250,000,000.
(B) Outlays, $453,250,000,000.
Fiscal year 2019:
(A) New budget authority, $526,618,000,000.
(B) Outlays, $526,618,000,000.
Fiscal year 2020:
(A) New budget authority, $590,571,000,000.
(B) Outlays, $590,571,000,000.
Fiscal year 2021:
(A) New budget authority, $645,719,000,000.

(B) Outlays, $645,719,000,000.
Fiscal year 2022:
(A) New budget authority, $698,101,000,000.
(B) Outlays, $698,101,000,000.
Fiscal year 2023:
(A) New budget authority, $755,288,000,000.
(B) Outlays, $755,288,000,000.
Fiscal year 2024:
(A) New budget authority, $806,202,000,000.
(B) Outlays, $806,202,000,000.
Fiscal year 2025:
(A) New budget authority, $854,104,000,000.
(B) Outlays, $854,104,000,000.
Fiscal year 2026:
(A) New budget authority, $903,443,000,000.
(B) Outlays, $903,443,000,000.

(19) Allowances (920):
Fiscal year 2017:
(A) New budget authority, −$3,849,000,000.
(B) Outlays, $7,627,000,000.
Fiscal year 2018:
(A) New budget authority, −$56,166,000,000.
(B) Outlays, −$39,329,000,000.
Fiscal year 2019:
(A) New budget authority, −$55,423,000,000.
(B) Outlays, −$47,614,000,000.
Fiscal year 2020:
(A) New budget authority, −$58,021,000,000.
(B) Outlays, −$52,831,000,000.
Fiscal year 2021:
(A) New budget authority, −$61,491,000,000.
(B) Outlays, −$57,092,000,000.
Fiscal year 2022:
(A) New budget authority, −$63,493,000,000.
(B) Outlays, −$60,260,000,000.
Fiscal year 2023:
(A) New budget authority, −$65,783,000,000.
(B) Outlays, −$62,457,000,000.
Fiscal year 2024:
(A) New budget authority, −$67,817,000,000.
(B) Outlays, −$64,708,000,000.
Fiscal year 2025:
(A) New budget authority, −$70,127,000,000.
(B) Outlays, −$66,892,000,000.
Fiscal year 2026:
(A) New budget authority, −$69,097,000,000.
(B) Outlays, −$68,467,000,000.

(20) Undistributed Offsetting Receipts (950):
Fiscal year 2017:
(A) New budget authority, −$87,685,000,000.
(B) Outlays, −$87,685,000,000.
Fiscal year 2018:
(A) New budget authority, −$88,347,000,000.
(B) Outlays, −$88,347,000,000.
Fiscal year 2019:
(A) New budget authority, −$80,125,000,000.
(B) Outlays, −$80,125,000,000.

Fiscal year 2020:
(A) New budget authority, −$81,468,000,000.
(B) Outlays, −$81,468,000,000.
Fiscal year 2021:
(A) New budget authority, −$84,183,000,000.
(B) Outlays, −$84,183,000,000.
Fiscal year 2022:
(A) New budget authority, −$86,292,000,000.
(B) Outlays, −$86,292,000,000.
Fiscal year 2023:
(A) New budget authority, −$87,518,000,000.
(B) Outlays, −$87,518,000,000.
Fiscal year 2024:
(A) New budget authority, −$91,245,000,000.
(B) Outlays, −$91,245,000,000.
Fiscal year 2025:
(A) New budget authority, −$99,164,000,000.
(B) Outlays, −$99,164,000,000.
Fiscal year 2026:
(A) New budget authority, −$97,786,000,000.
(B) Outlays, −$97,786,000,000.

Subtitle B—Levels and Amounts in the Senate

SEC. 1201. SOCIAL SECURITY IN THE SENATE.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974 (2 U.S.C. 633 and 642), the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:
Fiscal year 2017: $826,048,000,000.
Fiscal year 2018: $857,618,000,000.
Fiscal year 2019: $886,810,000,000.
Fiscal year 2020: $918,110,000,000.
Fiscal year 2021: $950,341,000,000.
Fiscal year 2022: $984,537,000,000.
Fiscal year 2023: $1,020,652,000,000.
Fiscal year 2024: $1,058,799,000,000.
Fiscal year 2025: $1,097,690,000,000.
Fiscal year 2026: $1,138,243,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974 (2 U.S.C. 633 and 642), the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:
Fiscal year 2017: $805,366,000,000.
Fiscal year 2018: $857,840,000,000.
Fiscal year 2019: $916,764,000,000.
Fiscal year 2020: $980,634,000,000.
Fiscal year 2021: $1,049,127,000,000.
Fiscal year 2022: $1,123,266,000,000.
Fiscal year 2023: $1,200,734,000,000.
Fiscal year 2024: $1,281,840,000,000.
Fiscal year 2025: $1,369,403,000,000.
Fiscal year 2026: $1,463,057,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2017:
(A) New budget authority, $5,663,000,000.
(B) Outlays, $5,673,000,000.
Fiscal year 2018:
(A) New budget authority, $6,021,000,000.
(B) Outlays, $5,987,000,000.
Fiscal year 2019:
(A) New budget authority, $6,205,000,000.
(B) Outlays, $6,170,000,000.
Fiscal year 2020:
(A) New budget authority, $6,393,000,000.
(B) Outlays, $6,357,000,000.
Fiscal year 2021:
(A) New budget authority, $6,589,000,000.
(B) Outlays, $6,552,000,000.
Fiscal year 2022:
(A) New budget authority, $6,787,000,000.
(B) Outlays, $6,750,000,000.
Fiscal year 2023:
(A) New budget authority, $6,992,000,000.
(B) Outlays, $6,953,000,000.
Fiscal year 2024:
(A) New budget authority, $7,206,000,000.
(B) Outlays, $7,166,000,000.
Fiscal year 2025:
(A) New budget authority, $7,428,000,000.
(B) Outlays, $7,387,000,000.
Fiscal year 2026:
(A) New budget authority, $7,659,000,000.
(B) Outlays, $7,615,000,000.

SEC. 1202. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES IN THE SENATE.

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:

Fiscal year 2017:
(A) New budget authority, $274,000,000.
(B) Outlays, $273,000,000.
Fiscal year 2018:
(A) New budget authority, $283,000,000.
(B) Outlays, $283,000,000.
Fiscal year 2019:
(A) New budget authority, $294,000,000.
(B) Outlays, $294,000,000.
Fiscal year 2020:
(A) New budget authority, $304,000,000.
(B) Outlays, $304,000,000.
Fiscal year 2021:
(A) New budget authority, $315,000,000.
(B) Outlays, $315,000,000.
Fiscal year 2022:

(A) New budget authority, $326,000,000.
(B) Outlays, $325,000,000.
Fiscal year 2023:
(A) New budget authority, $337,000,000.
(B) Outlays, $337,000,000.
Fiscal year 2024:
(A) New budget authority, $350,000,000.
(B) Outlays, $349,000,000.
Fiscal year 2025:
(A) New budget authority, $361,000,000.
(B) Outlays, $360,000,000.
Fiscal year 2026:
(A) New budget authority, $374,000,000.
(B) Outlays, $373,000,000.

TITLE II—RECONCILIATION

SEC. 2001. RECONCILIATION IN THE SENATE.

(a) COMMITTEE ON FINANCE.—The Committee on Finance of the Senate shall report changes in laws within its jurisdiction to reduce the deficit by not less than $1,000,000,000 for the period of fiscal years 2017 through 2026.

(b) COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.—The Committee on Health, Education, Labor, and Pensions of the Senate shall report changes in laws within its jurisdiction to reduce the deficit by not less than $1,000,000,000 for the period of fiscal years 2017 through 2026.

(c) SUBMISSIONS.—In the Senate, not later than January 27, 2017, the Committees named in subsections (a) and (b) shall submit their recommendations to the Committee on the Budget of the Senate. Upon receiving all such recommendations, the Committee on the Budget of the Senate shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

SEC. 2002. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) COMMITTEE ON ENERGY AND COMMERCE.—The Committee on Energy and Commerce of the House of Representatives shall submit changes in laws within its jurisdiction to reduce the deficit by not less than $1,000,000,000 for the period of fiscal years 2017 through 2026.

(b) COMMITTEE ON WAYS AND MEANS.—The Committee on Ways and Means of the House of Representatives shall submit changes in laws within its jurisdiction to reduce the deficit by not less than $1,000,000,000 for the period of fiscal years 2017 through 2026.

(c) SUBMISSIONS.—In the House of Representatives, not later than January 27, 2017, the committees named in subsections (a) and (b) shall submit their recommendations to the Committee on the Budget of the House of Representatives to carry out this section.

TITLE III—RESERVE FUNDS

SEC. 3001. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH CARE LEGISLATION.

The Chairman of the Committee on the Budget of the Senate and the Chairman of the Committee on the Budget of the House of Representatives may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and, in the Senate, make adjustments to the pay-as-you-go ledger, for—

(1) in the Senate, one or more bills, joint resolutions, amendments, amendments between the Houses, conference reports, or motions related to health care by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2017 through 2026; and

(2) in the House of Representatives, one or more bills, joint resolutions, amendments, or conference reports related to health care by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2017 through 2026.

SEC. 3002. RESERVE FUND FOR HEALTH CARE LEGISLATION.

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate and the Chairman of the Committee on the Budget of the House of Representatives may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and, in the Senate, make adjustments to the pay-as-you-go ledger, for—

(1) in the Senate, one or more bills, joint resolutions, amendments, amendments between the Houses, conference reports, or motions related to health care by the amounts necessary to accommodate the budgetary effects of the legislation, provided that the cost of such legislation, when combined with the cost of any other measure with respect to which the Chairman has exercised the authority under this paragraph, does not exceed the difference obtained by subtracting—

(A) $2,000,000,000; from

(B) the sum of deficit reduction over the period of the total of fiscal years 2017 through 2026 achieved under any measure or measures with respect to which the Chairman has exercised the authority under section 3001(1); and

(2) in the House of Representatives, one or more bills, joint resolutions, amendments, or conference reports related to health care by the amounts necessary to accommodate the budgetary effects of the legislation, provided that the cost of such legislation, when combined with the cost of any other measure with respect to which the Chairman has exercised the authority under this paragraph, does not exceed the difference obtained by subtracting—

(A) $2,000,000,000; from

(B) the sum of deficit reduction over the period of the total of fiscal years 2017 through 2026 achieved under

any measure or measures with respect to which the Chairman has exercised the authority under section 3001(2).

(b) EXCEPTIONS FROM CERTAIN PROVISIONS.—Section 404(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, and section 3101 of S. Con. Res. 11 (114th Congress), the concurrent resolution on the budget for fiscal year 2016, shall not apply to legislation for which the Chairman of the Committee on the Budget of the applicable House has exercised the authority under subsection (a).

TITLE IV—OTHER MATTERS

SEC. 4001. ENFORCEMENT FILING.

(a) IN THE SENATE.—If this concurrent resolution on the budget is agreed to by the Senate and House of Representatives without the appointment of a committee of conference on the disagreeing votes of the two Houses, the Chairman of the Committee on the Budget of the Senate may submit a statement for publication in the Congressional Record containing—

(1) for the Committee on Appropriations, committee allocations for fiscal year 2017 consistent with the levels in title I for the purpose of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633); and

(2) for all committees other than the Committee on Appropriations, committee allocations for fiscal years 2017, 2017 through 2021, and 2017 through 2026 consistent with the levels in title I for the purpose of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633).

(b) IN THE HOUSE OF REPRESENTATIVES.—In the House of Representatives, if a concurrent resolution on the budget for fiscal year 2017 is adopted without the appointment of a committee of conference on the disagreeing votes of the two Houses with respect to this concurrent resolution on the budget, for the purpose of enforcing the Congressional Budget Act and applicable rules and requirements set forth in the concurrent resolution on the budget, the allocations provided for in this subsection shall apply in the House of Representatives in the same manner as if such allocations were in a joint explanatory statement accompanying a conference report on the budget for fiscal year 2017. The Chairman of the Committee on the Budget of the House of Representatives shall submit a statement for publication in the Congressional Record containing—

(1) for the Committee on Appropriations, committee allocations for fiscal year 2017 consistent with title I for the purpose of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633); and

(2) for all committees other than the Committee on Appropriations, committee allocations consistent with title I for fiscal year 2017 and for the period of fiscal years 2017 through 2026 for the purpose of enforcing 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633).

SEC. 4002. BUDGETARY TREATMENT OF ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—Notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(1)), section 13301 of the Budget Enforcement Act of 1990 (2 U.S.C. 632 note), and

section 2009a of title 39, United States Code, the report accompanying this concurrent resolution on the budget, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget, or a statement filed under section 4001 shall include in an allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations of the applicable House of Congress amounts for the discretionary administrative expenses of the Social Security Administration and the United States Postal Service.

(b) SPECIAL RULE.—In the Senate and the House of Representatives, for purposes of enforcing section 302(f) of the Congressional Budget Act of 1974 (2 U.S.C. 633(f)), estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts described in subsection (a).

SEC. 4003. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this concurrent resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) as the allocations and aggregates contained in this concurrent resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this concurrent resolution, the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Chairman of the Committee on the Budget of the applicable House of Congress.

(d) AGGREGATES, ALLOCATIONS AND APPLICATION.—In the House of Representatives, for purposes of this concurrent resolution and budget enforcement, the consideration of any bill or joint resolution, or amendment thereto or conference report thereon, for which the Chairman of the Committee on the Budget of the House of Representatives makes adjustments or revisions in the allocations, aggregates, and other budgetary levels of this concurrent resolution shall not be subject to the points of order set forth in clause 10 of rule XXI of the Rules of the House of Representatives or section 3101 of S. Con. Res. 11 (114th Congress).

SEC. 4004. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of either the Senate or the House of Representatives to change those rules (insofar as they relate to that House) at any time, in

the same manner, and to the same extent as is the case of any other rule of the Senate or House of Representatives.

Agreed to January 13, 2017.

HOLOCAUST DAYS OF REMEMBRANCE CEREMONY—CAPITOL ROTUNDA AUTHORIZATION

Feb. 10, 2017
[H. Con. Res. 18]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF ROTUNDA FOR HOLOCAUST DAYS OF REMEMBRANCE CEREMONY.

The rotunda of the Capitol is authorized to be used on April 25, 2017, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

Agreed to February 10, 2017.

JOINT SESSION

Feb. 17, 2017
[H. Con. Res. 23]

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, February 28, 2017, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Agreed to February 17, 2017.

NATIONAL PEACE OFFICERS MEMORIAL SERVICE AND NATIONAL HONOR GUARD AND PIPE BAND EXHIBITION—CAPITOL GROUNDS AUTHORIZATION

Apr. 27, 2017
[H. Con. Res. 35]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF THE CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS MEMORIAL SERVICE.

(a) IN GENERAL.—The Grand Lodge of the Fraternal Order of Police and its auxiliary shall be permitted to sponsor a public event, the 36th Annual National Peace Officers Memorial Service (in this resolution referred to as the "Memorial Service"), on the Capitol Grounds, in order to honor the law enforcement officers who died in the line of duty during 2016.

(b) DATE OF MEMORIAL SERVICE.—The Memorial Service shall be held on May 15, 2017, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate, with preparation for the event to begin on May 11, 2017, and take-down completed on May 16, 2017.

SEC. 2. USE OF THE CAPITOL GROUNDS FOR NATIONAL HONOR GUARD AND PIPE BAND EXHIBITION.

(a) IN GENERAL.—The Grand Lodge of the Fraternal Order of Police and its auxiliary shall be permitted to sponsor a public event, the National Honor Guard and Pipe Band Exhibition (in this resolution referred to as the "Exhibition"), on the Capitol Grounds, in order to allow law enforcement representatives to exhibit their ability to demonstrate Honor Guard programs and provide for a bagpipe exhibition.

(b) DATE OF EXHIBITION.—The exhibition shall be held on May 14, 2017, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 3. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsors of the Memorial Service and Exhibition shall assume full responsibility for all expenses and liabilities incident to all activities associated with the events.

SEC. 4. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsors referred to in section 3(b) are authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the Memorial Service and Exhibition.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the events.

Agreed to April 27, 2017.

SOAP BOX DERBY RACES—CAPITOL GROUNDS AUTHORIZATION

Apr. 27, 2017
[H. Con. Res. 36]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR SOAP BOX DERBY RACES.

(a) IN GENERAL.—The Greater Washington Soap Box Derby Association (in this resolution referred to as the "sponsor") shall be permitted to sponsor a public event, soap box derby races (in this resolution referred to as the "event"), on the Capitol Grounds.

(b) DATE OF EVENT.—The event shall be held on June 17, 2017, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make such additional arrangements as may be required to carry out the event.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event.

Agreed to April 27, 2017.

ENROLLMENT CORRECTIONS—H.R. 244

May 4, 2017
[H. Con. Res. 53]

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H.R. 244, the Clerk of the House of Representatives shall make the following corrections:

(1) Amend the long title so as to read: "Making appropriations for the fiscal year ending September 30, 2017, and for other purposes".

(2) Strike the first section 1 immediately following the enacting clause and all that follows through "Sec. 4. Display of Award".

(3) In the table of contents for the Consolidated Appropriations Act, 2017, strike **"Division N—Honoring Investments in Recruiting and Employing American Military Veterans Act of 2017"** and insert the following:

DIVISION N—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2017

DIVISION O—HONORING INVESTMENTS IN RECRUITING AND EMPLOYING AMERICAN MILITARY VETERANS ACT OF 2017

(4) Insert immediately before "It is unlawful for any employer to publicly display a HIRE Vets Medallion Award" the following:

"DIVISION O—HONORING INVESTMENTS IN RECRUITING AND EMPLOYING AMERICAN MILITARY VETERANS ACT OF 2017

"SECTION 1. SHORT TITLE.

"This division may be cited as the 'Honoring Investments in Recruiting and Employing American Military Veterans Act of 2017' or the 'HIRE Vets Act'.

"SEC. 2. HIRE VETS MEDALLION AWARD PROGRAM.

"(a) PROGRAM ESTABLISHED.—Not later than 2 years after the date of enactment of this Act, the Secretary of Labor shall establish, by rule, a HIRE Vets Medallion Program to solicit voluntary information from employers for purposes of recognizing, by means of an award to be designated a 'HIRE Vets Medallion Award', verified efforts by such employers—

"(1) to recruit, employ, and retain veterans; and

"(2) to provide community and charitable services supporting the veteran community.

"(b) APPLICATION PROCESS.—Beginning in the calendar year following the calendar year in which the Secretary establishes the program, the Secretary shall annually—

"(1) solicit and accept voluntary applications from employers in order to consider whether those employers should receive a HIRE Vets Medallion Award;

"(2) review applications received in each calendar year; and

"(3) notify such recipients of their awards; and

"(4) at a time to coincide with the annual commemoration of Veterans Day—

"(A) announce the names of such recipients;

"(B) recognize such recipients through publication in the Federal Register; and

"(C) issue to each such recipient—

"(i) a HIRE Vets Medallion Award of the level determined under section 3; and

"(ii) a certificate stating that such employer is entitled to display such HIRE Vets Medallion Award.

"(c) TIMING.—

"(1) SOLICITATION PERIOD.—The Secretary shall solicit applications not later than January 31st of each calendar year for the Awards to be awarded in November of that calendar year.

"(2) END OF ACCEPTANCE PERIOD.—The Secretary shall stop accepting applications not earlier than April 30th of each calendar year for the Awards to be awarded in November of that calendar year.

"(3) REVIEW PERIOD.—The Secretary shall finish reviewing applications not later than August 31st of each calendar year for the Awards to be awarded in November of that calendar year.

"(4) SELECTION OF RECIPIENTS.—The Secretary shall select the employers to receive HIRE Vets Medallion Awards not later than September 30th of each calendar year for the Awards to be awarded in November of that calendar year.

"(5) NOTICE TO RECIPIENTS.—The Secretary shall notify employers who will receive HIRE Vets Medallion Awards not later than October 11th of each calendar year for the Awards to be awarded in November of that calendar year.

"(d) LIMITATION.—An employer who receives a HIRE Vets Medallion Award for one calendar year is not eligible to receive a HIRE Vets Medallion Award for the subsequent calendar year.

"SEC. 3. SELECTION OF RECIPIENTS.

"(a) APPLICATION REVIEW PROCESS.—

"(1) IN GENERAL.—The Secretary shall review all applications received in a calendar year to determine whether an employer should receive a HIRE Vets Medallion Award, and, if so, of what level.

"(2) APPLICATION CONTENTS.—The Secretary shall require that all applications provide information on the programs and other efforts of applicant employers during the calendar year prior to that in which the medallion is to be awarded, including the categories and activities governing the level of award for which the applicant is eligible under subsection (b).

"(3) VERIFICATION.—The Secretary shall verify all information provided in the applications, to the extent that such information is relevant in determining whether or not an employer should receive a HIRE Vets Medallion Award or in determining the appropriate level of HIRE Vets Medallion Award for that employer to receive, including by requiring the chief executive officer or the chief human relations officer of the employer to attest under penalty of perjury that the employer has met the criteria described in subsection (b) for a particular level of Award.

"(b) AWARDS.—

"(1) LARGE EMPLOYERS.—

"(A) IN GENERAL.—The Secretary shall establish 2 levels of HIRE Vets Medallion Awards to be awarded to employers employing 500 or more employees, to be designated the 'Gold HIRE Vets Medallion Award' and the 'Platinum HIRE Vets Medallion Award'.

"(B) GOLD HIRE VETS MEDALLION AWARD.—No employer shall be eligible to receive a Gold HIRE Vets Medallion Award in a given calendar year unless—

"(i) veterans constitute not less than 7 percent of all employees hired by such employer during the prior calendar year;

"(ii) such employer has retained not less than 75 percent of the veteran employees hired during the calendar year preceding the preceding calendar year for a period of at least 12 months from the date on which the employees were hired;

"(iii) such employer has established an employee veteran organization or resource group to assist new veteran employees with integration, including coaching and mentoring; and

"(iv) such employer has established programs to enhance the leadership skills of veteran employees during their employment.

"(C) PLATINUM HIRE VETS MEDALLION AWARD.—No employer shall be eligible to receive a Platinum HIRE Vets Medallion Award in a given calendar year unless—

"(i) the employer meets all the requirements for eligibility for a Gold HIRE Vets Medallion Award under subparagraph (B);

"(ii) veterans constitute not less than 10 percent of all employees hired by such employer during the prior calendar year;

"(iii) such employer has retained not less than 85 percent of the veteran employees hired during the calendar year preceding the preceding calendar year for a period of at least 12 months from the date on which the employees were hired;

"(iv) such employer employs dedicated human resources professionals to support hiring and retention of veteran employees, including efforts focused on veteran hiring and training;

"(v) such employer provides each of its employees serving on active duty in the United States National Guard or Reserve with compensation sufficient, in combination with the employee's active duty pay, to achieve a combined level of income commensurate with the employee's salary prior to undertaking active duty; and

"(vi) such employer has a tuition assistance program to support veteran employees' attendance in post-secondary education during the term of their employment.

"(D) EXEMPTION FOR SMALLER EMPLOYERS.—An employer shall be deemed to meet the requirements of subparagraph (C)(iv) if such employer—

"(i) employs 5,000 or fewer employees; and

"(ii) employs at least one human resources professional whose regular work duties include those described under subparagraph (C)(iv).

"(E) ADDITIONAL CRITERIA.—The Secretary may provide, by rule, additional criteria with which to determine qualifications for receipt of each level of HIRE Vets Medallion Award.

"(2) SMALL- AND MEDIUM-SIZED EMPLOYERS.—The Secretary shall establish similar awards in order to recognize achievements in supporting veterans by—

"(A) employers with 50 or fewer employees; and

"(B) employers with more than 50 but fewer than 500 employees.

"(c) DESIGN BY SECRETARY.—The Secretary shall establish the shape, form, and design of each HIRE Vets Medallion Award, except that the Award shall be in the form of a certificate and shall state the year for which it was awarded.

"SEC. 4. DISPLAY OF AWARD.".

(5) In section 5(b) of division O, strike "Act" and insert "division".

(6) In section 6 of division O, strike "Act" and insert "division".

(7) In section 8 of division O, strike "Act" and insert "division".

Agreed to May 4, 2017.

KING KAMEHAMEHA I—BIRTHDAY CELEBRATION—EMANCIPATION HALL AUTHORIZATION

May 24, 2017
[S. Con. Res. 14]

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR EVENT TO CELEBRATE BIRTHDAY OF KING KAMEHAMEHA I.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used on June 11, 2017 for an event to celebrate the birthday of King Kamehameha I.

(b) PREPARATIONS.—Physical preparations for the conduct of the event described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

Agreed to May 24, 2017.

DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN—CAPITOL GROUNDS AUTHORIZATION

Sept. 7, 2017
[H. Con. Res. 69]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR D.C. SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN.

On October 6, 2017, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 32d annual

District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as the "event") may be run through the Capitol Grounds to carry the Special Olympics torch to honor local Special Olympics athletes.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

Agreed to September 7, 2017.

Sept. 8, 2017
[S. Con. Res. 24]

ENROLLMENT CORRECTIONS—H.R. 601

Resolved by the Senate (the House of Representatives concurring),

That in the enrollment of the bill H.R. 601, the Clerk of the House of Representatives shall make the following corrections:

(1) Amend the long title so as to read: "Making continuing appropriations for the fiscal year ending September 30, 2018, and for other purposes".

(2) Insert before the first section 1 immediately following the enacting clause the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Continuing Appropriations Act, 2018 and Supplemental Appropriations for Disaster Relief Requirements Act, 2017".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—REINFORCING EDUCATION ACCOUNTABILITY IN DEVELOPMENT ACT

(3) In section 3, strike subparagraph (B) of section 105(c)(4) of the Foreign Assistance Act of 1961, as added by such section 3, and all that follows through the end of such section 3, and insert the following:

"(B) such assistance can produce a substantial, measurable impact on children and educational systems; and

"(C) there is the greatest opportunity to reduce childhood and adolescence exposure to or engagement in violent extremism or extremist ideologies.".

(4) Insert after section 3 the following:

SEC. 4. COMPREHENSIVE INTEGRATED UNITED STATES STRATEGY TO PROMOTE BASIC EDUCATION.

(a) STRATEGY REQUIRED.—Not later than one year after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a comprehensive United States strategy to be carried out during the following five fiscal years to promote quality basic education in partner countries by—

(1) seeking to equitably expand access to basic education for all children, particularly marginalized children and vulnerable groups; and

(2) measurably improving the quality of basic education and learning outcomes.

(b) REQUIREMENT TO CONSULT.—In developing the strategy required under subsection (a), the President shall consult with—

(1) the appropriate congressional committees;

(2) relevant Executive branch agencies and officials;

(3) partner country governments; and

(4) local and international nongovernmental organizations, including faith-based organizations and organizations representing students, teachers, and parents, and other development partners engaged in basic education assistance programs in developing countries.

(c) PUBLIC COMMENT.—The President shall provide an opportunity for public comment on the strategy required under subsection (a).

(d) ELEMENTS.—The strategy required under subsection (a)—

(1) shall be developed and implemented consistent with the principles set forth in section 105(c) of the Foreign Assistance Act of 1961, as added by section 3; and

(2) shall seek—

(A) to prioritize assistance provided under this subsection to countries that are partners of the United States and whose populations are most in need of improved basic education, as determined by indicators such as literacy and numeracy rates;

(B) to build the capacity of relevant actors in partner countries, including in government and in civil society, to develop and implement national education plans that measurably improve basic education;

(C) to identify and replicate successful interventions that improve access to and quality of basic education in conflict settings and in partner countries;

(D) to project general levels of resources needed to achieve stated program objectives;

(E) to develop means to track implementation in partner countries and ensure that such countries are expending appropriate domestic resources and instituting any relevant legal, regulatory, or institutional reforms needed to achieve stated program objectives;

(F) to leverage United States capabilities, including through technical assistance, training, and research; and

(G) to improve coordination and reduce duplication among relevant Executive branch agencies and officials, other donors, multilateral institutions, nongovernmental organizations, and governments in partner countries.

SEC. 5. IMPROVING COORDINATION AND OVERSIGHT.

(a) SENIOR COORDINATOR OF UNITED STATES INTERNATIONAL BASIC EDUCATION ASSISTANCE.—There is established within the United States Agency for International Development a Senior Coordinator of United States International Basic Education Assistance (referred to in this section as the "Senior Coordinator"). The Senior Coordinator shall be appointed by the President, shall be a current USAID employee serving in a career or noncareer position in the Senior Executive Service or at the level of a Deputy Assistant Administrator or higher, and shall serve concurrently as the Senior Coordinator.

(b) DUTIES.—

(1) IN GENERAL.—The Senior Coordinator shall have primary responsibility for the oversight and coordination of all resources and activities of the United States Government relating to the promotion of international basic education programs and activities.

(2) SPECIFIC DUTIES.—The Senior Coordinator shall—

(A) facilitate program and policy coordination of international basic education programs and activities among relevant Executive branch agencies and officials, partner governments, multilateral institutions, the private sector, and nongovernmental and civil society organizations;

(B) develop and revise the strategy required under section 4;

(C) monitor, evaluate, and report on activities undertaken pursuant to the strategy required under section 4; and

(D) establish due diligence criteria for all recipients of funds provided by the United States to carry out activities under this Act and the amendments made by this Act.

(c) OFFSET.—In order to eliminate duplication of effort and activities and to offset any costs incurred by the United States Agency for International Development in appointing the Senior Coordinator under subsection (a), the President shall, after consulting with appropriate congressional committees, eliminate a position within the United States Agency for International Development (unless

otherwise authorized or required by law) that the President determines to be necessary to fully offset such costs and eliminate duplication.

SEC. 6. MONITORING AND EVALUATION OF PROGRAMS.

The President shall seek to ensure that programs carried out under the strategy required under section 4 shall—

(1) apply rigorous monitoring and evaluation methodologies to determine if programs and activities provided under this subsection accomplish measurable improvements in literacy, numeracy, or other basic skills development that prepare an individual to be an active, productive member of society and the workforce;

(2) include methodological guidance in the implementation plan and support systemic data collection using internationally comparable indicators, norms, and methodologies, to the extent practicable and appropriate;

(3) disaggregate all data collected and reported by age, gender, marital status, disability, and location, to the extent practicable and appropriate;

(4) include funding for both short- and long-term monitoring and evaluation to enable assessment of the sustainability and scalability of assistance programs; and

(5) support the increased use and public availability of education data for improved decision making, program effectiveness, and monitoring of global progress.

SEC. 7. TRANSPARENCY AND REPORTING TO CONGRESS.

(a) ANNUAL REPORT ON THE IMPLEMENTATION OF STRATEGY.—Not later than 180 days after the end of each fiscal year during which the strategy developed pursuant to section 4(a) is carried out, the President shall—

(1) submit a report to the appropriate congressional committees that describes the implementation of such strategy; and

(2) make the report described in paragraph (1) available to the public.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include—

(1) a description of the efforts made by relevant Executive branch agencies and officials to implement the strategy developed pursuant to section 4, with a particular focus on the activities carried out under the strategy;

(2) a description of the extent to which each partner country selected to receive assistance for basic education meets the priority criteria specified in section 105(c) of the Foreign Assistance Act, as added by section 3; and

(3) a description of the progress achieved over the reporting period toward meeting the goals, objectives, benchmarks, and timeframes specified in the strategy developed pursuant to section 4 at the program level, as developed pursuant to monitoring and evaluation specified in section 6, with particular emphasis on whether there are demonstrable student improvements in literacy, numeracy, or other basic skills development that prepare an individual to be an active, productive member of society and the workforce.

(5) In division B, under the heading "DISASTER RELIEF FUND", strike the first "Provided further" and insert "Provided".

(6) In section 101(c)(1) of division C, strike "under section 101(a)" and insert "under section 101(b)(1)".

(7) Strike the final section 4 and all that follows through the end.

Agreed to September 8, 2017.

FILIPINO VETERANS OF WORLD WAR II—CONGRESSIONAL GOLD MEDAL AWARD CEREMONY—EMANCIPATION HALL AUTHORIZATION

Sept. 12, 2017
[S. Con. Res. 23]

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR CEREMONY TO PRESENT THE CONGRESSIONAL GOLD MEDAL TO THE FILIPINO VETERANS OF WORLD WAR II.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used on October 25, 2017 for a ceremony to present the Congressional Gold Medal collectively to the Filipino Veterans of World War II in recognition of their dedicated military service.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

Agreed to September 12, 2017.

ENROLLMENT CORRECTION—H.R. 2266

Oct. 25, 2017
[H. Con. Res. 85]

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H.R. 2266, the Clerk of the House of Representatives shall make the following correction: Amend the long title so as to read: "Making additional supplemental appropriations for disaster relief requirements for the fiscal year ending September 30, 2018, and for other purposes.".

Agreed to October 25, 2017.

AMERICAN PRISONERS OF WAR/MISSING IN ACTION (POW/MIA) CHAIR OF HONOR EVENT—EMANCIPATION HALL AUTHORIZATION

Oct. 25, 2017
[S. Con. Res. 26]

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR UNVEILING OF AMERICAN PRISONERS OF WAR/MISSING IN ACTION (POW/MIA) CHAIR OF HONOR.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for an event on November 8, 2017, to unveil the American Prisoners of War/Missing in Action (POW/MIA) Chair of Honor.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

Agreed to October 25, 2017.

FEDERAL BUDGET—FISCAL YEAR 2018

Oct. 26, 2017
[H. Con. Res. 71]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2018.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2018 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2019 through 2027.

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

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Subtitle A—Budgetary Levels in Both Houses

SEC. 1101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2018 through 2027:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2018: $2,490,936,000,000.
Fiscal year 2019: $2,613,683,000,000.
Fiscal year 2020: $2,755,381,000,000.
Fiscal year 2021: $2,883,381,000,000.
Fiscal year 2022: $3,015,847,000,000.
Fiscal year 2023: $3,162,063,000,000.
Fiscal year 2024: $3,306,948,000,000.

Fiscal year 2025: $3,463,269,000,000.
Fiscal year 2026: $3,654,829,000,000.
Fiscal year 2027: $3,825,184,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2018: −$167,200,000,000.
Fiscal year 2019: −$169,500,000,000.
Fiscal year 2020: −$166,000,000,000.
Fiscal year 2021: −$165,200,000,000.
Fiscal year 2022: −$166,400,000,000.
Fiscal year 2023: −$167,700,000,000.
Fiscal year 2024: −$169,800,000,000.
Fiscal year 2025: −$172,200,000,000.
Fiscal year 2026: −$146,400,000,000.
Fiscal year 2027: −$145,000,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2018: $3,136,721,000,000.
Fiscal year 2019: $3,220,542,000,000.
Fiscal year 2020: $3,319,687,000,000.
Fiscal year 2021: $3,344,861,000,000.
Fiscal year 2022: $3,501,231,000,000.
Fiscal year 2023: $3,563,762,000,000.
Fiscal year 2024: $3,607,752,000,000.
Fiscal year 2025: $3,753,919,000,000.
Fiscal year 2026: $3,851,463,000,000.
Fiscal year 2027: $3,942,710,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2018: $3,131,688,000,000.
Fiscal year 2019: $3,233,119,000,000.
Fiscal year 2020: $3,310,579,000,000.
Fiscal year 2021: $3,370,283,000,000.
Fiscal year 2022: $3,486,230,000,000.
Fiscal year 2023: $3,532,290,000,000.
Fiscal year 2024: $3,561,834,000,000.
Fiscal year 2025: $3,710,120,000,000.
Fiscal year 2026: $3,810,435,000,000.
Fiscal year 2027: $3,903,041,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2018: $640,752,000,000.
Fiscal year 2019: $619,436,000,000.
Fiscal year 2020: $555,198,000,000.
Fiscal year 2021: $486,902,000,000.
Fiscal year 2022: $470,383,000,000.
Fiscal year 2023: $370,227,000,000.
Fiscal year 2024: $254,886,000,000.
Fiscal year 2025: $246,851,000,000.
Fiscal year 2026: $155,606,000,000.
Fiscal year 2027: $77,857,000,000.

(5) PUBLIC DEBT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)(5)), the appropriate levels of the public debt are as follows:

Fiscal year 2018: $21,278,691,000,000.

Fiscal year 2019: $22,063,363,000,000.
Fiscal year 2020: $22,760,763,000,000.
Fiscal year 2021: $23,396,024,000,000.
Fiscal year 2022: $23,992,408,000,000.
Fiscal year 2023: $24,508,029,000,000.
Fiscal year 2024: $24,953,195,000,000.
Fiscal year 2025: $25,375,994,000,000.
Fiscal year 2026: $25,777,513,000,000.
Fiscal year 2027: $25,999,469,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2018: $15,595,294,000,000.
Fiscal year 2019: $16,281,015,000,000.
Fiscal year 2020: $16,933,381,000,000.
Fiscal year 2021: $17,553,196,000,000.
Fiscal year 2022: $18,188,386,000,000.
Fiscal year 2023: $18,765,097,000,000.
Fiscal year 2024: $19,269,019,000,000.
Fiscal year 2025: $19,809,369,000,000.
Fiscal year 2026: $20,307,841,000,000.
Fiscal year 2027: $20,780,452,000,000.

SEC. 1102. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2018 through 2027 for each major functional category are:

(1) National Defense (050):

Fiscal year 2018:
(A) New budget authority, $557,253,000,000.
(B) Outlays, $569,287,000,000.
Fiscal year 2019:
(A) New budget authority, $570,316,000,000.
(B) Outlays, $568,721,000,000.
Fiscal year 2020:
(A) New budget authority, $584,504,000,000.
(B) Outlays, $574,347,000,000.
Fiscal year 2021:
(A) New budget authority, $598,730,000,000.
(B) Outlays, $584,706,000,000.
Fiscal year 2022:
(A) New budget authority, $613,707,000,000.
(B) Outlays, $601,894,000,000.
Fiscal year 2023:
(A) New budget authority, $629,014,000,000.
(B) Outlays, $611,538,000,000.
Fiscal year 2024:
(A) New budget authority, $644,732,000,000.
(B) Outlays, $621,649,000,000.
Fiscal year 2025:
(A) New budget authority, $660,854,000,000.
(B) Outlays, $641,891,000,000.
Fiscal year 2026:
(A) New budget authority, $678,183,000,000.
(B) Outlays, $658,658,000,000.
Fiscal year 2027:
(A) New budget authority, $695,076,000,000.
(B) Outlays, $675,108,000,000.

(2) International Affairs (150):
Fiscal year 2018:
(A) New budget authority, $45,157,000,000.
(B) Outlays, $44,985,000,000.
Fiscal year 2019:
(A) New budget authority, $43,978,000,000.
(B) Outlays, $43,114,000,000.
Fiscal year 2020:
(A) New budget authority, $44,042,000,000.
(B) Outlays, $42,992,000,000.
Fiscal year 2021:
(A) New budget authority, $44,060,000,000.
(B) Outlays, $42,702,000,000.
Fiscal year 2022:
(A) New budget authority, $43,161,000,000.
(B) Outlays, $42,743,000,000.
Fiscal year 2023:
(A) New budget authority, $44,183,000,000.
(B) Outlays, $43,045,000,000.
Fiscal year 2024:
(A) New budget authority, $45,222,000,000.
(B) Outlays, $43,511,000,000.
Fiscal year 2025:
(A) New budget authority, $46,283,000,000.
(B) Outlays, $44,062,000,000.
Fiscal year 2026:
(A) New budget authority, $47,394,000,000.
(B) Outlays, $44,844,000,000.
Fiscal year 2027:
(A) New budget authority, $48,467,000,000.
(B) Outlays, $45,676,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 2018:
(A) New budget authority, $32,565,000,000.
(B) Outlays, $31,909,000,000.
Fiscal year 2019:
(A) New budget authority, $33,238,000,000.
(B) Outlays, $32,561,000,000.
Fiscal year 2020:
(A) New budget authority, $33,908,000,000.
(B) Outlays, $33,191,000,000.
Fiscal year 2021:
(A) New budget authority, $34,637,000,000.
(B) Outlays, $33,864,000,000.
Fiscal year 2022:
(A) New budget authority, $35,401,000,000.
(B) Outlays, $34,666,000,000.
Fiscal year 2023:
(A) New budget authority, $36,165,000,000.
(B) Outlays, $35,427,000,000.
Fiscal year 2024:
(A) New budget authority, $36,940,000,000.
(B) Outlays, $36,167,000,000.
Fiscal year 2025:
(A) New budget authority, $37,775,000,000.
(B) Outlays, $36,956,000,000.
Fiscal year 2026:

(A) New budget authority, $38,617,000,000.
(B) Outlays, $37,773,000,000.
Fiscal year 2027:
(A) New budget authority, $39,464,000,000.
(B) Outlays, $38,597,000,000.
(4) Energy (270):
Fiscal year 2018:
(A) New budget authority, −$762,000,000.
(B) Outlays, $2,686,000,000.
Fiscal year 2019:
(A) New budget authority, $4,392,000,000.
(B) Outlays, $2,869,000,000.
Fiscal year 2020:
(A) New budget authority, $4,737,000,000.
(B) Outlays, $3,529,000,000.
Fiscal year 2021:
(A) New budget authority, $4,615,000,000.
(B) Outlays, $3,558,000,000.
Fiscal year 2022:
(A) New budget authority, $3,363,000,000.
(B) Outlays, $2,268,000,000.
Fiscal year 2023:
(A) New budget authority, $3,069,000,000.
(B) Outlays, $1,994,000,000.
Fiscal year 2024:
(A) New budget authority, $3,090,000,000.
(B) Outlays, $2,085,000,000.
Fiscal year 2025:
(A) New budget authority, $3,106,000,000.
(B) Outlays, $2,168,000,000.
Fiscal year 2026:
(A) New budget authority, $3,153,000,000.
(B) Outlays, $2,264,000,000.
Fiscal year 2027:
(A) New budget authority, $3,238,000,000.
(B) Outlays, $2,442,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2018:
(A) New budget authority, $40,489,000,000.
(B) Outlays, $40,597,000,000.
Fiscal year 2019:
(A) New budget authority, $42,110,000,000.
(B) Outlays, $42,293,000,000.
Fiscal year 2020:
(A) New budget authority, $43,533,000,000.
(B) Outlays, $43,420,000,000.
Fiscal year 2021:
(A) New budget authority, $43,091,000,000.
(B) Outlays, $42,742,000,000.
Fiscal year 2022:
(A) New budget authority, $45,022,000,000.
(B) Outlays, $44,194,000,000.
Fiscal year 2023:
(A) New budget authority, $45,716,000,000.
(B) Outlays, $44,767,000,000.
Fiscal year 2024:
(A) New budget authority, $46,080,000,000.

(B) Outlays, $45,125,000,000.
Fiscal year 2025:
(A) New budget authority, $47,575,000,000.
(B) Outlays, $46,581,000,000.
Fiscal year 2026:
(A) New budget authority, $48,511,000,000.
(B) Outlays, $47,501,000,000.
Fiscal year 2027:
(A) New budget authority, $49,280,000,000.
(B) Outlays, $48,326,000,000.
(6) Agriculture (350):
Fiscal year 2018:
(A) New budget authority, $22,063,000,000.
(B) Outlays, $21,979,000,000.
Fiscal year 2019:
(A) New budget authority, $21,564,000,000.
(B) Outlays, $19,898,000,000.
Fiscal year 2020:
(A) New budget authority, $20,372,000,000.
(B) Outlays, $18,450,000,000.
Fiscal year 2021:
(A) New budget authority, $19,284,000,000.
(B) Outlays, $18,540,000,000.
Fiscal year 2022:
(A) New budget authority, $18,743,000,000.
(B) Outlays, $18,135,000,000.
Fiscal year 2023:
(A) New budget authority, $18,894,000,000.
(B) Outlays, $18,354,000,000.
Fiscal year 2024:
(A) New budget authority, $19,311,000,000.
(B) Outlays, $18,638,000,000.
Fiscal year 2025:
(A) New budget authority, $19,881,000,000.
(B) Outlays, $19,112,000,000.
Fiscal year 2026:
(A) New budget authority, $20,173,000,000.
(B) Outlays, $19,439,000,000.
Fiscal year 2027:
(A) New budget authority, $20,280,000,000.
(B) Outlays, $19,542,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2018:
(A) New budget authority, $9,379,000,000.
(B) Outlays, −$4,060,000,000.
Fiscal year 2019:
(A) New budget authority, $12,090,000,000.
(B) Outlays, $2,554,000,000.
Fiscal year 2020:
(A) New budget authority, $7,997,000,000.
(B) Outlays, −$646,000,000.
Fiscal year 2021:
(A) New budget authority, $5,359,000,000.
(B) Outlays, −$2,364,000,000.
Fiscal year 2022:
(A) New budget authority, $7,393,000,000.
(B) Outlays, −$2,715,000,000.

Fiscal year 2023:
(A) New budget authority, −$3,254,000,000.
(B) Outlays, −$14,163,000,000.
Fiscal year 2024:
(A) New budget authority, −$4,648,000,000.
(B) Outlays, −$16,202,000,000.
Fiscal year 2025:
(A) New budget authority, −$4,817,000,000.
(B) Outlays, −$17,747,000,000.
Fiscal year 2026:
(A) New budget authority, −$6,228,000,000.
(B) Outlays, −$19,133,000,000.
Fiscal year 2027:
(A) New budget authority, −$6,816,000,000.
(B) Outlays, −$19,990,000,000.

(8) Transportation (400):
Fiscal year 2018:
(A) New budget authority, $89,125,000,000.
(B) Outlays, $92,875,000,000.
Fiscal year 2019:
(A) New budget authority, $90,538,000,000.
(B) Outlays, $92,393,000,000.
Fiscal year 2020:
(A) New budget authority, $84,687,000,000.
(B) Outlays, $93,064,000,000.
Fiscal year 2021:
(A) New budget authority, $40,062,000,000.
(B) Outlays, $81,597,000,000.
Fiscal year 2022:
(A) New budget authority, $71,003,000,000.
(B) Outlays, $69,791,000,000.
Fiscal year 2023:
(A) New budget authority, $71,930,000,000.
(B) Outlays, $74,521,000,000.
Fiscal year 2024:
(A) New budget authority, $73,370,000,000.
(B) Outlays, $76,450,000,000.
Fiscal year 2025:
(A) New budget authority, $74,843,000,000.
(B) Outlays, $76,523,000,000.
Fiscal year 2026:
(A) New budget authority, $76,345,000,000.
(B) Outlays, $76,895,000,000.
Fiscal year 2027:
(A) New budget authority, $77,831,000,000.
(B) Outlays, $78,001,000,000.

(9) Community and Regional Development (450):
Fiscal year 2018:
(A) New budget authority, $19,018,000,000.
(B) Outlays, $21,697,000,000.
Fiscal year 2019:
(A) New budget authority, $19,281,000,000.
(B) Outlays, $20,600,000,000.
Fiscal year 2020:
(A) New budget authority, $19,435,000,000.
(B) Outlays, $19,518,000,000.
Fiscal year 2021:

(A) New budget authority, $19,690,000,000.
(B) Outlays, $18,867,000,000.
Fiscal year 2022:
(A) New budget authority, $19,778,000,000.
(B) Outlays, $18,506,000,000.
Fiscal year 2023:
(A) New budget authority, $20,061,000,000.
(B) Outlays, $18,041,000,000.
Fiscal year 2024:
(A) New budget authority, $20,347,000,000.
(B) Outlays, $18,277,000,000.
Fiscal year 2025:
(A) New budget authority, $20,669,000,000.
(B) Outlays, $18,831,000,000.
Fiscal year 2026:
(A) New budget authority, $20,985,000,000.
(B) Outlays, $19,353,000,000.
Fiscal year 2027:
(A) New budget authority, $21,304,000,000.
(B) Outlays, $19,932,000,000.

(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2018:
(A) New budget authority, $90,224,000,000.
(B) Outlays, $99,348,000,000.
Fiscal year 2019:
(A) New budget authority, $100,086,000,000.
(B) Outlays, $98,799,000,000.
Fiscal year 2020:
(A) New budget authority, $101,018,000,000.
(B) Outlays, $101,064,000,000.
Fiscal year 2021:
(A) New budget authority, $102,034,000,000.
(B) Outlays, $102,218,000,000.
Fiscal year 2022:
(A) New budget authority, $102,700,000,000.
(B) Outlays, $103,178,000,000.
Fiscal year 2023:
(A) New budget authority, $102,725,000,000.
(B) Outlays, $103,653,000,000.
Fiscal year 2024:
(A) New budget authority, $103,012,000,000.
(B) Outlays, $103,960,000,000.
Fiscal year 2025:
(A) New budget authority, $103,798,000,000.
(B) Outlays, $104,747,000,000.
Fiscal year 2026:
(A) New budget authority, $104,942,000,000.
(B) Outlays, $105,921,000,000.
Fiscal year 2027:
(A) New budget authority, $106,473,000,000.
(B) Outlays, $107,433,000,000.

(11) Health (550):
Fiscal year 2018:
(A) New budget authority, $546,598,000,000.
(B) Outlays, $558,311,000,000.
Fiscal year 2019:

(A) New budget authority, $560,622,000,000.
(B) Outlays, $563,293,000,000.
Fiscal year 2020:
(A) New budget authority, $578,838,000,000.
(B) Outlays, $570,311,000,000.
Fiscal year 2021:
(A) New budget authority, $574,616,000,000.
(B) Outlays, $575,040,000,000.
Fiscal year 2022:
(A) New budget authority, $586,530,000,000.
(B) Outlays, $583,769,000,000.
Fiscal year 2023:
(A) New budget authority, $601,742,000,000.
(B) Outlays, $599,099,000,000.
Fiscal year 2024:
(A) New budget authority, $605,811,000,000.
(B) Outlays, $603,443,000,000.
Fiscal year 2025:
(A) New budget authority, $617,220,000,000.
(B) Outlays, $614,728,000,000.
Fiscal year 2026:
(A) New budget authority, $633,890,000,000.
(B) Outlays, $630,824,000,000.
Fiscal year 2027:
(A) New budget authority, $652,230,000,000.
(B) Outlays, $653,552,000,000.

(12) Medicare (570):
Fiscal year 2018:
(A) New budget authority, $586,239,000,000.
(B) Outlays, $585,962,000,000.
Fiscal year 2019:
(A) New budget authority, $643,592,000,000.
(B) Outlays, $643,374,000,000.
Fiscal year 2020:
(A) New budget authority, $687,119,000,000.
(B) Outlays, $686,926,000,000.
Fiscal year 2021:
(A) New budget authority, $734,446,000,000.
(B) Outlays, $734,241,000,000.
Fiscal year 2022:
(A) New budget authority, $819,300,000,000.
(B) Outlays, $819,073,000,000.
Fiscal year 2023:
(A) New budget authority, $833,885,000,000.
(B) Outlays, $833,669,000,000.
Fiscal year 2024:
(A) New budget authority, $845,578,000,000.
(B) Outlays, $845,355,000,000.
Fiscal year 2025:
(A) New budget authority, $934,429,000,000.
(B) Outlays, $934,186,000,000.
Fiscal year 2026:
(A) New budget authority, $1,002,522,000,000.
(B) Outlays, $1,002,272,000,000.
Fiscal year 2027:
(A) New budget authority, $1,066,566,000,000.
(B) Outlays, $1,066,321,000,000.

(13) Income Security (600):
Fiscal year 2018:
(A) New budget authority, $491,978,000,000.
(B) Outlays, $477,537,000,000.
Fiscal year 2019:
(A) New budget authority, $490,106,000,000.
(B) Outlays, $479,627,000,000.
Fiscal year 2020:
(A) New budget authority, $493,118,000,000.
(B) Outlays, $482,945,000,000.
Fiscal year 2021:
(A) New budget authority, $494,706,000,000.
(B) Outlays, $485,536,000,000.
Fiscal year 2022:
(A) New budget authority, $497,021,000,000.
(B) Outlays, $494,507,000,000.
Fiscal year 2023:
(A) New budget authority, $506,711,000,000.
(B) Outlays, $499,405,000,000.
Fiscal year 2024:
(A) New budget authority, $515,692,000,000.
(B) Outlays, $502,742,000,000.
Fiscal year 2025:
(A) New budget authority, $531,668,000,000.
(B) Outlays, $520,169,000,000.
Fiscal year 2026:
(A) New budget authority, $544,483,000,000.
(B) Outlays, $538,620,000,000.
Fiscal year 2027:
(A) New budget authority, $557,641,000,000.
(B) Outlays, $548,723,000,000.
(14) Social Security (650):
Fiscal year 2018:
(A) New budget authority, $39,683,000,000.
(B) Outlays, $39,683,000,000.
Fiscal year 2019:
(A) New budget authority, $43,091,000,000.
(B) Outlays, $43,091,000,000.
Fiscal year 2020:
(A) New budget authority, $46,182,000,000.
(B) Outlays, $46,182,000,000.
Fiscal year 2021:
(A) New budget authority, $49,460,000,000.
(B) Outlays, $49,460,000,000.
Fiscal year 2022:
(A) New budget authority, $52,915,000,000.
(B) Outlays, $52,915,000,000.
Fiscal year 2023:
(A) New budget authority, $56,734,000,000.
(B) Outlays, $56,734,000,000.
Fiscal year 2024:
(A) New budget authority, $60,953,000,000.
(B) Outlays, $60,953,000,000.
Fiscal year 2025:
(A) New budget authority, $65,424,000,000.
(B) Outlays, $65,424,000,000.
Fiscal year 2026:

(A) New budget authority, $69,757,000,000.
(B) Outlays, $69,757,000,000.
Fiscal year 2027:
(A) New budget authority, $74,173,000,000.
(B) Outlays, $74,173,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2018:
(A) New budget authority, $176,446,000,000.
(B) Outlays, $177,393,000,000.
Fiscal year 2019:
(A) New budget authority, $191,376,000,000.
(B) Outlays, $189,441,000,000.
Fiscal year 2020:
(A) New budget authority, $198,336,000,000.
(B) Outlays, $196,338,000,000.
Fiscal year 2021:
(A) New budget authority, $205,001,000,000.
(B) Outlays, $202,930,000,000.
Fiscal year 2022:
(A) New budget authority, $221,481,000,000.
(B) Outlays, $219,320,000,000.
Fiscal year 2023:
(A) New budget authority, $219,424,000,000.
(B) Outlays, $216,903,000,000.
Fiscal year 2024:
(A) New budget authority, $216,519,000,000.
(B) Outlays, $214,343,000,000.
Fiscal year 2025:
(A) New budget authority, $234,741,000,000.
(B) Outlays, $232,535,000,000.
Fiscal year 2026:
(A) New budget authority, $242,559,000,000.
(B) Outlays, $240,210,000,000.
Fiscal year 2027:
(A) New budget authority, $251,142,000,000.
(B) Outlays, $248,884,000,000.
(16) Administration of Justice (750):
Fiscal year 2018:
(A) New budget authority, $65,038,000,000.
(B) Outlays, $61,006,000,000.
Fiscal year 2019:
(A) New budget authority, $64,244,000,000.
(B) Outlays, $64,504,000,000.
Fiscal year 2020:
(A) New budget authority, $64,377,000,000.
(B) Outlays, $66,523,000,000.
Fiscal year 2021:
(A) New budget authority, $65,866,000,000.
(B) Outlays, $69,272,000,000.
Fiscal year 2022:
(A) New budget authority, $67,069,000,000.
(B) Outlays, $69,488,000,000.
Fiscal year 2023:
(A) New budget authority, $68,813,000,000.
(B) Outlays, $69,657,000,000.
Fiscal year 2024:
(A) New budget authority, $70,592,000,000.

(B) Outlays, $70,232,000,000.
Fiscal year 2025:
(A) New budget authority, $72,432,000,000.
(B) Outlays, $71,865,000,000.
Fiscal year 2026:
(A) New budget authority, $74,233,000,000.
(B) Outlays, $73,500,000,000.
Fiscal year 2027:
(A) New budget authority, $76,093,000,000.
(B) Outlays, $75,382,000,000.
(17) General Government (800):
Fiscal year 2018:
(A) New budget authority, $24,675,000,000.
(B) Outlays, $24,889,000,000.
Fiscal year 2019:
(A) New budget authority, $25,518,000,000.
(B) Outlays, $25,642,000,000.
Fiscal year 2020:
(A) New budget authority, $25,989,000,000.
(B) Outlays, $25,994,000,000.
Fiscal year 2021:
(A) New budget authority, $26,649,000,000.
(B) Outlays, $26,358,000,000.
Fiscal year 2022:
(A) New budget authority, $27,311,000,000.
(B) Outlays, $26,973,000,000.
Fiscal year 2023:
(A) New budget authority, $27,972,000,000.
(B) Outlays, $27,608,000,000.
Fiscal year 2024:
(A) New budget authority, $28,485,000,000.
(B) Outlays, $28,134,000,000.
Fiscal year 2025:
(A) New budget authority, $29,255,000,000.
(B) Outlays, $28,830,000,000.
Fiscal year 2026:
(A) New budget authority, $30,052,000,000.
(B) Outlays, $29,610,000,000.
Fiscal year 2027:
(A) New budget authority, $30,827,000,000.
(B) Outlays, $30,382,000,000.
(18) Net Interest (900):
Fiscal year 2018:
(A) New budget authority, $388,767,000,000.
(B) Outlays, $388,767,000,000.
Fiscal year 2019:
(A) New budget authority, $441,158,000,000.
(B) Outlays, $441,158,000,000.
Fiscal year 2020:
(A) New budget authority, $497,893,000,000.
(B) Outlays, $497,893,000,000.
Fiscal year 2021:
(A) New budget authority, $546,206,000,000.
(B) Outlays, $546,206,000,000.
Fiscal year 2022:
(A) New budget authority, $589,086,000,000.
(B) Outlays, $589,086,000,000.

Fiscal year 2023:
(A) New budget authority, $630,179,000,000.
(B) Outlays, $630,179,000,000.
Fiscal year 2024:
(A) New budget authority, $664,060,000,000.
(B) Outlays, $664,060,000,000.
Fiscal year 2025:
(A) New budget authority, $691,250,000,000.
(B) Outlays, $691,250,000,000.
Fiscal year 2026:
(A) New budget authority, $716,494,000,000.
(B) Outlays, $716,494,000,000.
Fiscal year 2027:
(A) New budget authority, $736,146,000,000.
(B) Outlays, $736,146,000,000.

(19) Allowances (920):
Fiscal year 2018:
(A) New budget authority, −$68,576,000,000.
(B) Outlays, −$51,055,000,000.
Fiscal year 2019:
(A) New budget authority, −$133,357,000,000.
(B) Outlays, −$96,088,000,000.
Fiscal year 2020:
(A) New budget authority, −$145,919,000,000.
(B) Outlays, −$130,658,000,000.
Fiscal year 2021:
(A) New budget authority, −$176,695,000,000.
(B) Outlays, −$166,918,000,000.
Fiscal year 2022:
(A) New budget authority, −$218,460,000,000.
(B) Outlays, −$209,169,000,000.
Fiscal year 2023:
(A) New budget authority, −$247,892,000,000.
(B) Outlays, −$238,885,000,000.
Fiscal year 2024:
(A) New budget authority, −$276,275,000,000.
(B) Outlays, −$266,915,000,000.
Fiscal year 2025:
(A) New budget authority, −$307,701,000,000.
(B) Outlays, −$297,489,000,000.
Fiscal year 2026:
(A) New budget authority, −$366,270,000,000.
(B) Outlays, −$356,035,000,000.
Fiscal year 2027:
(A) New budget authority, −$415,402,000,000.
(B) Outlays, −$404,286,000,000.

(20) Undistributed Offsetting Receipts (950):
Fiscal year 2018:
(A) New budget authority, −$95,229,000,000.
(B) Outlays, −$95,229,000,000.
Fiscal year 2019:
(A) New budget authority, −$93,401,000,000.
(B) Outlays, −$93,401,000,000.
Fiscal year 2020:
(A) New budget authority, −$95,479,000,000.
(B) Outlays, −$95,479,000,000.
Fiscal year 2021:

(A) New budget authority, −$98,956,000,000.
(B) Outlays, −$98,956,000,000.
Fiscal year 2022:
(A) New budget authority, −$101,293,000,000.
(B) Outlays, −$101,293,000,000.
Fiscal year 2023:
(A) New budget authority, −$102,309,000,000.
(B) Outlays, −$102,309,000,000.
Fiscal year 2024:
(A) New budget authority, −$111,119,000,000.
(B) Outlays, −$111,119,000,000.
Fiscal year 2025:
(A) New budget authority, −$124,766,000,000.
(B) Outlays, −$124,766,000,000.
Fiscal year 2026:
(A) New budget authority, −$128,332,000,000.
(B) Outlays, −$128,332,000,000.
Fiscal year 2027:
(A) New budget authority, −$141,303,000,000.
(B) Outlays, −$141,303,000,000.

(21) Overseas Contingency Operations (970):
Fiscal year 2018:
(A) New budget authority, $76,591,000,000.
(B) Outlays, $43,121,000,000.
Fiscal year 2019:
(A) New budget authority, $50,000,000,000.
(B) Outlays, $48,676,000,000.
Fiscal year 2020:
(A) New budget authority, $25,000,000,000.
(B) Outlays, $34,675,000,000.
Fiscal year 2021:
(A) New budget authority, $12,000,000,000.
(B) Outlays, $20,684,000,000.
Fiscal year 2022:
(A) New budget authority, $0.
(B) Outlays, $8,901,000,000.
Fiscal year 2023:
(A) New budget authority, $0.
(B) Outlays, $3,053,000,000.
Fiscal year 2024:
(A) New budget authority, $0.
(B) Outlays, $946,000,000.
Fiscal year 2025:
(A) New budget authority, $0.
(B) Outlays, $264,000,000.
Fiscal year 2026:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2027:
(A) New budget authority, $0.
(B) Outlays, $0.

Subtitle B—Levels and Amounts in the Senate

SEC. 1201. SOCIAL SECURITY IN THE SENATE.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974 (2 U.S.C. 633 and 642), the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2018: $873,312,000,000.
Fiscal year 2019: $903,381,000,000.
Fiscal year 2020: $932,055,000,000.
Fiscal year 2021: $962,698,000,000.
Fiscal year 2022: $996,127,000,000.
Fiscal year 2023: $1,031,653,000,000.
Fiscal year 2024: $1,068,529,000,000.
Fiscal year 2025: $1,106,862,000,000.
Fiscal year 2026: $1,146,803,000,000.
Fiscal year 2027: $1,188,060,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974 (2 U.S.C. 633 and 642), the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2018: $849,609,000,000.
Fiscal year 2019: $909,109,000,000.
Fiscal year 2020: $972,776,000,000.
Fiscal year 2021: $1,040,108,000,000.
Fiscal year 2022: $1,111,446,000,000.
Fiscal year 2023: $1,188,081,000,000.
Fiscal year 2024: $1,266,786,000,000.
Fiscal year 2025: $1,349,334,000,000.
Fiscal year 2026: $1,437,032,000,000.
Fiscal year 2027: $1,530,362,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2018:
(A) New budget authority, $5,553,000,000.
(B) Outlays, $5,584,000,000.
Fiscal year 2019:
(A) New budget authority, $5,716,000,000.
(B) Outlays, $5,713,000,000.
Fiscal year 2020:
(A) New budget authority, $5,888,000,000.
(B) Outlays, $5,856,000,000.
Fiscal year 2021:
(A) New budget authority, $6,062,000,000.
(B) Outlays, $6,029,000,000.
Fiscal year 2022:
(A) New budget authority, $6,241,000,000.
(B) Outlays, $6,207,000,000.
Fiscal year 2023:
(A) New budget authority, $6,426,000,000.

(B) Outlays, $6,392,000,000.
Fiscal year 2024:
(A) New budget authority, $6,617,000,000.
(B) Outlays, $6,581,000,000.
Fiscal year 2025:
(A) New budget authority, $6,816,000,000.
(B) Outlays, $6,779,000,000.
Fiscal year 2026:
(A) New budget authority, $7,024,000,000.
(B) Outlays, $6,985,000,000.
Fiscal year 2027:
(A) New budget authority, $7,233,000,000.
(B) Outlays, $7,194,000,000.

SEC. 1202. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES IN THE SENATE.

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:
Fiscal year 2018:
(A) New budget authority, $281,000,000.
(B) Outlays, $281,000,000.
Fiscal year 2019:
(A) New budget authority, $290,000,000.
(B) Outlays, $290,000,000.
Fiscal year 2020:
(A) New budget authority, $301,000,000.
(B) Outlays, $301,000,000.
Fiscal year 2021:
(A) New budget authority, $311,000,000.
(B) Outlays, $311,000,000.
Fiscal year 2022:
(A) New budget authority, $322,000,000.
(B) Outlays, $322,000,000.
Fiscal year 2023:
(A) New budget authority, $333,000,000.
(B) Outlays, $333,000,000.
Fiscal year 2024:
(A) New budget authority, $344,000,000.
(B) Outlays, $343,000,000.
Fiscal year 2025:
(A) New budget authority, $356,000,000.
(B) Outlays, $355,000,000.
Fiscal year 2026:
(A) New budget authority, $369,000,000.
(B) Outlays, $368,000,000.
Fiscal year 2027:
(A) New budget authority, $380,000,000.
(B) Outlays, $379,000,000.

TITLE II—RECONCILIATION

SEC. 2001. RECONCILIATION IN THE SENATE.

(a) COMMITTEE ON FINANCE.—The Committee on Finance of the Senate shall report changes in laws within its jurisdiction that

increase the deficit by not more than $1,500,000,000,000 for the period of fiscal years 2018 through 2027.

(b) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—The Committee on Energy and Natural Resources of the Senate shall report changes in laws within its jurisdiction to reduce the deficit by not less than $1,000,000,000 for the period of fiscal years 2018 through 2027.

(c) SUBMISSIONS.—In the Senate, not later than November 13, 2017, the Committees named in subsections (a) and (b) shall submit their recommendations to the Committee on the Budget of the Senate. Upon receiving such recommendations, the Committee on the Budget of the Senate shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

SEC. 2002. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) COMMITTEE ON WAYS AND MEANS.—The Committee on Ways and Means of the House of Representatives shall submit changes in laws within its jurisdiction that increase the deficit by not more than $1,500,000,000,000 for the period of fiscal years 2018 through 2027.

(b) COMMITTEE ON NATURAL RESOURCES.—The Committee on Natural Resources of the House of Representatives shall submit changes in laws within its jurisdiction to reduce the deficit by not less than $1,000,000,000 for the period of fiscal years 2018 through 2027.

(c) SUBMISSIONS.—In the House of Representatives, not later than November 13, 2017, the committees named in subsections (a) and (b) shall submit their recommendations to the Committee on the Budget of the House of Representatives to carry out this section.

TITLE III—RESERVE FUNDS

SEC. 3001. DEFICIT-NEUTRAL RESERVE FUND TO PROTECT FLEXIBLE AND AFFORDABLE HEALTH CARE FOR ALL.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to repealing or replacing the Patient Protection and Affordable Care Act (Public Law 111–148; 124 Stat. 119) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152; 124 Stat. 1029), by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2018 through 2027.

SEC. 3002. REVENUE-NEUTRAL RESERVE FUND TO REFORM THE AMERICAN TAX SYSTEM.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to reforming the Internal Revenue Code of 1986, which may include—

(1) tax relief for middle-income working Americans;
(2) lowering taxes on families with children; or
(3) incentivizing companies to invest domestically and create jobs in the United States,

by the amounts provided in such legislation for those purposes, provided that such legislation is revenue neutral and would not increase the deficit over the period of the total of fiscal years 2018 through 2027.

SEC. 3003. RESERVE FUND FOR RECONCILIATION LEGISLATION.

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for any bill or joint resolution considered pursuant to section 2001 containing the recommendations of one or more committees, or for one or more amendments to, a conference report on, or an amendment between the Houses in relation to such a bill or joint resolution, by the amounts necessary to accommodate the budgetary effects of the legislation, if the budgetary effects of the legislation comply with the reconciliation instructions under this concurrent resolution.

(b) DETERMINATION OF COMPLIANCE.—For purposes of this section, compliance with the reconciliation instructions under this concurrent resolution shall be determined by the Chairman of the Committee on the Budget of the Senate.

(c) EXCEPTION FOR LEGISLATION.—Section 404(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, shall not apply to legislation for which the Chairman of the Committee on the Budget of the Senate has exercised the authority under subsection (a).

SEC. 3004. DEFICIT-NEUTRAL RESERVE FUND FOR EXTENDING THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to an extension of the State Children's Health Insurance Program, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3005. DEFICIT-NEUTRAL RESERVE FUND TO STRENGTHEN AMERICAN FAMILIES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to—

(1) addressing the opioid and substance abuse crisis;
(2) protecting and assisting victims of domestic abuse;
(3) foster care, child care, marriage, and fatherhood programs;
(4) making it easier to save for retirement;

(5) reforming the American public housing system;

(6) the Community Development Block Grant Program; or

(7) extending expiring health care provisions,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3006. DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE INNOVATIVE EDUCATIONAL AND NUTRITIONAL MODELS AND SYSTEMS FOR AMERICAN STUDENTS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to—

(1) amending the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

(2) ensuring State flexibility in education;

(3) enhancing outcomes with Federal workforce development, job training, and reemployment programs;

(4) the consolidation and streamlining of overlapping early learning and child care programs;

(5) educational programs for individuals with disabilities; or

(6) child nutrition programs,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3007. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE THE AMERICAN BANKING SYSTEM.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the American banking system by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3008. DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE AMERICAN AGRICULTURE, ENERGY, TRANSPORTATION, AND INFRASTRUCTURE IMPROVEMENTS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to—

(1) the Farm Bill;

(2) American energy policies;

(3) the Nuclear Regulatory Commission;

(4) North American energy development;
(5) infrastructure, transportation, and water development;
(6) the Federal Aviation Administration;
(7) the National Flood Insurance Program;
(8) State mineral royalty revenues; or
(9) soda ash royalties,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3009. DEFICIT-NEUTRAL RESERVE FUND TO RESTORE AMERICAN MILITARY POWER.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to—

(1) improving military readiness, including deferred Facilities Sustainment Restoration and Modernization;
(2) military technological superiority;
(3) structural defense reforms; or
(4) strengthening cybersecurity efforts,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3010. DEFICIT-NEUTRAL RESERVE FUND FOR VETERANS AND SERVICE MEMBERS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to improving the delivery of benefits and services to veterans and service members by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3011. DEFICIT-NEUTRAL RESERVE FUND FOR PUBLIC LANDS AND THE ENVIRONMENT.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to—

(1) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);
(2) forest health and wildfire prevention and control;
(3) resources for wildland firefighting for the Forest Service and Department of Interior;
(4) the payments in lieu of taxes program; or

(5) the secure rural schools and community self-determination program,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3012. DEFICIT-NEUTRAL RESERVE FUND TO SECURE THE AMERICAN BORDER.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to—

(1) securing the border of the United States;

(2) ending human trafficking; or

(3) stopping the transportation of narcotics into the United States,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3013. DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE ECONOMIC GROWTH, THE PRIVATE SECTOR, AND TO ENHANCE JOB CREATION.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to—

(1) reducing costs to businesses and individuals stemming from Federal regulations;

(2) increasing commerce and economic growth; or

(3) enhancing job creation,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3014. DEFICIT-NEUTRAL RESERVE FUND FOR LEGISLATION MODIFYING STATUTORY BUDGETARY CONTROLS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to modifying statutory budget controls, which may include adjustments to the discretionary spending limits and changes to the scope of sequestration as carried out by the Office of Management and Budget, such as for the Financial Accounting Standards Board, Public Company Accounting Oversight Board, Securities Investor Protection Corporation, and other similar entities, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase

the deficit over the period of the total of fiscal years 2018 through 2027.

SEC. 3015. DEFICIT-NEUTRAL RESERVE FUND TO PREVENT THE TAXPAYER BAILOUT OF PENSION PLANS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the prevention of taxpayer bailout of pension plans, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3016. DEFICIT-NEUTRAL RESERVE FUND RELATING TO IMPLEMENTING WORK REQUIREMENTS IN ALL MEANS-TESTED FEDERAL WELFARE PROGRAMS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to implementing work requirements in all means-tested Federal welfare programs by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3017. DEFICIT-NEUTRAL RESERVE FUND TO PROTECT MEDICARE AND REPEAL THE INDEPENDENT PAYMENT ADVISORY BOARD.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to protecting the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), which may include repealing the Independent Payment Advisory Board established under section 1899A of such Act (42 U.S.C. 1395kkk), by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3018. DEFICIT-NEUTRAL RESERVE FUND RELATING TO AFFORDABLE CHILD AND DEPENDENT CARE.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to making the cost of child

and dependent care more affordable and useful for American families by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3019. DEFICIT-NEUTRAL RESERVE FUND RELATING TO WORKER TRAINING PROGRAMS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to worker training programs, such as training programs that target workers that need advanced skills to progress in their current profession or apprenticeship or certificate programs that provide retraining for a new industry, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3020. RESERVE FUND FOR LEGISLATION TO PROVIDE DISASTER FUNDS FOR RELIEF AND RECOVERY EFFORTS TO AREAS DEVASTATED BY HURRICANES AND FLOODING IN 2017.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to providing disaster funds for relief and recovery to areas devastated by hurricanes and flooding in 2017, by the amounts necessary to accommodate the budgetary effects of the legislation.

SEC. 3021. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROTECTING MEDICARE AND MEDICAID.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to protecting the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), which may include strengthening and improving Medicaid for the most vulnerable populations, and extending the life of the Federal Hospital Insurance Trust Fund by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3022. DEFICIT-NEUTRAL RESERVE FUND RELATING TO THE PROVISION OF TAX RELIEF FOR FAMILIES WITH CHILDREN.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates,

and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to changes in Federal tax laws, which may include lowering taxes on families with children, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2018 through 2027.

SEC. 3023. DEFICIT-NEUTRAL RESERVE FUND RELATING TO THE PROVISION OF TAX RELIEF FOR SMALL BUSINESSES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to changes in Federal tax laws, which may include the provision of tax relief for small businesses, along with provisions to prevent upper-income taxpayers from sheltering income from taxation at the appropriate rate, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2018 through 2027.

SEC. 3024. DEFICIT-NEUTRAL RESERVE FUND RELATING TO TAX RELIEF FOR HARD-WORKING MIDDLE-CLASS AMERICANS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to changes in Federal tax laws, which may include reducing federal deductions, such as the state and local tax deduction which disproportionally favors high-income individuals, to ensure relief for middle-income taxpayers, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2027.

SEC. 3025. DEFICIT-NEUTRAL RESERVE FUND RELATING TO MAKING THE AMERICAN TAX SYSTEM SIMPLER AND FAIRER FOR ALL AMERICANS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to changes in Federal tax laws, which may include provisions to make the American tax system simpler and fairer for all Americans, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2018 through 2027.

SEC. 3026. DEFICIT-NEUTRAL RESERVE FUND RELATING TO TAX CUTS FOR WORKING AMERICAN FAMILIES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to increasing per-child Federal tax relief, which may include amending the child tax credit, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3027. DEFICIT-NEUTRAL RESERVE FUND RELATING TO THE PROVISION OF INCENTIVES FOR BUSINESSES TO INVEST IN AMERICA AND CREATE JOBS IN AMERICA.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to changes in Federal tax laws, which may include international tax provisions that provide or enhance incentives for businesses to invest in America, generate American jobs, retain American jobs, and return jobs to America, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3028. DEFICIT-NEUTRAL RESERVE FUND RELATING TO ELIMINATING TAX BREAKS FOR COMPANIES THAT SHIP JOBS TO FOREIGN COUNTRIES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to eliminating tax breaks for companies that outsource jobs to foreign countries, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3029. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROVIDING FULL, PERMANENT, AND MANDATORY FUNDING FOR THE PAYMENT IN LIEU OF TAXES PROGRAM.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to providing full, permanent, and mandatory funding for the payment in lieu of taxes program by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over

either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3030. DEFICIT-NEUTRAL RESERVE FUND RELATING TO TAX REFORM WHICH MAINTAINS THE PROGRESSIVITY OF THE TAX SYSTEM.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to changes in Federal tax laws, which may include tax reform proposals to ensure that the reformed tax code parallels the existing tax code with respect to relative burdens and does not shift the tax burden from high-income to lower- and middle-income taxpayers, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2018 through 2027.

SEC. 3031. DEFICIT-NEUTRAL RESERVE FUND RELATING TO SIGNIFICANTLY IMPROVING THE BUDGET PROCESS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to significantly improving the budget process by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

TITLE IV—BUDGET PROCESS

Subtitle A—Budget Enforcement

SEC. 4101. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS IN THE SENATE.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would provide an advance appropriation for a discretionary account.

(2) DEFINITION.—In this section, the term "advance appropriation" means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2018 that first becomes available for any fiscal year after 2018, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2019, that first becomes available for any fiscal year after 2019.

(b) EXCEPTIONS.—Advance appropriations may be provided—

(1) for fiscal years 2019 and 2020 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this concurrent resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $28,852,000,000 in new budget authority in each fiscal year;

(2) for the Corporation for Public Broadcasting; and

(3) for the Department of Veterans Affairs for the Medical Services, Medical Support and Compliance, Veterans Medical Community Care, and Medical Facilities accounts of the Veterans Health Administration.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974 (2 U.S.C. 644(e)).

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or joint resolution, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report or House amendment shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

SEC. 4102. POINT OF ORDER AGAINST CERTAIN CHANGES IN MANDATORY PROGRAMS.

(a) DEFINITION.—In this section, the term "CHIMP" means a provision that—

(1) would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) (as in effect prior to September 30, 2002) if the provision was included in legislation other than appropriation Acts; and

(2) results in a net decrease in budget authority in the budget year, but does not result in a net decrease in outlays over the period of the total of the current year, the budget year, and all fiscal years covered under the most recently adopted concurrent resolution on the budget.

(b) POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider a bill or joint resolution making appropriations for a full fiscal year, or an amendment thereto, amendment

between the Houses in relation thereto, conference report thereon, or motion thereon, that includes a CHIMP that, if enacted, would cause the absolute value of the total budget authority of all such CHIMPs enacted in relation to a full fiscal year to be more than the amount specified in paragraph (2).

(2) AMOUNT.—The amount specified in this paragraph is—

(A) for fiscal year 2018, $17,000,000,000;

(B) for fiscal year 2019, $15,000,000,000; and

(C) for fiscal year 2020, $15,000,000,000.

(c) DETERMINATION.—For purposes of this section, budgetary levels shall be determined on the basis of estimates provided by the Chairman of the Committee on the Budget of the Senate.

(d) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—In the Senate, subsection (b) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (b).

(e) SENATE POINT OF ORDER AGAINST PROVISIONS OF APPROPRIATIONS LEGISLATION THAT CONSTITUTE CHANGES IN MANDATORY PROGRAMS WITH NET COSTS.—

(1) IN GENERAL.—Section 3103 of S. Con. Res. 11 (114th Congress), the concurrent resolution on the budget for fiscal year 2016, is repealed.

(2) APPLICABILITY.—In the Senate, section 314 of S. Con. Res. 70 (110th Congress), the concurrent resolution on the budget for fiscal year 2009, shall be applied and administered as if section 3103(e) of S. Con. Res. 11 (114th Congress), the concurrent resolution on the budget for fiscal year 2016, had not been enacted.

SEC. 4103. POINT OF ORDER AGAINST PROVISIONS THAT CONSTITUTE CHANGES IN MANDATORY PROGRAMS AFFECTING THE CRIME VICTIMS FUND.

(a) DEFINITION.—In this section—

(1) the term "CHIMP" has the meaning given such term in section 4102(a); and

(2) the term "Crime Victims Fund" means the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (34 U.S.C. 20101).

(b) POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—When the Senate is considering a bill or joint resolution making full-year appropriations for fiscal year 2018, or an amendment thereto, amendment between the Houses in relation thereto, conference report thereon, or motion thereon, if a point of order is made by a Senator against a provision containing a CHIMP affecting the Crime Victims Fund that, if enacted, would cause the absolute value of the total budget authority of all CHIMPs affecting the Crime Victims Fund in relation to fiscal year 2018 to be more than $11,224,000,000, and the point of order is sustained by the Chair, that provision shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in

section 313(e) of the Congressional Budget Act of 1974 (2 U.S.C. 644(e)).

(3) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or joint resolution, upon a point of order being made by any Senator pursuant to paragraph (1), and such point of order being sustained, such material contained in such conference report or House amendment shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(4) SUPERMAJORITY WAIVER AND APPEAL.—In the Senate, this subsection may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of Members of the Senate, duly chosen and sworn shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(5) DETERMINATION.—For purposes of this subsection, budgetary levels shall be determined on the basis of estimates provided by the Chairman of the Committee on the Budget of the Senate.

(c) REVIEW OF PROCEDURES REGARDING CHIMPS.—The Committee on the Budget and the Committee on Appropriations of the Senate shall review existing budget enforcement procedures regarding CHIMPs included in appropriations legislation. These committees of jurisdiction should consult with other relevant committees of jurisdiction and other interested parties to review such procedures, including for Crime Victims Fund spending, and include any agreed upon recommendations in subsequent concurrent resolutions on the budget.

SEC. 4104. POINT OF ORDER AGAINST DESIGNATION OF FUNDS FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) POINT OF ORDER.—When the Senate is considering a bill, joint resolution, motion, amendment, amendment between the Houses, or conference report, if a point of order is made by a Senator against a provision that designates funds for fiscal year 2018 for overseas contingency operations, in accordance with section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)), and the point of order is sustained by the Chair, that provision shall be stricken from the measure and may not be offered as an amendment from the floor.

(b) FORM OF THE POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974 (2 U.S.C. 644(e)).

(c) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or joint resolution, upon a point of order being

made by any Senator pursuant to subsection (a), and such point of order being sustained, such material contained in such conference report or House amendment shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(d) SUPERMAJORITY WAIVER AND APPEAL.—In the Senate, this section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chose and sworn. An affirmative vote of three-fifths of Members of the Senate, duly chosen and sworn shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) SUSPENSION OF POINT OF ORDER.—This section shall not apply if a declaration of war by Congress is in effect.

SEC. 4105. POINT OF ORDER AGAINST RECONCILIATION AMENDMENTS WITH UNKNOWN BUDGETARY EFFECTS.

(a) IN GENERAL.—In the Senate, it shall not be in order to consider an amendment to or motion on a bill or joint resolution considered pursuant to section 2001 if the Chairman of the Committee on the Budget submits a written statement for the Congressional Record indicating that the Chairman, after consultation with the Ranking Member of the Committee on the Budget, is unable to determine the effect the amendment or motion would have on budget authority, outlays, direct spending, entitlement authority, revenues, deficits, or surpluses.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SEC. 4106. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any of the applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term "applicable time period" means any of—

(A) the period of the current fiscal year;

(B) the period of the budget year;

(C) the period of the current fiscal year, the budget year, and the ensuing 4 fiscal years following the budget year; or

(D) the period of the current fiscal year, the budget year, and the ensuing 9 fiscal years following the budget year.

(3) DIRECT SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term "direct spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(4) EXCLUSION.—For purposes of this subsection, the terms "direct spending legislation" and "revenue legislation" do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on November 5, 1990.

(5) BASELINE.—Estimates prepared pursuant to this subsection shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted in any bill pursuant to a reconciliation instruction since the beginning of that same calendar year shall never be made available on the pay-as-you-go ledger and shall be dedicated only for deficit reduction.

(b) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Senate Committee on the Budget.

(d) REPEAL.—In the Senate, section 201 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008, shall no longer apply.

SEC. 4107. HONEST ACCOUNTING: COST ESTIMATES FOR MAJOR LEGISLATION TO INCORPORATE MACROECONOMIC EFFECTS.

(a) CBO AND JCT ESTIMATES.—During the 115th Congress, any estimate provided by the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 (2 U.S.C. 653) or by the Joint Committee on Taxation to the Congressional Budget Office under section 201(f) of such Act (2 U.S.C. 601(f)) for major legislation considered in the Senate shall, to the greatest extent practicable, incorporate the budgetary effects of changes in economic output, employment, capital stock, and other macroeconomic variables resulting from such major legislation.

(b) CONTENTS.—Any estimate referred to in subsection (a) shall, to the extent practicable, include—

(1) a qualitative assessment of the budgetary effects (including macroeconomic variables described in subsection (a)) of the major legislation in the 20-fiscal year period beginning after the last fiscal year of the most recently agreed to concurrent resolution on the budget that sets forth budgetary levels required under section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632); and

(2) an identification of the critical assumptions and the source of data underlying that estimate.

(c) DISTRIBUTIONAL EFFECTS.—Any estimate referred to in subsection (a) shall, to the extent practicable, include the distributional effects across income categories resulting from major legislation.

(d) DEFINITIONS.—In this section:

(1) MAJOR LEGISLATION.—The term "major legislation" means a bill, joint resolution, conference report, amendment, amendment between the Houses, or treaty considered in the Senate—

(A) for which an estimate is required to be prepared pursuant to section 402 of the Congressional Budget Act of 1974 (2 U.S.C. 653) and that causes a gross budgetary effect (before incorporating macroeconomic effects and not including timing shifts) in a fiscal year in the period of years of the most recently agreed to concurrent resolution on the budget equal to or greater than—

(i) 0.25 percent of the current projected gross domestic product of the United States for that fiscal year; or

(ii) for a treaty, equal to or greater than $15,000,000,000 for that fiscal year; or

(B) designated as such by—

(i) the Chairman of the Committee on the Budget of the Senate for all direct spending and revenue legislation; or

(ii) the Senator who is Chairman or Vice Chairman of the Joint Committee on Taxation for revenue legislation.

(2) BUDGETARY EFFECTS.—The term "budgetary effects" means changes in revenues, direct spending outlays, and deficits.

(3) TIMING SHIFTS.—The term "timing shifts" means—

(A) provisions that cause a delay of the date on which outlays flowing from direct spending would otherwise occur from one fiscal year to the next fiscal year; or

(B) provisions that cause an acceleration of the date on which revenues would otherwise occur from one fiscal year to the prior fiscal year.

SEC. 4108. ADJUSTMENT AUTHORITY FOR AMENDMENTS TO STATUTORY CAPS.

During the 115th Congress, if a measure becomes law that amends the discretionary spending limits established under section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)), such as a measure increasing the limit for the revised security category for fiscal year 2018 to be $640,000,000,000, the Chairman of the Committee on the Budget of the Senate may adjust the allocation called for under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to the appropriate committee or committees of the Senate, and may adjust all other budgetary aggregates, allocations, levels, and limits contained in this resolution, as necessary, consistent with such measure.

SEC. 4109. ADJUSTMENT FOR WILDFIRE SUPPRESSION FUNDING IN THE SENATE.

During the 115th Congress, if a measure becomes law that amends the adjustments to discretionary spending limits established under section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) to provide for wildfire suppression funding, which may include criteria for making such an adjustment, the Chairman of the Committee on the Budget of the Senate may adjust the allocation called for in section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to the appropriate committee or committees of the Senate, and may adjust all other budgetary aggregates, allocations, levels, and limits contained in this concurrent resolution, as necessary, consistent with such measure.

SEC. 4110. ADJUSTMENT FOR IMPROVED OVERSIGHT OF SPENDING.

(a) ADJUSTMENTS OF DIRECT SPENDING LEVELS.—If a measure becomes law that decreases direct spending (budget authority and outlays flowing therefrom) for any fiscal year and provides for an authorization of appropriations for the same purpose, the Chairman of the Committee on the Budget of the Senate may decrease the allocation to the committee of the Senate with jurisdiction of the direct spending by an amount equal to the amount of the decrease in direct spending and may revise the aggregates and other appropriate levels in this resolution and make adjustments to the pay-as-you-go ledger in the amounts necessary to accommodate the decrease in direct spending.

(b) DETERMINATIONS.—For purposes of this section, the levels of budget authority and outlays shall be determined on the basis of estimates submitted by the Chairman of the Committee on the Budget of the Senate.

SEC. 4111. REPEAL OF CERTAIN LIMITATIONS.

Sections 3205 and 3206 of S. Con. Res. 11 (114th Congress), the concurrent resolution on the budget for fiscal year 2016, are repealed.

SEC. 4112. EMERGENCY LEGISLATION.

(a) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, amendment between the Houses, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974 (2 U.S.C. 633 and 642), section 4106 of this resolution, section 3101 of S. Con. Res. 11 (114th Congress), the concurrent resolution on the budget for fiscal year 2016, and sections 401 and 404 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010. Designated emergency provisions shall not count for the purpose of revising allocations, aggregates, or other levels pursuant to procedures established under section 301(b)(7) of the Congressional Budget Act of 1974 (2 U.S.C. 632(b)(7)) for deficit-neutral reserve funds and revising discretionary spending limits set pursuant to section 301 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (f).

(d) DEFINITIONS.—In this section, the terms "direct spending", "receipts", and "appropriations for discretionary accounts" mean any provision of a bill, joint resolution, amendment, motion, amendment between the Houses, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(e) POINT OF ORDER.—

(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, amendment between the Houses, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal

of the ruling of the Chair on a point of order raised under this subsection.

(3) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(4) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974 (2 U.S.C. 644(e)).

(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) CRITERIA.—

(1) IN GENERAL.—For purposes of this section, any provision is an emergency requirement if the situation addressed by such provision is—

(A) necessary, essential, or vital (not merely useful or beneficial);

(B) sudden, quickly coming into being, and not building up over time;

(C) an urgent, pressing, and compelling need requiring immediate action;

(D) subject to paragraph (2), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

(2) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(g) INAPPLICABILITY.—In the Senate, section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, shall no longer apply.

SEC. 4113. ENFORCEMENT FILING IN THE SENATE.

If this concurrent resolution on the budget is agreed to by the Senate and House of Representatives without the appointment of a committee of conference on the disagreeing votes of the two Houses, the Chairman of the Committee on the Budget of the Senate may submit a statement for publication in the Congressional Record containing—

(1) for the Committee on Appropriations, committee allocations for fiscal year 2018 consistent with the levels in title I for the purpose of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633);

(2) for all committees other than the Committee on Appropriations, committee allocations for fiscal years 2018, 2018 through 2022, and 2018 through 2027 consistent with the levels in title I for the purpose of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633); and

(3) a list of programs, projects, activities, or accounts identified for advanced appropriations that would have been identified in the joint explanatory statement of managers accompanying this concurrent resolution.

Subtitle B—Other Provisions

SEC. 4201. OVERSIGHT OF GOVERNMENT PERFORMANCE.

In the Senate, all committees are directed to review programs and tax expenditures within their jurisdiction to identify waste, fraud, abuse or duplication, and increase the use of performance data to inform committee work. Committees are also directed to review the matters for congressional consideration identified in the Office of Inspector General semiannual reports and the Office of Inspector General's list of unimplemented recommendations and on the Government Accountability Office's High Risk list and the annual report to reduce program duplication. Based on these oversight efforts and performance reviews of programs within their jurisdiction, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 (2 U.S.C. 632(d)) to the Committees on the Budget.

SEC. 4202. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(1)), section 13301 of the Budget Enforcement Act of 1990 (2 U.S.C. 632 note), and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to the Committees on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

(b) SPECIAL RULE.—In the Senate, for purposes of enforcing sections 302(f) of the Congressional Budget Act of 1974 (2 U.S.C. 633(f)), estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts described in subsection (a).

SEC. 4203. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

SEC. 4204. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Committee on the Budget of the Senate may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)).

SEC. 4205. ADJUSTMENTS TO REFLECT LEGISLATION NOT INCLUDED IN THE BASELINE.

The Chairman of the Committee on the Budget of the Senate may make adjustments to the levels and allocations in this resolution to reflect legislation enacted before the date on which this resolution is agreed to by Congress that is not incorporated in the baseline underlying the Congressional Budget Office's June 2017 update to the Budget and Economic Outlook: 2017 to 2027.

SEC. 4206. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

TITLE V—BUDGET PROCESS IN THE HOUSE OF REPRESENTATIVES

Subtitle A—Budget Enforcement

SEC. 5101. POINT OF ORDER AGAINST INCREASING LONG-TERM DIRECT SPENDING.

(a) POINT OF ORDER.—It shall not be in order in the House of Representatives to consider any bill or joint resolution, or amendment thereto or conference report thereon, that would cause a net increase in direct spending in excess of $2,500,000,000 in any of the 4 consecutive 10-fiscal year periods described in subsection (b).

(b) CONGRESSIONAL BUDGET OFFICE ANALYSIS OF PROPOSALS.—The Director of the Congressional Budget Office shall, to the extent practicable, prepare an estimate of whether a bill or joint resolution reported by a committee (other than the Committee on Appropriations), or amendment thereto or conference report thereon, would cause, relative to current law, a net increase in direct spending in the House of Representatives, in excess of $2,500,000,000 in any of the 4 consecutive 10-fiscal year periods beginning after the last fiscal year of this concurrent resolution.

(c) LIMITATION.—In the House of Representatives, the provisions of this section shall not apply to any bills or joint resolutions, or amendments thereto or conference reports thereon, for which the chair of the Committee on the Budget has made adjustments to the allocations, aggregates, or other budgetary levels in this concurrent resolution.

(d) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels of net increases in direct spending shall be determined on the basis of estimates provided by the chair of the Committee on the Budget of the House of Representatives.

(e) SUNSET.—This section shall have no force or effect after September 30, 2018.

SEC. 5102. ALLOCATION FOR OVERSEAS CONTINGENCY OPERATIONS/GLOBAL WAR ON TERRORISM.

(a) SEPARATE ALLOCATION FOR OVERSEAS CONTINGENCY OPERATIONS/GLOBAL WAR ON TERRORISM.—In the House of Representatives, there shall be a separate allocation of new budget authority and outlays provided to the Committee on Appropriations for the purposes of Overseas Contingency Operations/Global War on Terrorism, which shall be deemed to be an allocation under section 302(a) of the Congressional Budget Act of 1974. Section 302(a)(3) of such Act shall not apply to such separate allocation.

(b) SECTION 302 ALLOCATIONS.—The separate allocation referred to in subsection (a) shall be the exclusive allocation for Overseas Contingency Operations/Global War on Terrorism under section 302(b) of the Congressional Budget Act of 1974. The Committee on Appropriations of the House of Representatives may provide suballocations of such separate allocation under such section 302(b).

(c) APPLICATION.—For purposes of enforcing the separate allocation referred to in subsection (a) under section 302(f) of the Congressional Budget Act of 1974, the "first fiscal year" and the "total of fiscal years" shall be deemed to refer to fiscal year 2018. Section 302(c) of such Act shall not apply to such separate allocation.

(d) DESIGNATIONS.—New budget authority or outlays shall only be counted toward the allocation referred to in subsection (a) if designated pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) ADJUSTMENTS.—For purposes of subsection (a) for fiscal year 2018, no adjustment shall be made under section 314(a) of the Congressional Budget Act of 1974 if any adjustment would be made under section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 5103. LIMITATION ON CHANGES IN CERTAIN MANDATORY PROGRAMS.

(a) DEFINITION.—In this section, the term "change in mandatory programs" means a provision that—

(1) would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) if the provision were included in legislation other than appropriation Acts; and

(2) results in a net decrease in budget authority in the budget year, but does not result in a net decrease in outlays over the total of the current year, the budget year, and all fiscal years covered under the most recently agreed to concurrent resolution on the budget.

(b) POINT OF ORDER IN THE HOUSE OF REPRESENTATIVES.—

(1) IN GENERAL.—A provision in a bill or joint resolution making appropriations for a full fiscal year that proposes a change in mandatory programs that, if enacted, would cause the absolute value of the total budget authority of all such changes in mandatory programs enacted in relation to a full fiscal year to be more than the amount specified in paragraph (3), shall not be in order in the House of Representatives.

(2) AMENDMENTS AND CONFERENCE REPORTS.—It shall not be in order in the House of Representatives to consider an amendment to, or a conference report on, a bill or joint resolution making appropriations for a full fiscal year if such amendment thereto or conference report thereon proposes a change in mandatory programs that, if enacted, would cause the absolute value of the total budget authority of all such changes in mandatory programs enacted in relation to a full fiscal year to be more than the amount specified in paragraph (3).

(3) AMOUNT.—The amount specified in this paragraph is—

(A) for fiscal year 2018, $19,100,000,000;

(B) for fiscal year 2019, $17,000,000,000; and

(C) for fiscal year 2020, $15,000,000,000.

(c) DETERMINATION.—For purposes of this section, budgetary levels shall be determined on the basis of estimates provided by the chair of the Committee on the Budget of the House of Representatives.

SEC. 5104. LIMITATION ON ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—In the House of Representatives, except as provided for in subsection (b), any general appropriation bill or bill or joint resolution continuing appropriations, or amendment thereto or conference report thereon, may not provide advance appropriations.

(b) EXCEPTIONS.—An advance appropriation may be provided for programs, projects, activities, or accounts identified in the report or the joint explanatory statement of managers, as applicable, accompanying this concurrent resolution under the following headings:

(1) GENERAL.—"Accounts Identified for Advance Appropriations".

(2) VETERANS.—"Veterans Accounts Identified for Advance Appropriations".

(c) LIMITATIONS.—The aggregate level of advance appropriations shall not exceed the following:

(1) GENERAL.—$28,852,000,000 in new budget authority for all programs identified pursuant to subsection (b)(1).

(2) VETERANS.—$70,699,313,000 in new budget authority for programs in the Department of Veterans Affairs identified pursuant to subsection (b)(2).

(d) DEFINITION.—In this section, the term "advance appropriation" means any new discretionary budget authority provided in a general appropriation bill or joint resolution continuing appropriations for fiscal year 2018, or any amendment thereto or conference report thereon, that first becomes available for the first fiscal year following fiscal year 2018.

SEC. 5105. ESTIMATES OF DEBT SERVICE COSTS.

In the House of Representatives, the chair of the Committee on the Budget may direct the Congressional Budget Office to include, in any estimate prepared under section 402 of the Congressional Budget Act of 1974 with respect to any bill or joint resolution, an estimate of any change in debt service costs resulting from carrying out such bill or resolution. Any estimate of debt service costs provided under this section shall be advisory and shall not be used for purposes of enforcement of such Act, the Rules of the House of Representatives, or this concurrent resolution. This section shall not apply to authorizations of programs funded by discretionary spending or to appropriation bills or joint resolutions, but shall apply to changes in the authorization level of appropriated entitlements.

SEC. 5106. FAIR-VALUE CREDIT ESTIMATES.

(a) ALL CREDIT PROGRAMS.—Whenever the Director of the Congressional Budget Office provides an estimate of any measure that establishes or modifies any program providing loans or loan guarantees, the Director shall also, to the extent practicable, provide a fair-value estimate of such loan or loan guarantee program if requested by the chair of the Committee on the Budget of the House of Representatives.

(b) STUDENT FINANCIAL ASSISTANCE AND HOUSING PROGRAMS.—The Director of the Congressional Budget Office shall provide, to the extent practicable, a fair-value estimate as part of any estimate for any measure that establishes or modifies a loan or loan guarantee program for student financial assistance or housing (including residential mortgage).

(c) BASELINE ESTIMATES.—The Congressional Budget Office shall include estimates, on a fair-value and credit reform basis, of loan and loan guarantee programs for student financial assistance, housing (including residential mortgage), and such other major loan and loan guarantee programs, as practicable, in its The Budget and Economic Outlook: 2018 to 2027.

(d) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—If the Director of the Congressional Budget Office provides an estimate pursuant to subsection (a) or (b), the chair of the Committee on the Budget of the House of Representatives may use such estimate to determine compliance with the Congressional Budget Act of 1974 and other budget enforcement requirements.

SEC. 5107. ESTIMATES OF MACROECONOMIC EFFECTS OF MAJOR LEGISLATION.

(a) CBO AND JCT ESTIMATES.—During the 115th Congress, any estimate of major legislation considered in the House of Representatives provided by the Congressional Budget Office under section

402 of the Congressional Budget Act of 1974 or by the Joint Committee on Taxation to the Congressional Budget Office under section 201(f) of such Act shall, to the extent practicable, incorporate the budgetary effects of changes in economic output, employment, capital stock, and other macroeconomic variables resulting from such major legislation.

(b) CONTENTS.—Any estimate referred to in subsection (a) shall, to the extent practicable, include—

(1) a qualitative assessment of the budgetary effects (including macroeconomic variables described in subsection (a)) of the major legislation in the 20-fiscal year period beginning after the last fiscal year of the most recently agreed to concurrent resolution on the budget that sets forth budgetary levels required under section 301 of the Congressional Budget Act of 1974; and

(2) an identification of the critical assumptions and the source of data underlying that estimate.

(c) DEFINITIONS.—In this section:

(1) MAJOR LEGISLATION.—The term "major legislation" means a bill or joint resolution, or amendment thereto or conference report thereon—

(A) for which an estimate is required to be prepared pursuant to section 402 of the Congressional Budget Act of 1974 (2 U.S.C. 653) and that causes a gross budgetary effect (before incorporating macroeconomic effects and not including timing shifts) in a fiscal year in the period of years of the most recently agreed to concurrent resolution on the budget equal to or greater than 0.25 percent of the current projected gross domestic product of the United States for that fiscal year; or

(B) designated as such by—

(i) the chair of the Committee on the Budget of the House of Representatives for all direct spending legislation; or

(ii) the Member who is Chairman or Vice Chairman of the Joint Committee on Taxation for revenue legislation.

(2) BUDGETARY EFFECTS.—The term "budgetary effects" means changes in revenues, direct spending outlays, and deficits.

(3) TIMING SHIFTS.—The term "timing shifts" means—

(A) provisions that cause a delay of the date on which outlays flowing from direct spending would otherwise occur from one fiscal year to the next fiscal year; or

(B) provisions that cause an acceleration of the date on which revenues would otherwise occur from one fiscal year to the prior fiscal year.

SEC. 5108. ADJUSTMENTS FOR IMPROVED CONTROL OF BUDGETARY RESOURCES.

(a) ADJUSTMENTS OF DISCRETIONARY AND DIRECT SPENDING LEVELS.—In the House of Representatives, if a committee (other than the Committee on Appropriations) reports a bill or joint resolution, or an amendment thereto is offered or conference report thereon is submitted, providing for a decrease in direct spending (budget authority and outlays flowing therefrom) for any fiscal year and also provides for an authorization of appropriations for

the same purpose, upon the enactment of such measure, the chair of the Committee on the Budget may decrease the allocation to the applicable authorizing committee that reports such measure and increase the allocation of discretionary spending (budget authority and outlays flowing therefrom) to the Committee on Appropriations for fiscal year 2018 by an amount equal to the new budget authority (and outlays flowing therefrom) provided for in a bill or joint resolution making appropriations for the same purpose.

(b) DETERMINATIONS.—In the House of Representatives, for purposes of enforcing this concurrent resolution, the allocations and aggregate levels of new budget authority, outlays, direct spending, revenues, deficits, and surpluses for fiscal year 2018 and the total of fiscal years 2018 through 2027 shall be determined on the basis of estimates made by the chair of the Committee on the Budget and such chair may adjust the applicable levels in this concurrent resolution.

SEC. 5109. SCORING RULE FOR ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) IN GENERAL.—The Director of the Congressional Budget Office shall estimate provisions of any bill or joint resolution, or amendment thereto or conference report thereon, that provides the authority to enter into or modify any covered energy savings contract on a net present value basis (NPV).

(b) NPV CALCULATIONS.—The net present value of any covered energy savings contract shall be calculated as follows:

(1) The discount rate shall reflect market risk.

(2) The cash flows shall include, whether classified as mandatory or discretionary, payments to contractors under the terms of their contracts, payments to contractors for other services, and direct savings in energy and energy-related costs.

(3) The stream of payments shall cover the period covered by the contracts but not to exceed 25 years.

(c) DEFINITION.—As used in this section, the term "covered energy savings contract" means—

(1) an energy savings performance contract authorized under section 801 of the National Energy Conservation Policy Act; or

(2) a utility energy service contract, as described in the Office of Management and Budget Memorandum on Federal Use of Energy Savings Performance Contracting, dated July 25, 1998 (M–98–13), and the Office of Management and Budget Memorandum on the Federal Use of Energy Saving Performance Contracts and Utility Energy Service Contracts, dated September 28, 2015 (M–12–21), or any successor to either memorandum.

(d) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—In the House of Representatives, if any net present value of any covered energy savings contract calculated under subsection (b) results in a net savings, then the budgetary effects of such contract shall not be counted for purposes of titles III and IV of the Congressional Budget Act of 1974, this concurrent resolution, or clause 10 of rule XXI of the Rules of the House of Representatives.

(e) CLASSIFICATION OF SPENDING.—For purposes of budget enforcement, the estimated net present value of the budget

authority provided by the measure, and outlays flowing therefrom, shall be classified as direct spending.

(f) SENSE OF THE HOUSE OF REPRESENTATIVES.—It is the sense of the House of Representatives that—

(1) the Director of the Office of Management and Budget, in consultation with the Director of the Congressional Budget Office, should separately identify the cash flows under subsection (b)(2) and include such information in the President's annual budget submission under section 1105(a) of title 31, United States Code; and

(2) the scoring method used in this section should not be used to score any contracts other than covered energy savings contracts.

SEC. 5110. LIMITATION ON TRANSFERS FROM THE GENERAL FUND OF THE TREASURY TO THE HIGHWAY TRUST FUND.

In the House of Representatives, for purposes of the Congressional Budget Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, and the rules or orders of the House of Representatives, a bill or joint resolution, or an amendment thereto or conference report thereon, that transfers funds from the general fund of the Treasury to the Highway Trust Fund shall be counted as new budget authority and outlays equal to the amount of the transfer in the fiscal year the transfer occurs.

SEC. 5111. PROHIBITION ON USE OF FEDERAL RESERVE SURPLUSES AS AN OFFSET.

In the House of Representatives, any provision of a bill or joint resolution, or amendment thereto or conference report thereon, that transfers any portion of the net surplus of the Federal Reserve System to the general fund of the Treasury shall not be counted for purposes of enforcing the Congressional Budget Act of 1974, this concurrent resolution, or clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 5112. PROHIBITION ON USE OF GUARANTEE FEES AS AN OFFSET.

In the House of Representatives, any provision of a bill or joint resolution, or amendment thereto or conference report thereon, that increases, or extends the increase of, any guarantee fees of the Federal National Mortgage Association (Fannie Mae) or the Federal Home Loan Mortgage Corporation (Freddie Mac) shall not be counted for purposes of enforcing the Congressional Budget Act of 1974, this concurrent resolution, or clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 5113. MODIFICATION OF RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) IN GENERAL.—Section 2002 shall have no force or effect.

(b) RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.—Not later than November 13, 2017, the Committee on Ways and Means of the House of Representatives shall report to the House of Representatives changes in laws within its jurisdiction that increase the deficit by not more than $1,500,000,000,000 for the period of fiscal years 2018 through 2027.

Subtitle B—Other Provisions

SEC. 5201. BUDGETARY TREATMENT OF ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—In the House of Representatives, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 2009a of title 39, United States Code, the report or the joint explanatory statement, as applicable, accompanying this concurrent resolution shall include in its allocation to the Committee on Appropriations under section 302(a) of the Congressional Budget Act of 1974 amounts for the discretionary administrative expenses of the Social Security Administration and the United States Postal Service.

(b) SPECIAL RULE.—In the House of Representatives, for purposes of enforcing section 302(f) of the Congressional Budget Act of 1974, estimates of the levels of total new budget authority and total outlays provided by a measure shall include any discretionary amounts described in subsection (a).

SEC. 5202. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—In the House of Representatives, any adjustments of the allocations, aggregates, and other budgetary levels made pursuant to this concurrent resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this concurrent resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this concurrent resolution, the budgetary levels for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the chair of the Committee on the Budget of the House of Representatives.

(d) AGGREGATES, ALLOCATIONS AND APPLICATION.—In the House of Representatives, for purposes of this concurrent resolution and budget enforcement, the consideration of any bill or joint resolution, or amendment thereto or conference report thereon, for which the chair of the Committee on the Budget makes adjustments or revisions in the allocations, aggregates, and other budgetary levels of this concurrent resolution shall not be subject to the points of order set forth in clause 10 of rule XXI of the Rules of the House of Representatives or section 5101 of this concurrent resolution.

(e) OTHER ADJUSTMENTS.—The chair of the Committee on the Budget of the House of Representatives may adjust other appropriate levels in this concurrent resolution depending on congressional action on pending reconciliation legislation.

SEC. 5203. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

In the House of Representatives, the chair of the Committee on the Budget may adjust the appropriate aggregates, allocations, and other budgetary levels in this concurrent resolution for any

change in budgetary concepts and definitions consistent with section 251(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 5204. ADJUSTMENT FOR CHANGES IN THE BASELINE.

In the House of Representatives, the chair of the Committee on the Budget may adjust the allocations, aggregates, reconciliation targets, and other appropriate budgetary levels in this concurrent resolution to reflect changes resulting from the Congressional Budget Office's update to its baseline for fiscal years 2018 through 2027.

SEC. 5205. APPLICATION OF RULE REGARDING LIMITS ON DISCRETIONARY SPENDING.

Section 314(f) of the Congressional Budget Act of 1974 shall not apply in the House of Representatives to any bill, joint resolution, or amendment that provides new budget authority for a fiscal year or to any conference report on any such bill or resolution if—

(1) the enactment of that bill or resolution;

(2) the adoption and enactment of that amendment; or

(3) the enactment of that bill or resolution in the form recommended in that conference report,

would not cause the 302(a) allocation to the Committee on Appropriations for fiscal year 2018 to be exceeded.

SEC. 5206. ENFORCEMENT FILING IN THE HOUSE.

In the House of Representatives, if a concurrent resolution on the budget for fiscal year 2018 is adopted without the appointment of a committee of conference on the disagreeing votes of the two Houses with respect to this concurrent resolution on the budget, for the purpose of enforcing the Congressional Budget Act of 1974 and applicable rules and requirements set forth in the concurrent resolution on the budget, the allocations and list provided for in this section shall apply in the House of Representatives in the same manner as if such allocations and list were in a joint explanatory statement accompanying a conference report on the budget for fiscal year 2018. The chair of the Committee on the Budget of the House of Representatives shall submit a statement for publication in the Congressional Record containing—

(1) for the Committee on Appropriations, committee allocations for fiscal year 2018 consistent with title I for the purpose of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633);

(2) for all committees other than the Committee on Appropriations, committee allocations consistent with title I for fiscal year 2018 and for the period of fiscal years 2018 through 2027 for the purpose of enforcing 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633); and

(3) a list of programs, projects, activities, or accounts identified for advance appropriations for the purpose of enforcing section 5104 of this concurrent resolution.

SEC. 5207. EXERCISE OF RULEMAKING POWERS.

The House of Representatives adopts the provisions of this title and section 2002—

(1) as an exercise of the rulemaking power of the House of Representatives, and as such they shall be considered as

part of the rules of the House of Representatives, and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the House of Representatives to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the House of Representatives.

Subtitle C—Adjustment Authority

SEC. 5301. ADJUSTMENT AUTHORITY FOR AMENDMENTS TO STATUTORY CAPS.

During the 115th Congress, if a measure becomes law that amends the discretionary spending limits established under section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)), such as a measure increasing the limit for the revised security category for fiscal year 2018 to be $640,000,000,000, the chair of the Committee on the Budget of the House of Representatives may adjust the allocation called for under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to the appropriate committee or committees of the House of Representatives, and may adjust all other budgetary aggregates, allocations, levels, and limits contained in this resolution, as necessary, consistent with such measure.

Subtitle D—Reserve Funds

SEC. 5401. RESERVE FUND FOR INVESTMENTS IN NATIONAL INFRASTRUCTURE.

In the House of Representatives, the chair of the Committee on the Budget may adjust the allocations, aggregates, and other appropriate levels in this concurrent resolution for any bill or joint resolution, or amendment thereto or conference report thereon, that invests in national infrastructure to the extent that such measure is deficit neutral for the total of fiscal years 2018 through 2027.

SEC. 5402. RESERVE FUND FOR COMPREHENSIVE TAX REFORM.

In the House of Representatives, if the Committee on Ways and Means reports a bill or joint resolution that provides for comprehensive tax reform, the chair of the Committee on the Budget may adjust the allocations, aggregates, and other appropriate budgetary levels in this concurrent resolution for the budgetary effects of any such bill or joint resolution, or amendment thereto or conference report thereon, if such measure would not increase the deficit for the total of fiscal years 2018 through 2027.

SEC. 5403. RESERVE FUND FOR THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

In the House of Representatives, the chair of the Committee on the Budget may adjust the allocations, budget aggregates and other appropriate levels in this concurrent resolution for the budgetary effects of any bill or joint resolution, or amendment thereto or conference report thereon, that extends the State Children's Health Insurance Program allotments, if such measure would not increase the deficit for the total of fiscal years 2018 through 2027.

SEC. 5404. RESERVE FUND FOR THE REPEAL OR REPLACEMENT OF PRESIDENT OBAMA'S HEALTH CARE LAWS.

In the House of Representatives, the chair of the Committee on the Budget may revise the allocations, aggregates, and other appropriate budgetary levels in this concurrent resolution for the budgetary effects of any bill or joint resolution, or amendment thereto or conference report thereon, that repeals or replaces any provision of the Patient Protection and Affordable Care Act or title I or subtitle B of title II of the Health Care and Education Reconciliation Act of 2010 by the amount of budget authority and outlays flowing therefrom provided by such measure for such purpose.

Agreed to October 26, 2017.

ENROLLMENT CORRECTIONS—S. 782

Nov. 2, 2017
[S. Con. Res. 28]

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill S. 782, the Secretary of the Senate shall make the following corrections:

(1) In section 2, strike "42 U.S.C. 17601 et seq." and insert "34 U.S.C. 21101 et seq.".

(2) In section 2, strike "42 U.S.C. 17617(a)(10)" and insert "34 U.S.C. 21117(a)(10)".

Agreed to November 2, 2017.

BOB DOLE—CONGRESSIONAL GOLD MEDAL AWARD CEREMONY—CAPITOL ROTUNDA AUTHORIZATION

Dec. 21, 2017
[S. Con. Res. 31]

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR CEREMONY TO AWARD THE CONGRESSIONAL GOLD MEDAL TO BOB DOLE.

(a) AUTHORIZATION.—The rotunda of the Capitol is authorized to be used on January 17, 2018, for a ceremony to award the Congressional Gold Medal to Bob Dole.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

Agreed to December 21, 2017.

PROCLAMATIONS

Proclamation 9563 of January 12, 2017

Boundary Enlargement of the California Coastal National Monument

By the President of the United States of America
A Proclamation

Through Proclamation 7264 of January 11, 2000, President Clinton established the California Coastal National Monument (monument) to protect the biological treasures situated on thousands of unappropriated or unreserved islands, rocks, exposed reefs, and pinnacles owned or controlled by the Government of the United States within 12 nautical miles of the shoreline of the State of California. Presidential Proclamation 9089, issued on March 11, 2014, expanded the monument to include the Point Arena-Stornetta Public Lands, a landscape of coastal bluffs and shelves, tide pools, onshore dunes, coastal prairies, and riverbanks, and the mouth and estuary of the Garcia River. In addition to providing vital habitat for wildlife, these coastal lands were critical for the native peoples who first lived along the California Coast, and they continue to be treasured by modern generations.

Six other spectacular areas along the California Coast contain significant scientific or historic resources that are closely tied to the values of the monument. Like the protections afforded by prior proclamations, protection of Trinidad Head, Waluplh-Lighthouse Ranch, Lost Coast Headlands, Cotoni-Coast Dairies, Piedras Blancas, and Orange County Rocks and Islands would protect and preserve objects of historic or scientific interest on the California Coast.

Trinidad Head

About 30 miles north of Eureka lies the majestic and culturally important promontory known as Trinidad Head. The tip of Trinidad Head encompasses several prominent historic sites along with the rocky ledges that provide their setting, such as the Trinidad Head Light Station, which first operated in 1871 and is still active today. Accompanied by a small wooden bell house, it sits atop sheer cliffs overlooking crashing waves and rugged sea stacks. The importance of this location predated its first use as a lighthouse. Nearly 100 years earlier, on June 9, 1775, representatives of the local Yurok community first made contact with two Spanish ships there. A granite cross installed in 1913 sits in a clearing above the lighthouse, commemorating the spot where the Spanish erected a wooden cross two days later to claim the area for King Charles III. Today, the area is culturally and spiritually significant to the Cher-Ae Heights Indian Community of the Trinidad Rancheria, the Yurok Tribe, and the Tsurai Ancestral Society.

Coastal bluff scrub vegetation, including coyote brush, California wax myrtle, salal, blue blossom, ocean spray, and evergreen huckleberry, surrounds these historic features. Scattered stands of Sitka spruce, Douglas fir, and red alder stand out among these native shrubs and herbs. Coast Indian paintbrush grows in rocky outcroppings near the bell house, adding splashes of crimson to the landscape. Visitors to Trinidad Head enjoy observing the Trinidad seabird colony, which makes its home on the rocks and islands off the coast of Trinidad Head

and contains over 75,000 birds, including several species of cormorant, the common murre, and occasionally tufted puffins.

Waluplh-Lighthouse Ranch

Perched on the edge of Table Bluff, 12 miles south of Eureka, Waluplh-Lighthouse Ranch has spectacular panoramic views of the Pacific Ocean, Eel River Delta, and the south spit of Humboldt Bay. In addition to outstanding scenery, visitors to Waluplh-Lighthouse Ranch can view migratory raptors, songbirds, and the endangered marbled murrelet.

Waluplh-Lighthouse Ranch is part of the ancestral home and current cultural traditions of the Wiyot Tribe, who gave it the name Waluplh. With its expansive views, the area served as a lookout point for the Tribe, as well as a crossroads for trails connecting inland areas with Humboldt Bay to the north and the bottomlands surrounding the mouth of the Eel River to the south. Beginning in the late 1800s, Waluplh-Lighthouse Ranch was developed as a Coast Guard facility, and during World War II, it served as a coastal lookout post and the base for a mounted beach patrol. There are no longer any buildings on the property, so visitors now enjoy its panoramic views surrounded by open space.

Lost Coast Headlands

Thirteen miles south of Waluplh-Lighthouse Ranch, the Lost Coast Headlands present a majestic coastline, encompassing rolling hills and dramatically eroding bluffs, punctuated by freshwater creeks, ponds, and pockets of forests. Underlying the Lost Coast Headlands are layers of highly erodible sedimentary rock known as the Wildcat Group. This geology has weathered over the years, leading to deeply carved and incised bluffs along the beach made up of multi-hued layers of gray clay, golden sandstone, and brown siltstone. The eroding of the bluffs over time exposes fossils of scallops, clams, and snails, providing a glimpse of the marine fauna that lived in the area during the Pleistocene Epoch 2.6 million to 11,700 years ago.

Coastal scrub vegetation and open grasslands blanket the area's rolling hills. Coyote brush and California blackberry dominate, and in the grasslands, small patches of native Pacific reed grass meadow remain. Pockets of Douglas fir, Sitka spruce, and grand fir shadow the eroded draws. These diverse habitats support an array of wildlife species, including black-tailed deer, bobcat, brush rabbit, and Douglas squirrel. While more elusive, gray fox, coyote, and mountain lion also pass through the area, and a careful observer may notice signs of their presence. A variety of small birds dart about its grasslands and scrub, while raptors such as American kestrels, northern harriers, peregrine falcons, and Cooper's hawks scan for prey overhead. Quiet visitors may hear hairy woodpeckers in the forested draws. Foraging shorebirds and gulls, along with the occasional harbor seal, can be observed on the narrow beaches.

Buffered by red alder and willow, Guthrie and Fleener creeks wind their way through the Lost Coast Headlands on their way to the sea. Both perennial streams provide habitat for three-spined stickleback, a small native fish. Sculpin, Pacific lamprey, and the threatened Northern California steelhead have also been observed in Guthrie Creek, and

both creeks are potential habitat for the threatened coho salmon. During the summer, the mouth of Guthrie Creek widens into a lagoon that can provide shelter for estuary-dependent fish and invertebrates. The area also features three small, freshwater ponds that provide habitat for the threatened California red-legged frog and a variety of waterfowl, including green-winged teals.

While few signs of it remain, the northernmost point of the Lost Coast Headlands was once the site of the Centerville Beach Naval Facility, established in 1958 to monitor Soviet submarines during the Cold War. For more than 100 years, several families who settled nearby grazed livestock in the area.

Cotoni-Coast Dairies

Near Davenport in Santa Cruz County, Cotoni-Coast Dairies extends from the steep slopes of the Santa Cruz Mountains to the marine coastal terraces overlooking the Pacific Ocean. Sitting atop the soft Santa Cruz Mudstone Formation and the hard, silica-rich Monterey Formation, the area's bedrock supports a diversity of soils and vegetation that have sustained wildlife and people alike for millennia.

Dating back at least 10,000 years, an ancestral group known to archaeologists as the Costanoan or Coastal People (also called the Ohlone) lived in this region, and the Cotoni, a tribelet of this group, lived in the Cotoni-Coast Dairies area. Lithic scatter sites and shell middens demonstrate that inhabitants moved between the coastal ecological zones and upland environments, making use of the landscape's diverse resources. Europeans first made contact with the Cotoni in the 1600s and 1700s. Most of the Costanoan people were converted to Christianity, many forcibly, during California's Mission period in the late 1700s and 1800s, and by the early 1900s, much of the ancient cultural heritage of the Coastal People was left only to memory.

Six perennial streams form the heart of Cotoni-Coast Dairies' ecosystem, flowing from the coastal mountains down to the Pacific Ocean. Molino Creek, Ferrari Creek, San Vicente Creek, Liddell Creek, Yellow Bank Creek, and Laguna Creek have each carved steep canyons on their path to the sea. Vibrant riparian areas follow along the six stream corridors, with red alder and arroyo willow forests dominating the vegetative community. A seventh stream, Scott Creek, flows along a small portion of the area's northern boundary. Most of the area's wetlands can be found within these riparian corridors, though others exist in meadows and floodplains.

Beyond supporting riparian and wetland communities, Cotoni-Coast Dairies' waterways provide important habitat for anadromous and freshwater fish. All of the streams are thought to have historically supported salmon populations. Today, the threatened steelhead and coho salmon can be found on spawning runs in San Vicente Creek, while steelhead are also found in Liddell Creek and Laguna Creek. The endangered tidewater goby may also be found in the tidally influenced portion of Laguna Creek. The threatened California red-legged frog uses many of the waterways and water sources here, along with a wide range of other amphibians and reptiles.

Grasslands, scrublands, woodlands, and forests surround the riparian corridors in Cotoni-Coast Dairies. Purple needlegrass and other native species, such as California oatgrass and blue wildrye, characterize the

coastal prairie grassland community. The intermixed wildflowers in the community provide visitors a colorful display in the spring and early summer. Occasional freshwater seeps amid the grasslands support sedges, California buttercup, brown-headed rush, and other species.

California sagebrush and coyote brush scrub communities blanket the area's bluffs and hillside slopes. Native trees, including Douglas fir and coast live oak, dominate forests, which also include stands of coastal trees such as madrone, California bay, Monterey pine, and knobcone pine. Visitors are drawn to stands of coast redwood, which thrive on the north-facing slopes in some watersheds, accompanied by redwood sorrel, elk clover, and other understory species.

The diversity of the uplands vegetation in Cotoni-Coast Dairies supports a rich wildlife community including a vast and varied mammalian population. Among the many species inhabiting Cotoni-Coast Dairies are California voles, dusky-footed woodrats, black-tailed jackrabbits, mule deer, and gray fox. Evidence also suggests that both bobcats and mountain lions hunt here.

Visitors to Cotoni-Coast Dairies may be able to catch a glimpse of a variety of avian species, including black swifts, orange crowned warblers, American kestrels, Cooper's hawks, white-tailed kites, and peregrine falcons. In the riparian areas, one may encounter Wilson's warblers, downy woodpeckers, and tree swallows, among others. Various bat species, including the Townsend's big-eared bat, can be seen darting overhead at dusk.

Piedras Blancas

Only 40 miles north of San Luis Obispo, the large white coastal rocks for which Piedras Blancas was named have served as a landmark for centuries to explorers and traders along the central coast of California. Sitting at a cultural interface between Northern Chumash and Playanos Salinan peoples, Piedras Blancas was and still remains important to Native Americans. The human history of the area stretches back at least 3,000 years, and archaeologists have found stone tools, debris from tool knapping, discrete quarrying locations, and shell midden deposits that help tell that history. Native peoples largely used the area as a source of raw stone and for the manufacture of stone tools.

In 1542, the Spanish explorer Juan Rodriquez Cabrillo noted the value of this area as a maritime guidepost, and the land he sighted from his ship was later claimed by the Spanish, followed by the Governor of Mexico, and subsequently became part of the United States. A lighthouse built in the 1870s still stands today, albeit without the three upper levels that were removed after being damaged by an earthquake in 1948. The lighthouse, with its ornate brick and cast-iron structure, is listed in the National Register of Historic Places along with its surrounding buildings, such as the 1906 fog-signal and oil house. Visitors to Piedras Blancas today are treated to unmatched scenic vistas of the rugged mountain peaks of the Santa Lucia Range and the deep blue waters of the Pacific Ocean. Dramatic geologic features, such as the namesake white rocks, along with the area's characteristic fog, contribute to a dynamic visual landscape.

The bedrock in the area consists of both sedimentary and volcanic rocks of the Franciscan Formation. This Formation represents Jurassic

age material from the Pacific Plate that scraped off and attached to the continental margin of North America. Atop the bedrock lie Monterey Formation rocks, topped with marine terrace deposits. Rain percolates through the rock surface and sub-surface and emerges dramatically as ephemeral springs from cliff faces.

California sea lions, harbor seals, and northern elephant seals all spend time on the shores and within the waters of this area. Visitors may observe colonies of massive elephant seals loafing in the sun at Piedras Blancas, where females can be seen nursing their pups, and males occasionally battle for dominance. For decades, scientists have used this land to conduct annual censuses of the threatened southern sea otter and other marine mammals. From the mainland of Piedras Blancas, visitors can also be treated to regular visits by migrating gray and humpback whales, and occasionally blue, minke, and killer whales as well, in addition to bottlenose dolphins.

Marine birds perched on or soaring over the Piedras Blancas rocks include Brandt's cormorants, black oystercatchers, peregrine falcons, and brown pelicans. In a remarkable spring display, Pacific loons can be seen migrating offshore of Piedras Blancas by the tens of thousands. In the rocky intertidal zone found along these shores, scientists have documented mussels, ochre starfish, barnacles, sea anemones, and black and red abalones.

The lighthouse's windswept onshore point is also a sanctuary for plants and wildlife. Over 70 types of native plants, including members from the agave, cashew, sunflower, carnation, morning glory, gourd, iris, and poppy families, establish a foothold in the fine sand and fine sandy loam soils. Together this diversity of vegetation can be characterized as northern coastal bluff scrub. If visitors time their visit, they will be treated to a dazzling array of blooms from species such as seaside poppy, seaside daisy, coastal bush lupine, hedge nettle, dune buckwheat, and compact cobwebby thistle. This native vegetation supports many wildlife species, including brush rabbits, California voles, dusky-footed woodrats, and bobcats. Black-bellied slender salamanders, threatened red-legged frogs, western terrestrial garter snakes, and other reptiles and amphibians thrive in the Piedras Blancas area.

Orange County Rocks and Islands

This area consists of a series of offshore rocks, pinnacles, exposed reefs, and small islands off the Orange County coastline, where visitors onshore are treated to dramatic crashing waves, unique geology, and an abundance of marine-dependent wildlife. These rocks and islands lie within the current monument boundary but were not previously reserved as part of the monument. These offshore rocks, many in pocket coves, contribute to the rugged beauty of the Orange County coastline and themselves include objects of scientific and historic interest. The features also provide important connectivity from south to north for shore birds and sea birds, as well as for California sea lions and harbor seals.

Cormorants, brown pelicans, gulls, and a variety of other shore birds and sea birds can be seen roosting, resting, and feeding on the jagged rocks and small islands. These rocks and islands are also haul-out areas for marine mammals, including California sea lions, harbor seals, and the occasional northern elephant seal.

Rich in vital nutrients, this offshore zone of swirling currents supports a variety of habitats and organisms. The tide pools around these rocks and islands are home to a diversity of hardy intertidal seaweeds and animal species uniquely adapted for survival within the alternating and equally harsh environs of pounding surf and baking sun.

The protection of Trinidad Head, Waluplh-Lighthouse Ranch, Lost Coast Headlands, Cotoni-Coast Dairies, Piedras Blancas, and Orange County Rocks and Islands as part of the California Coastal National Monument will preserve their cultural, prehistoric, and historic legacy and maintain their diverse array of natural and scientific resources, ensuring that the historic and scientific value of these areas, and their numerous objects of historic or scientific interest, remain for the benefit of all Americans.

WHEREAS, section 320301 of title 54, United States Code (known as the ''Antiquities Act''), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS, it is in the public interest to preserve the objects of scientific and historic interest on the public lands of Trinidad Head, Waluplh-Lighthouse Ranch, Lost Coast Headlands, Cotoni-Coast Dairies, Piedras Blancas, and Orange County Rocks and Islands;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Federal Government to be part of the California Coastal National Monument and, for the purpose of protecting those objects, reserve as part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying maps, which are attached hereto and form a part of this proclamation. The Orange County Rocks and Islands shall be managed as part of the original offshore area of the monument, and the remainder of the lands shall be known as the Trinidad Head, Waluplh-Lighthouse Ranch, Lost Coast Headlands, Cotoni-Coast Dairies, and Piedras Blancas units of the monument, respectively. These reserved Federal lands and interests in lands encompass approximately 6,230 acres. The boundaries described on the accompanying maps are confined to the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries described on the accompanying maps are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

The enlargement of the boundary is subject to valid existing rights. If the Federal Government subsequently acquires any lands or interests

in lands not owned or controlled by the Federal Government within the boundaries described on the accompanying maps, such lands and interests in lands shall be reserved as a part of the monument, and objects identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

The Secretary of the Interior (Secretary) shall manage the area being added to the monument through the Bureau of Land Management (BLM) as a unit of the National Landscape Conservation System, pursuant to applicable legal authorities, to protect the objects identified above.

The Cotoni-Coast Dairies unit of the monument shall become available for public access upon completion of a management plan by the BLM, consistent with the care and management of the objects identified above.

Consistent with the care and management of the objects identified above, and except for emergency or authorized administrative purposes, motorized vehicle use in areas being added to the monument shall be permitted only on designated roads, and non-motorized mechanized vehicle use shall be permitted only on designated roads and trails.

Nothing in this proclamation shall be construed to interfere with the operation or maintenance, or the replacement or modification within the existing authorization boundary, of existing weather station, navigation, transportation, utility, pipeline, or telecommunications facilities located on the lands added to the monument in a manner consistent with the care and management of the objects to be protected. Other rights-of-way shall be authorized only if they are necessary for the care and management of the objects to be protected.

Nothing in this proclamation shall be deemed to enlarge or diminish the rights or jurisdiction of any Indian tribe. The Secretary shall, to the maximum extent permitted by law and in consultation with Indian tribes, ensure the protection of Indian sacred sites and traditional cultural properties in the monument and provide access by members of Indian tribes for traditional cultural and customary uses, consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996) and Executive Order 13007 of May 24, 1996 (Indian Sacred Sites).

Laws, regulations, and policies followed by the BLM in issuing and administering grazing permits or leases on lands under its jurisdiction shall continue to apply with regard to the lands added to the monument, consistent with the care and management of the objects identified above.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of California or the United States over submerged or other lands within the territorial waters off the coast of California, nor shall it otherwise enlarge or diminish the jurisdiction or authority of the State of California, including its jurisdiction and authority with respect to fish and wildlife management.

Nothing in this proclamation shall affect the rights or obligations of any State or Federal oil or gas lessee within the territorial waters off the California Coast.

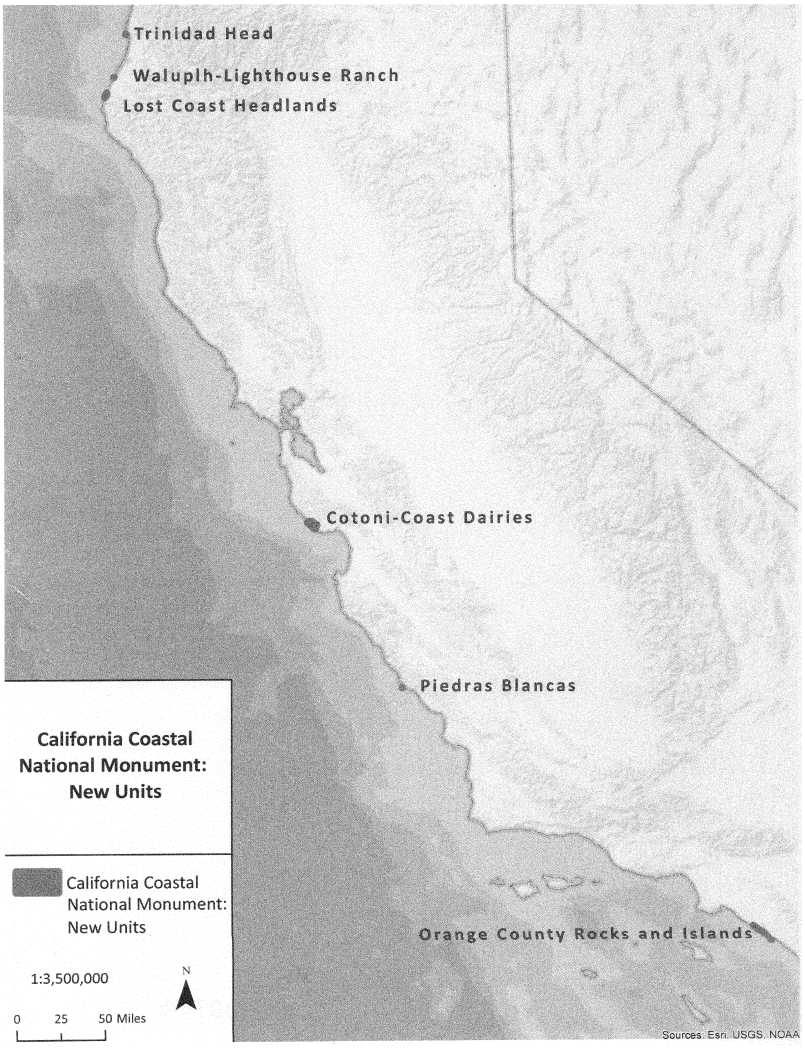
Nothing in this proclamation shall be construed to alter the authority or responsibility of any party with respect to emergency response activities within the monument, including wildland fire response.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of the monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of January, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA


Trinidad Head
Waluplh-Lighthouse Ranch
Lost Coast Headlands
Cotoni-Coast Dairies
Piedras Blancas
Orange County Rocks and Islands
California Coastal National Monument: New Units
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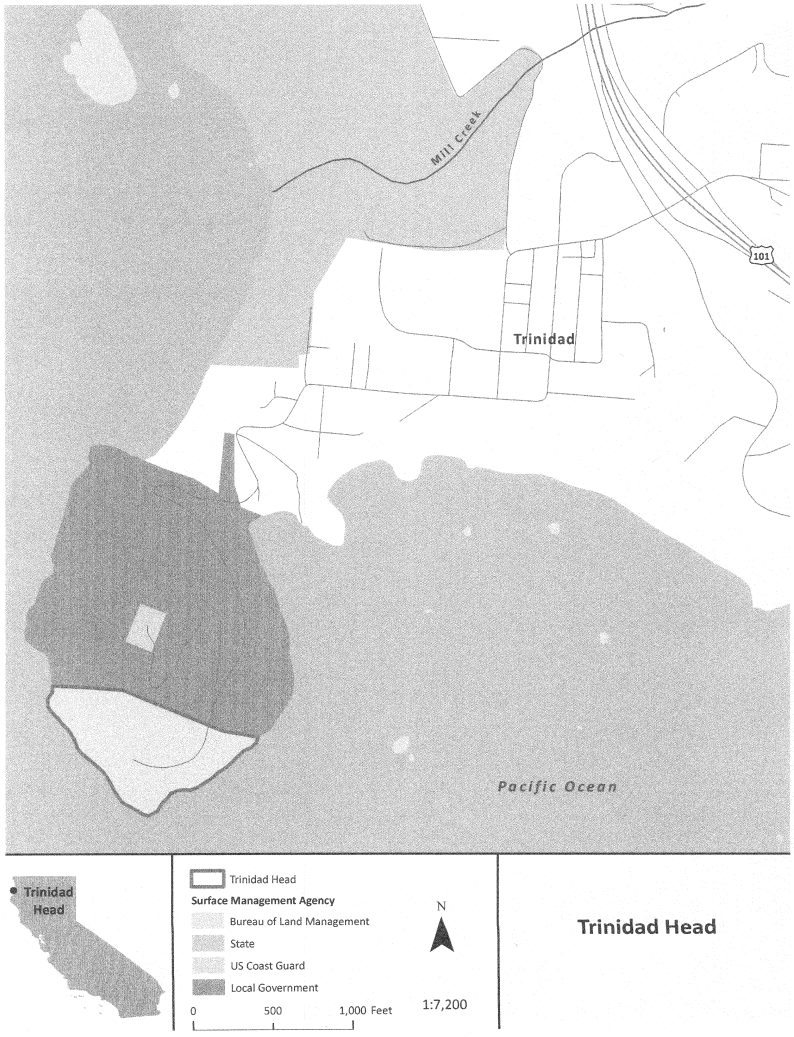
Mill Creek
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Trinidad
Pacific Ocean
Trinidad Head
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Surface Management Agency
Bureau of Land Management
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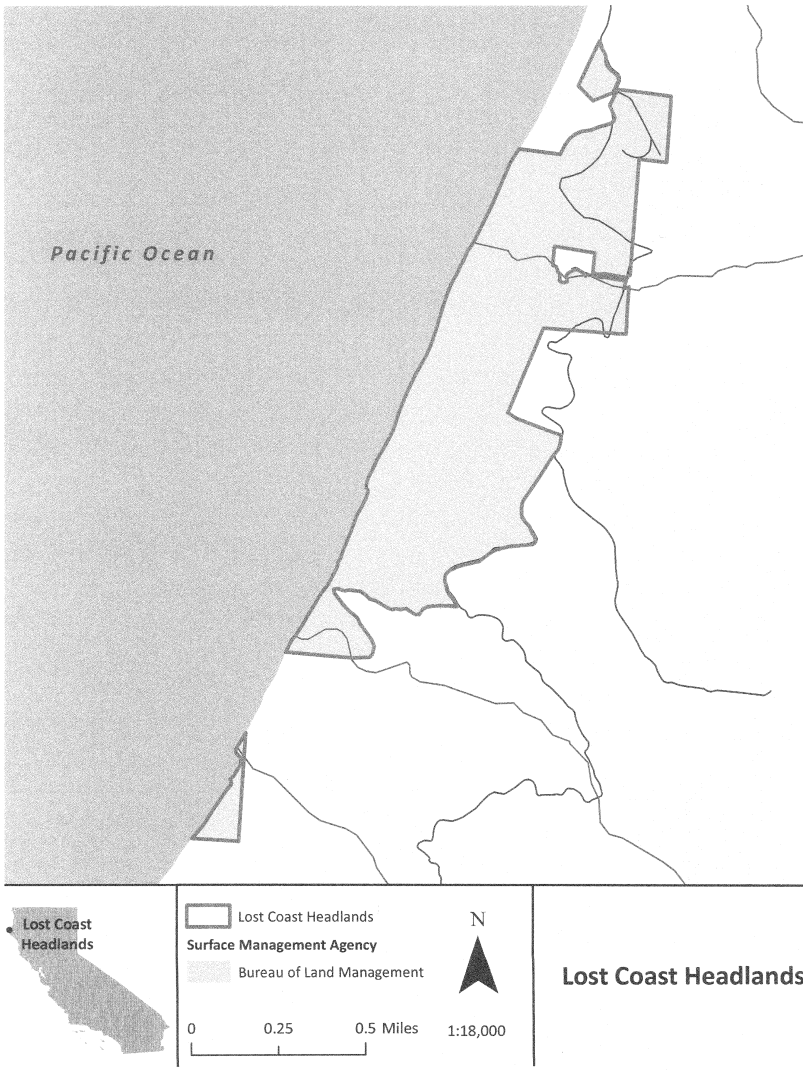
Trinidad Head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Lost Coast Headlands
Lost Coast Headlands
Surface Management Agency
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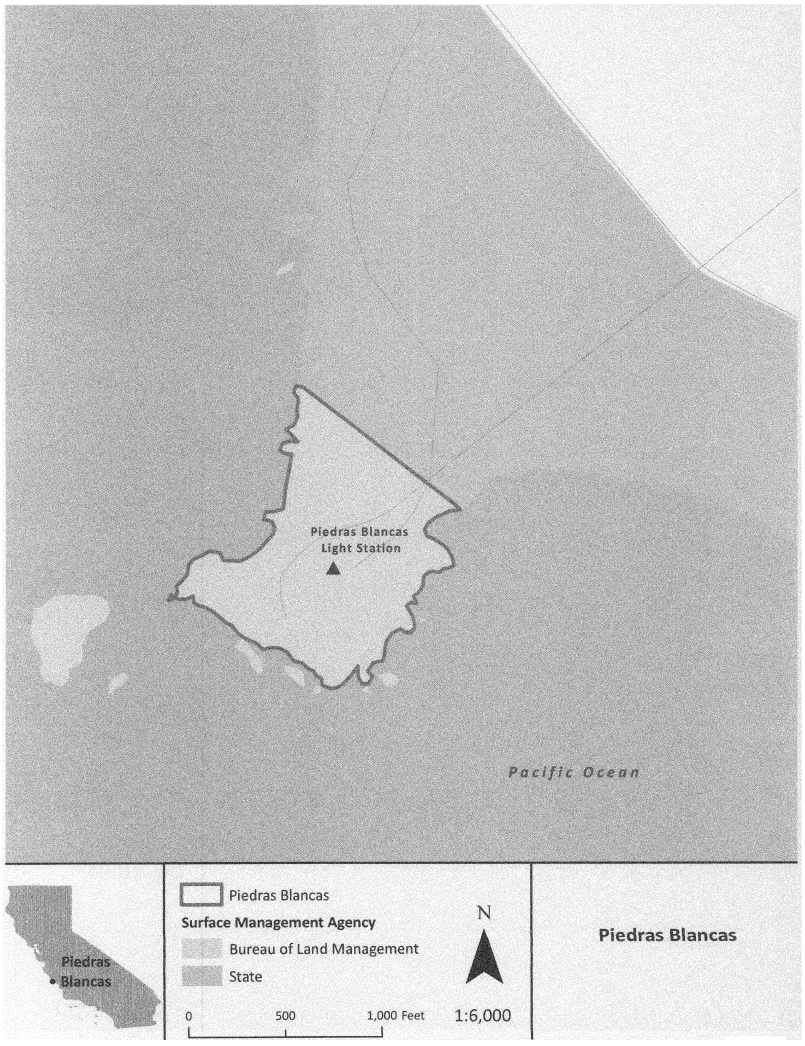
Lost Coast Headlands


Piedras Blancas
Light Station
Pacific Ocean
Piedras
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Surface Management Agency
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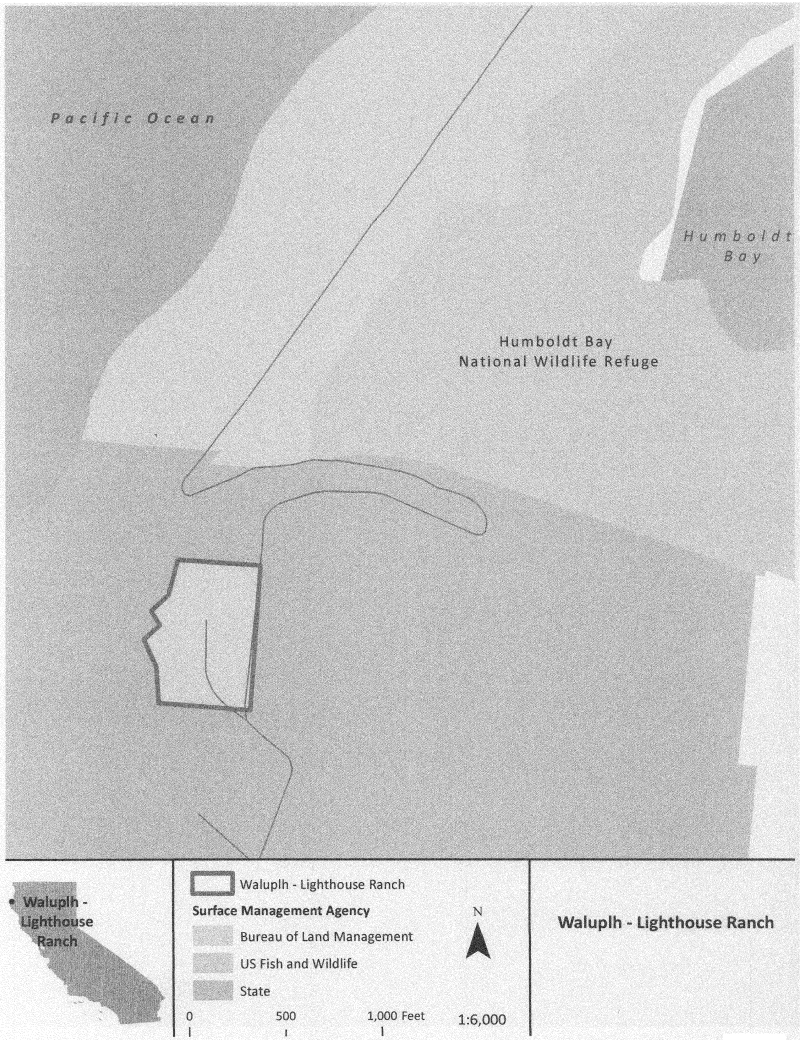
Pacific Ocean
Humboldt Bay
Humboldt Bay
National Wildlife Refuge
Waluplh - Lighthouse Ranch
Surface Management Agency
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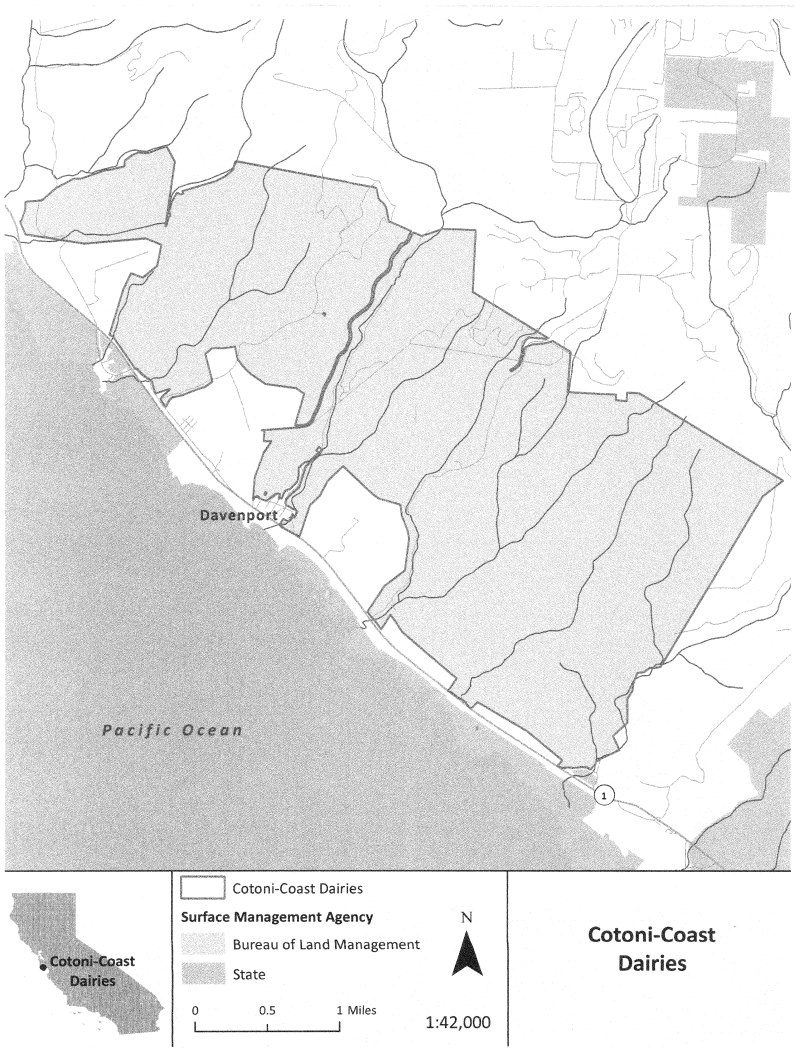
Waluplh - Lighthouse Ranch


Davenport
Pacific Ocean
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Cotoni-Coast Dairies
Surface Management Agency
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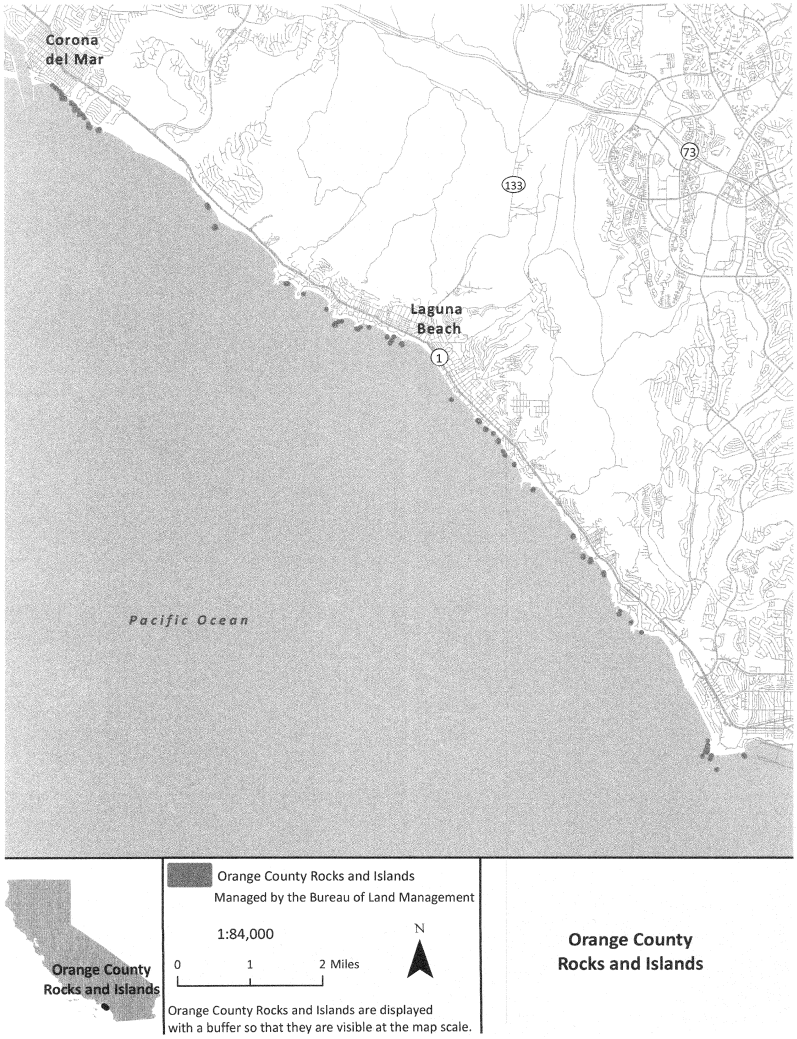
Cotoni-Coast Dairies



Proclamation 9564 of January 12, 2017

Boundary Enlargement of the Cascade-Siskiyou National Monument

By the President of the United States of America
A Proclamation

Through Proclamation 7318 of June 9, 2000, President Bill Clinton established the Cascade-Siskiyou National Monument (monument) to protect the ecological wonders and biological diversity at the interface of the Cascade, Klamath, and Siskiyou ecoregions. The area, home to an incredible variety of species and habitats, represents a rich mosaic of forests, grasslands, shrublands, and wet meadows. The many rare

and endemic plant and animal species found here are a testament to Cascade-Siskiyou's unique ecosystems and biotic communities.

As President Clinton noted in Proclamation 7318, the ecological integrity of the ecosystems that harbor this diverse array of species is vital to their continued existence. Since 2000, scientific studies of the area have reinforced that the environmental processes supporting the biodiversity of the monument require habitat connectivity corridors for species migration and dispersal. Additionally, they require a range of habitats that can be resistant and resilient to large-scale disturbance such as fire, insects and disease, invasive species, drought, or floods, events likely to be exacerbated by climate change. Expanding the monument to include Horseshoe Ranch, the Jenny Creek watershed, the Grizzly Peak area, Lost Lake, the Rogue Valley foothills, the Southern Cascades area, and the area surrounding Surveyor Mountain will create a Cascade-Siskiyou landscape that provides vital habitat connectivity, watershed protection, and landscape-scale resilience for the area's critically important natural resources. Such an expansion will bolster protection of the resources within the original boundaries of the monument and will also protect the important biological and historic resources within the expansion area.

The ancient Siskiyou and Klamath Mountains meet the volcanic Cascade Mountains near the border of California and Oregon, creating an intersection of three ecoregions in Jackson and Klamath Counties in Oregon and Siskiyou County in California. Towering rock peaks covered in alpine forests rise above mixed woodlands, open glades, dense chaparral, meadows filled with stunning wildflowers, and swiftly-flowing streams.

Native American occupancy of this remarkably diverse landscape dates back thousands of years, and Euro-American settlers also passed through the expansion area. The Applegate Trail, a branch of the California National Historic Trail, passes through both the existing monument and the expansion area following old routes used by trappers and miners, who themselves made use of trails developed by Native Americans. Today, visitors to the Applegate Trail can walk paths worn by wagon trains of settlers seeking a new life in the west. The trail, a less hazardous alternative to the Oregon Trail, began to see regular wagon traffic in 1846 and helped thousands of settlers traverse the area more safely on their way north to the Willamette Valley or south to California in search of gold—one of the largest mass migrations in American history. Soon thereafter, early ranchers, loggers, and homesteaders began to occupy the area, leaving traces of their presence, which provide potential for future research into the era of westward expansion in southwestern Oregon. A historic ranch can be seen in the Horseshoe Ranch Wildlife Area, in the northernmost reaches of California.

The Cascade-Siskiyou landscape is formed by the convergence of the Klamath, the Siskiyou, and the Cascade mountain ranges. The Siskiyou Mountains, which contain Oregon's oldest rocks dating to 425 million years, have an east-west orientation that connects the newer Cascade Mountains with the ancient Klamath Mountains. The tectonic action that formed the Klamath and Siskiyou Mountains occurred over 130 million years ago, while the Cascades were formed by more recent volcanism. The Rogue Valley foothills contain Eocene and Miocene formations of black andesite lava along with younger High Cascade olivine basalt. In the Grizzly Peak area, the 25 million-year geologic his-

tory includes basaltic lava flows known as the Roxy Formation, along with the formation of a large strato-volcano, Mount Grizzly. Old Baldy, another extinct volcanic cone, rises above the surrounding forest in the far northeast of the expansion area.

Cascade-Siskiyou's biodiversity, which provides habitat for a dazzling array of species, is internationally recognized and has been studied extensively by ecologists, evolutionary biologists, botanists, entomologists, and wildlife biologists. Ranging from high slopes of Shasta red fir to lower elevations with Douglas fir, ponderosa pine, incense cedar, and oak savannas, the topography and elevation gradient of the area has helped create stunningly diverse ecosystems. From ancient and mixed-aged conifer and hardwood forests to chaparral, oak woodlands, wet meadows, shrublands, fens, and open native perennial grasslands, the landscape harbors extraordinarily varied and diverse plant communities. Among these are threatened and endangered plant species and habitat for numerous other rare and endemic species.

Grizzly Peak and the surrounding Rogue Valley foothills in the northwest part of the expansion area are home to rare populations of plant species such as rock buckwheat, Baker's globemallow, and tall bugbane. More than 275 species of flowering plants, including Siberian spring beauty, bluehead gilia, Detling's silverpuffs, bushy blazingstar, southern Oregon buttercup, Oregon geranium, mountain lady slipper, Egg Lake monkeyflower, green-flowered ginger, and Coronis fritillary can be found here. Ferns such as the fragile fern, lace fern, and western sword fern contribute to the lush green landscape.

Ancient sugar pine and ponderosa pine thrive in the Lost Lake Research Natural Area in the north, along with white fir and Douglas fir, with patches of Oregon white oak and California black oak. Occasional giant chinquapin, Pacific yew, and bigleaf maple contribute to the diversity of tree species here. Shrubs such as western serviceberry, oceanspray, Cascade barberry, and birchleaf mountain mahogany grow throughout the area, along with herbaceous species including pale bellflower, broadleaf starflower, pipsissewa, and Alaska oniongrass. Creamy stonecrop, a flowering succulent, thrives on rocky hillsides. Patches of abundant ferns include coffee cliffbrake and arrowleaf sword fern. Moon Prairie contains a late successional stand of Douglas fir and white fir with Pacific yew, ponderosa pine, and sugar pine.

Old Baldy's high-elevation forests in the northeast include Shasta red fir, mountain hemlock, Pacific silver fir, and western white pine along with Southern Oregon Cascades chaparral. Nearby, Tunnel Creek is a high-altitude lodgepole pine swamp with bog blueberry and numerous sensitive sedge species such as capitate sedge, lesser bladderwort, slender sedge, tomentypnum moss, and Newberry's gentian.

The eastern portion of the expansion, in the area surrounding Surveyor Mountain, is home to high desert species such as bitterbrush and sagebrush, along with late successional dry coniferous forests containing lodgepole pine, dry currant, and western white pine.

The Horseshoe Ranch Wildlife Area in Siskiyou County, California, offers particularly significant ecological connectivity and integrity. The area contains a broad meadow ecosystem punctuated by Oregon white oak and western juniper woodlands alongside high desert species such as gray rabbitbrush and antelope bitterbrush. The area is also home to

the scarlet fritillary, Greene's mariposa lily, Bellinger's meadowfoam, and California's only population of the endangered Gentner's fritillary.

The incredible biodiversity of plant communities in the expansion is mirrored by equally stunning animal diversity, supported by the wide variety of intact habitats and undisturbed corridors allowing animal migration and movement. Perhaps most notably, the Cascade-Siskiyou landscape, including the Upper Jenny Creek Watershed and the Southern Cascades, provides vitally important habitat connectivity for the threatened northern spotted owl. Other raptors, including the bald eagle, golden eagle, white-tailed kite, peregrine falcon, merlin, great gray owl, sharp-shinned hawk, Cooper's hawk, osprey, American kestrel, northern goshawk, flammulated owl, and prairie falcon, soar above the meadows, mountains, and forests as they seek their prey.

Ornithologists and birdwatchers alike come to the Cascade-Siskiyou landscape for the variety of birds found here. Tricolored blackbird, grasshopper sparrow, bufflehead, black swift, Lewis's woodpecker, purple martin, blue grouse, common nighthawk, dusky flycatcher, lazuli bunting, mountain quail, olive-sided flycatcher, Pacific-slope flycatcher, pileated woodpecker, ruffed grouse, rufous hummingbird, varied thrush, Vaux's swift, western meadowlark, western tanager, white-headed woodpecker, and Wilson's warbler are among the many species of terrestrial birds that make their homes in the expansion area. The Oregon vesper sparrow, among the most imperiled bird species in the region, has been documented in the meadows of the upper Jenny Creek Watershed.

Shore and marsh birds, including the Tule goose, yellow rail, snowy egret, harlequin duck, Franklin's gull, red-necked grebe, sandhill crane, pintail, common goldeneye, bufflehead, greater yellowlegs, and least sandpiper, also inhabit the expansion area's lakes, ponds, and streams.

Diverse species of mammals, including the black-tailed deer, elk, pygmy rabbit, American pika, and northern flying squirrel, depend upon the extraordinary ecosystems found in the area. Beavers and river otters inhabit the landscape's streams and rivers, while Horseshoe Ranch Wildlife Area has been identified as a critical big game winter range. Bat species including the pallid bat, Townsend's big-eared bat, and fringed myotis hunt insects beginning at dusk. The expansion area encompasses known habitat for endangered gray wolves, including a portion of the area of known activity for the Keno wolves. Other carnivores such as the Pacific fisher, cougar, American badger, black bear, coyote, and American marten can be seen and studied in the expansion area.

The landscape also contains many hydrologic features that capture the interest of visitors. Rivers and streams cascade through the mountains, and waterfalls such as Jenny Creek Falls provide aquatic habitat along with scenic beauty. The upper headwaters of the Jenny Creek watershed are vital to the ecological integrity of the watershed as a whole, creating clear cold water that provides essential habitat for fish living at the margin of their environmental tolerances. Fens and wetlands, along with riparian wetlands and wet montane meadows, can be found in the eastern portion of the expansion area. Lost Lake, in the northernmost portion of the expansion area, contains a large lake that serves as Western pond turtle habitat, along with another upstream waterfall.

The expansion area includes habitat for populations of the endemic Jenny Creek sucker and Jenny Creek redband trout, as well as habitat for the Klamath largescale sucker, the endangered shortnose sucker, and the endangered Lost River sucker. The watershed also contains potential habitat for the threatened coho salmon. Numerous species of aquatic plants grow in the area's streams, lakes, and ponds.

Amphibians such as black salamander, Pacific giant salamander, foothill yellow-legged frog, Cascade frog, the threatened Oregon spotted frog, and the endemic Siskiyou Mountains salamander thrive here thanks to the connectivity between terrestrial and aquatic habitats. Reptiles found in the expansion area include the western pond turtle, northern alligator lizard, desert striped whipsnake, and northern Pacific rattlesnake.

The Cascade-Siskiyou landscape's remarkable biodiversity includes the astounding diversity of invertebrates found in the expansion, including freshwater mollusks like the Oregon shoulderband, travelling sideband, modoc rim sideband, Klamath taildropper, chase sideband, Fall Creek pebblesnail, Keene Creek pebblesnail, and Siskiyou hesperian. The area has been identified by evolutionary biologists as a center of endemism and diversity for springsnails, and researchers have discovered four new species of mygalomorph spiders in the expansion. Pollinators such as Franklin's bumblebee, western bumblebee, and butterflies including Johnson's hairstreak, gray blue butterfly, mardon skipper, and Oregon branded skipper are critical to the ecosystems' success. Other insects found here include the Siskiyou short-horned grasshopper and numerous species of caddisfly.

The Cascade-Siskiyou landscape has long been a focus for scientific studies of ecology, evolutionary biology, wildlife biology, entomology, and botany. The expansion area provides an invaluable resource to scientists and conservationists wishing to research and sustain the functioning of the landscape's ecosystems into the future.

The expansion area includes numerous objects of scientific or historic interest. This enlargement of the Cascade-Siskiyou National Monument will maintain its diverse array of natural and scientific resources and preserve its cultural and historic legacy, ensuring that the scientific and historic values of this area remain for the benefit of all Americans.

WHEREAS, section 320301 of title 54, United States Code (known as the ''Antiquities Act''), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS, it is in the public interest to preserve the objects of scientific and historic interest on these public lands as an enlargement of the boundary of the Cascade-Siskiyou National Monument;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or

controlled by the Federal Government to be part of the Cascade Siskiyou National Monument and, for the purpose of protecting those objects, reserve as part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached hereto and forms a part of this proclamation. These reserved Federal lands and interests in lands encompass approximately 48,000 acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.

Nothing in this proclamation shall change the management of the areas protected under Proclamation 7318. Terms used in this proclamation shall have the same meaning as those defined in Proclamation 7318.

All Federal lands and interests in lands within the boundaries described on the accompanying map are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

The enlargement of the boundary is subject to valid existing rights. If the Federal Government subsequently acquires any lands or interests in lands not owned or controlled by the Federal Government within the boundaries described on the accompanying map, such lands and interests in lands shall be reserved as a part of the monument, and objects identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

The Secretary of the Interior (Secretary) shall manage the area being added to the monument through the Bureau of Land Management as a unit of the National Landscape Conservation System, under the same laws and regulations that apply to the rest of the monument, except that the Secretary may issue a travel management plan that authorizes snowmobile and non-motorized mechanized use off of roads in the area being added by this proclamation, so long as such use is consistent with the care and management of the objects identified above.

Nothing in this proclamation shall preclude low-level overflights of military aircraft, the designation of new units of special use airspace, or the use or establishment of military flight training routes over the lands reserved by this proclamation consistent with the care and management of the objects identified above.

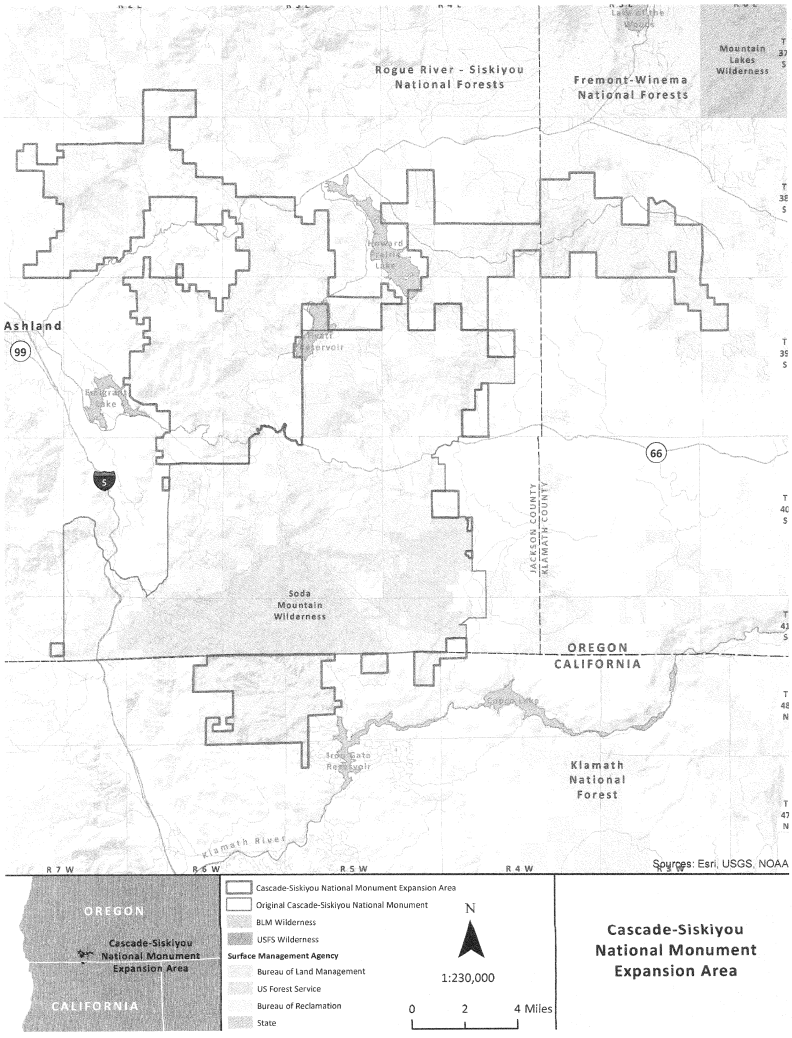
Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Oregon or the State of California with respect to fish and wildlife management.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of January, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA



Proclamation 9565 of January 12, 2017

Establishment of the Birmingham Civil Rights National Monument

By the President of the United States of America
A Proclamation

The A.G. Gaston Motel (Gaston Motel), located in Birmingham, Alabama, within walking distance of the Sixteenth Street Baptist Church, Kelly Ingram Park, and other landmarks of the American civil rights

movement (movement), served as the headquarters for a civil rights campaign in the spring of 1963. The direct action campaign—known as ''Project C'' for confrontation—challenged unfair laws designed to limit the freedoms of African Americans and ensure racial inequality. Throughout the campaign, Dr. Martin Luther King, Jr., and Reverend Ralph David Abernathy of the Southern Christian Leadership Conference (SCLC), Reverend Fred L. Shuttlesworth of the Alabama Christian Movement for Human Rights (ACMHR), and other movement leaders rented rooms at the Gaston Motel and held regular strategy sessions there. They also staged marches and held press conferences on the premises. Project C succeeded in focusing the world's attention on racial injustice in America and creating momentum for Federal civil rights legislation that would be enacted in 1964.

The Gaston Motel, the highest quality accommodation in Birmingham in 1963 that accepted African Americans, was itself the product of segregation. Arthur George (A.G.) Gaston, a successful African American businessman whose enterprises addressed the needs of his segregated community, opened the motel in 1954 to provide ''something fine that . . . will be appreciated by our people.'' In the era of segregation, African Americans faced inconveniences, indignities, and personal risk in their travels. The conveniences and comforts of the Gaston Motel were a rarity for them. The motel hosted many travelers over the years, including business and professional people; celebrities performing in the city; participants in religious, social, and political conferences; and in April–May 1963, the movement leaders, the press, and others who would bring Project C to the world stage. During Project C, King and Abernathy occupied the motel's main suite, Room 30, located on the second floor above the office and lobby, and they and their colleagues held most of their strategy sessions in the suite's sitting room.

The events at the Gaston Motel drew attention to State and local laws and customs that—a century after the Civil War—promoted racial inequality. In January 1963, incoming Alabama Governor George Wallace declared, ''Segregation now! Segregation tomorrow! Segregation forever!'' Birmingham, Alabama's largest city, was a bastion of segregation, enforced by law, custom, and violence. The city required the separation of races at parks, pools, playgrounds, hotels, restaurants, theaters, on buses, in taxicabs, and elsewhere. Zoning ordinances determined where African Americans could purchase property, and a line of demarcation created a virtual wall around the Fourth Avenue business district that served the African American community. Racial discrimination pervaded housing and employment. Violence was frequently used to intimidate those who dared to challenge segregation. From 1945 to 1963, Birmingham witnessed 60 bombings of African American homes, businesses, and churches, earning the city the nickname ''Bombingham.''

By early 1963, civil rights activism was also well established in Birmingham. Civil rights leaders had been spurred into action in 1956 when the State of Alabama effectively outlawed the National Association for the Advancement of Colored People (NAACP). A sheriff served Shuttlesworth, Membership Chairman of the NAACP's Alabama chapter, with an injunction at the organization's regional headquarters in Birmingham's Masonic Temple, where many African American professionals and organizations had their offices. In swift response, Shuttlesworth formed the ACMHR in June 1956, and established its

headquarters at his church, Bethel Baptist. Shuttlesworth and the ACMHR spearheaded a church-led civil rights movement in Birmingham: they held mass meetings every Monday night, pursued litigation, and initiated direct action campaigns. The ACMHR and Shuttlesworth established ties with other civil rights organizations, and developed reputations as serious forces in the civil rights movement. As the primary Birmingham contact during the 1961 Freedom Rides, Shuttlesworth and his deacons rescued multiple Freedom Riders, sheltering them at Bethel Baptist Church and its parsonage. Shuttlesworth also worked to cultivate other local protest efforts. In 1962, he supported students from Miles College as they launched a boycott of downtown stores that treated African Americans as second class citizens. A year later some of the same students would participate in Project C.

Shuttlesworth encouraged the SCLC to come to Birmingham. By early 1963, King and his colleagues decided that the intransigence of Birmingham's segregationist power structure, and the strength of its indigenous civil rights movement, created the necessary tension for a campaign that could capture the Nation's—and the Kennedy Administration's—attention, and pressure city leaders to desegregate. In the words of King, ''As Birmingham goes, so goes the South.''

The plan of the Birmingham campaign was to attack Birmingham's segregated business practices during the busy and lucrative Easter shopping season through nonviolent direct action, including boycotts, marches, and sit-ins. On April 3, 1963, Shuttlesworth distributed a pamphlet entitled ''Birmingham Manifesto'' to announce the campaign to the press and encourage others to join the cause. Sit-ins at downtown stores began on April 3, as did nightly mass meetings. The first march of the campaign was on April 6, 1963. Participants gathered in the courtyard of the Gaston Motel and started to march toward City Hall, but the police department under the command of Commissioner of Public Safety T. Eugene ''Bull'' Connor stopped them within three blocks, arrested them, and sent them to jail. The next day, Birmingham police, assisted by their canine corps, again quickly stopped the march from St. Paul United Methodist Church toward City Hall, containing the protesters in Kelly Ingram Park.

Over the next few days, as the possibility of violence increased, some local African American leaders, including A.G. Gaston, questioned Project C. In response, King created a 25-person advisory committee to allow discussion of the leaders' different viewpoints. The advisory committee met daily at the Gaston Motel and reviewed each day's plan.

On April 10, the city obtained an injunction against the marches and other demonstrations from a State court, and served it on King, Abernathy, and Shuttlesworth in the Gaston Motel restaurant at 1:00 a.m. on April 11. During the Good Friday march on April 12, King, Abernathy, and others were arrested. King was placed in solitary confinement, drawing the attention of the Kennedy Administration, which began to monitor developments in Birmingham. While jailed, King wrote his famous ''Letter from a Birmingham Jail.'' His letter was a response to a statement published in the local newspaper by eight moderate white clergymen who supported integration but opposed the direct action campaign as ''unwise and untimely.'' They believed that negotiations and legal processes were the appropriate means to end seg-

regation, and without directly naming him, portrayed King as an outsider trying to stir up civil unrest. In response, King wrote, ''I am in Birmingham because injustice is here.''

While King was in jail, the campaign lost momentum. Upon King's release, James Bevel, a young SCLC staffer, proposed what would become known as the ''Children's Crusade,'' a highly controversial strategy aimed at capturing the Nation's attention. On May 2—dubbed D–Day—hundreds of African American teenagers prepared to march from the Sixteenth Street Baptist Church to City Hall. With a crowd of bystanders present, police began arresting young protesters in Kelly Ingram Park. Overwhelmed by the number of protesters, estimated at 1,000, Commissioner Connor called for school buses to transport those arrested to jail. On May 3—Double–D Day—Connor readied his forces for another mass march by stationing police, canine units, and firemen at Kelly Ingram Park. As the young protesters entered the park, authorities ordered them to evacuate the area; when they did not leave, firemen trained their water cannons on them. The high-pressure jets of water knocked them to the ground and tore at their clothing. Connor next deployed the canine corps to disperse the crowd. Police directed six German shepherds towards the crowd and commanded them to attack. Reporters documented the violence, and the next day the country was confronted with dramatic scenes of brutal police aggression against civil rights protesters. These vivid examples of segregation and racial injustice shocked the conscience of the Nation and the world.

The marches and demonstrations continued. Fearing civil unrest and irreparable damage to the city's reputation, on May 8 the Birmingham business community and local leaders agreed to release the peaceful protesters, integrate lunch counters, and begin to hire African Americans. On May 10, 1963, the Gaston Motel served as the site to announce this compromise between local white leaders and civil rights advocates. The motel was bombed around midnight. The bomb blasted a door-sized hole into the reception area below King's second story suite and damaged the water main and electrical lines. King was not in Birmingham at the time. His brother, A.D. King, whose own home in Birmingham had been bombed earlier in the day, worked to calm outraged African Americans and avoid an escalation of violence.

Despite the negotiated peace, African Americans in Birmingham continued to face hostile resistance to integration. That fall, Governor Wallace, in violation of a Federal court order, directed State troopers to prevent desegregation of Alabama public schools. When a Federal court issued injunctions against the troopers, the Governor called out the National Guard. To counter that action, President John F. Kennedy federalized and withdrew the National Guard, thereby allowing desegregation. In response, on September 15, 1963, white supremacists planted a bomb at the Sixteenth Street Baptist Church. Addie Mae Collins, Carole Robertson, and Cynthia Wesley, all of whom were 14, and Denise McNair, 11, were killed. The explosion injured 22 others and left significant damage to the church. King traveled to Birmingham to deliver the eulogy for the little girls. This act of domestic terrorism again shocked the conscience of the Nation and the world.

Public outrage over the events in Birmingham produced political pressure that helped to ensure passage of the Civil Rights Act of 1964, which President Lyndon Johnson signed into law on July 2, 1964. Later that year, the U.S. Supreme Court affirmed the constitutionality of the

public accommodation provisions (Title II) of the Act. Several Southern politicians announced that laws must be respected, and across the South outward signs of segregation began to disappear.

Partially as a result of the Federal legislation outlawing discrimination in public accommodations, business at the Gaston Motel suffered. African Americans had more choices in motels and dining. When King returned to Birmingham for an SCLC conference in 1964, he and three dozen colleagues checked into the Parliament House, then considered Birmingham's finest hotel. A.G. Gaston modernized and expanded his motel in 1968, adding a large supper club and other amenities, but business continued to fall through the 1970s. In 1982, Gaston announced that the motel would be converted into housing for the elderly and handicapped. The use of the property for this purpose ceased in 1996, and the former Gaston Motel has sat vacant ever since.

Although some people continued to resist integration following the events of the early 1960s, the passage of the Civil Rights Act of 1964, and its enforcement by the Department of Justice, had the effect of eliminating official segregation of public accommodations. Today, the Gaston Motel, the Birmingham Civil Rights Historic District in which the motel is located, the Bethel Baptist Church, and other associated resources all stand as a testament to the heroism of those who worked so hard to advance the cause of freedom.

Thus, the sites of these events contain objects of historic interest from a critical period in American history.

WHEREAS, section 320301 of title 54, United States Code (known as the ''Antiquities Act''), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS, the Birmingham Civil Rights Historic District (Historic District) was listed in the National Register of Historic Places (NRHP) in 2006, as a nationally significant property associated with the climax of the civil rights struggle during the 1956–63 period; and the Historic District contains three key areas and the streets that connect them, covering 36 acres throughout the city; and the Gaston Motel, located in the African American commercial and cultural area known as Northside, is deemed a ''major significant resource'' in the Historic District;

WHEREAS, many other Birmingham places have been listed and recognized for their historic roles in the Birmingham civil rights story, including by designation as National Historic Landmarks;

WHEREAS, the City of Birmingham has donated to the National Trust for Historic Preservation fee and easement interests in the Gaston Motel, totaling approximately 0.23 acres in fee and 0.65 acres in a historic preservation easement;

WHEREAS, the National Trust for Historic Preservation has relinquished and conveyed all of these lands and interests in lands associated with the Gaston Motel to the Federal Government for the purpose of establishing a unit of the National Park System;

WHEREAS, the designation of a national monument to be administered by the National Park Service would recognize the historic significance of the Gaston Motel in the Birmingham civil rights story and provide a national platform for telling that story;

WHEREAS, the City of Birmingham and the National Park Service intend to cooperate in the preservation, operation, and maintenance of the Gaston Motel, and interpretation and education related to the civil rights struggle in Birmingham;

WHEREAS, it is in the public interest to preserve and protect the Gaston Motel in Birmingham, Alabama and the historic objects associated with it within a portion of the Historic District;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Federal Government to be the Birmingham Civil Rights National Monument (monument) and, for the purpose of protecting those objects, reserve as a part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. The reserved Federal lands and interests in lands encompass approximately 0.88 acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries described on the accompanying map are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing.

The establishment of the monument is subject to valid existing rights. If the Federal Government acquires any lands or interests in lands not owned or controlled by the Federal Government within the boundaries described on the accompanying map, such lands and interests in lands shall be reserved as a part of the monument, and objects identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

The Secretary of the Interior (Secretary) shall manage the monument through the National Park Service, pursuant to applicable legal authorities, consistent with the purposes and provisions of this proclamation. The Secretary shall prepare a management plan, with full public involvement and in coordination with the City of Birmingham, within 3 years of the date of this proclamation. The management plan shall ensure that the monument fulfills the following purposes for the benefit of present and future generations: (1) to preserve and protect the objects of historic interest associated with the monument, and (2) to interpret the objects, resources, and values related to the civil rights movement. The management plan shall, among other things, set forth the desired relationship of the monument to other related resources, programs, and organizations, both within and outside the National Park System.

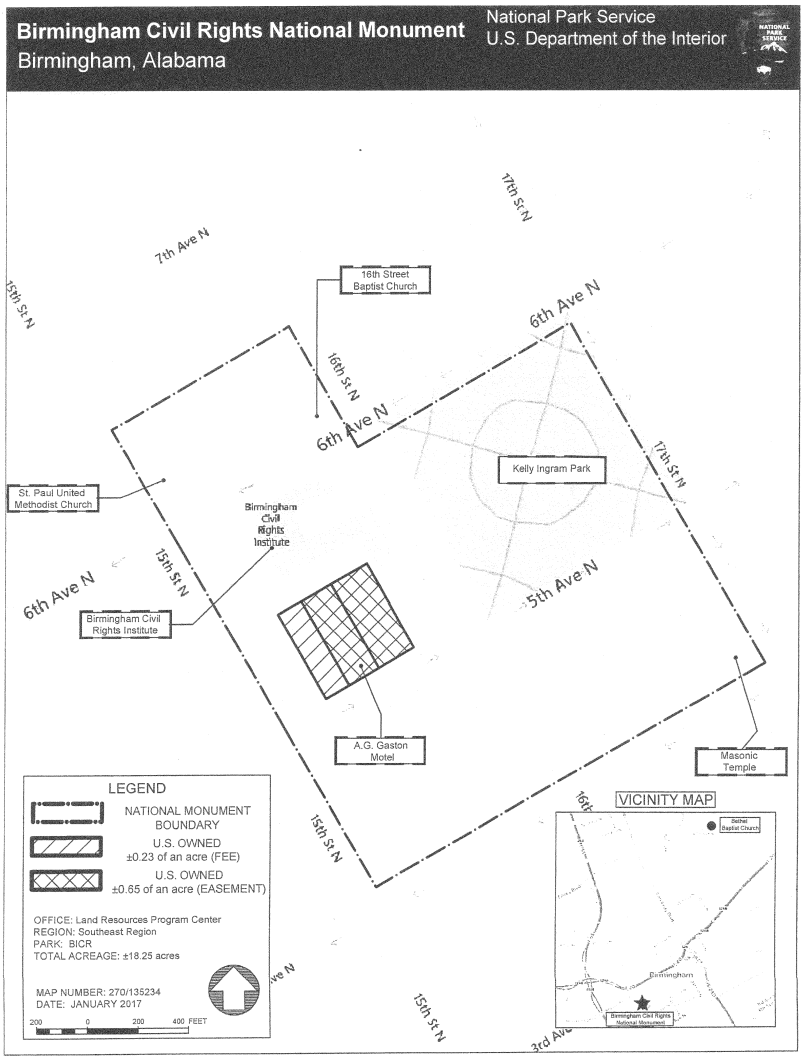
The National Park Service is directed to use applicable authorities to seek to enter into agreements with others, including the City of Birmingham, the Birmingham Civil Rights Institute, the Sixteenth Street Baptist Church, and the Bethel Baptist Church, to address common interests and promote management efficiencies, including provision of visitor services, interpretation and education, establishment and care of museum collections, and preservation of historic objects.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of January, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA



Proclamation 9566 of January 12, 2017

Establishment of the Freedom Riders National Monument

By the President of the United States of America
A Proclamation

An interracial group of ''Freedom Riders'' set out in May 1961 on a journey from Washington, DC, to New Orleans through the Deep South. In organizing the 1961 Freedom Rides, the Congress of Racial Equality (CORE) was building upon earlier efforts of other civil rights organizations, including the 1947 ''Journey of Reconciliation,'' an integrated bus ride through the segregated Upper South. The purpose of the 1961

Freedom Rides was to test if bus station facilities in the Deep South were complying with U.S. Supreme Court decisions. *Brown* v. *Board of Education of Topeka* (1954) had reversed the infamous ''separate but equal'' doctrine in public education, and *Morgan* v. *Virginia* (1946) and *Boynton* v. *Virginia* (1960) had struck down Virginia laws compelling segregation in interstate travel.

These rulings were the result of successful litigation brought by the National Association for the Advancement of Colored People, which laid the groundwork for direct action campaigns by civil rights organizations like CORE, the Southern Christian Leadership Conference, and the Student Nonviolent Coordinating Committee (SNCC). These organizations had gathered strength, and by the 1950s had launched mass movements that demonstrated the power of nonviolent protest. At the same time, reaction to the decision in *Brown* v. *Board of Education* had heightened racial tensions in the country, especially in the Deep South. White Citizens' Councils, made up of politicians, businessmen, and civic leaders committed to resisting integration, formed throughout the South. In 1956, over 100 members of Congress signed the ''Southern Manifesto,'' which criticized the Brown decision and called for resistance to its implementation. This campaign of massive resistance launched by white segregationists reinforced their determination to assure continued separation of the races in public spaces.

Against this background, on May 4, 1961, in Washington, DC, eleven Freedom Riders split into two groups and boarded two buses, a Greyhound bus and a Trailways bus, bound for New Orleans. The Greyhound bus carrying the first of these groups left Atlanta, Georgia on Sunday, May 14, and pulled into a Greyhound bus station in Anniston, Alabama later that day. There, a segregationist mob, including members of the Ku Klux Klan, violently attacked the Freedom Riders. The attackers threw rocks at the bus, broke windows, and slashed tires. Belatedly, police officers arrived and cleared a path, allowing the bus to depart with a long line of vehicles in pursuit. Two cars pulled ahead of the bus and forced the bus to slow to a crawl. Six miles outside of town, the bus's slashed tires gave out and the driver stopped on the shoulder of Highway 202. There, with the Freedom Riders onboard, one member of the mob threw a flaming bundle of rags through one of the windows that caused an explosion seconds later. The Freedom Riders struggled to escape as members of the mob attempted to trap them inside the burning bus. When they finally broke free, they received little aid for their injuries. Later that day, deacons dispatched by Reverend Fred L. Shuttlesworth of Birmingham's Bethel Baptist Church rescued the Freedom Riders from the hostile mob at Anniston Hospital and drove them to Birmingham for shelter at the church. A freelance photojournalist captured the horrific scene of the attack in photographs, which appeared on the front pages of newspapers across America the next day. The brutal portrayal of segregation in the South shocked many Americans and forced the issue of racial segregation in interstate travel to the forefront of the American conscience.

When the Trailways bus, which had departed Atlanta an hour after the Greyhound bus, arrived in Anniston, the Trailways station was mostly quiet. A group of Klansmen boarded the bus and forcibly segregated the Freedom Riders. With all aboard, the bus left on its two-hour trip to Birmingham during which the Klansmen continued to intimidate and harass the Freedom Riders. When the Trailways bus arrived in Bir-

mingham, a mob of white men and women attacked the Freedom Riders, reporters, and bystanders with fists, iron pipes, baseball bats, and other weapons, while the police department under the charge of Commissioner of Public Safety T. Eugene ''Bull'' Connor was nowhere to be seen. After fifteen minutes of violence, the mob retreated and the police appeared.

Leaders of the Nashville Student Movement, including members of SNCC, firmly believed that they could not let violence prevail over nonviolence. They organized an interracial group of volunteers to travel to Birmingham and resume the Freedom Rides. Under police protection negotiated with help from the Kennedy Administration, on May 20, these SNCC Freedom Riders departed Birmingham en route to Montgomery, Alabama, where an angry white mob viciously attacked them. The next night, Dr. Martin Luther King, Jr.—who had not been involved in the planning of the Freedom Rides—joined Reverend Ralph David Abernathy and Reverend Shuttlesworth at a mass meeting in Abernathy's First Baptist Church in Montgomery. A white mob gathered outside the church, attacked African American onlookers, and held hostage the civil rights leaders and approximately 1,500 attendees inside the church. King remained in telephone communication with Attorney General Robert F. Kennedy while U.S. marshals attempted to repel the siege. Finally, Governor John Patterson was forced to declare martial law and send in the National Guard.

Media coverage of the Freedom Rides inspired many people to take action and join the effort to end racial inequality. Over the summer of 1961, the number of Freedom Riders grew to over 400, many of whom were arrested and jailed for their activism. The Freedom Rides of 1961 focused national attention on Southern segregationists' disregard for U.S. Supreme Court rulings and the violence that they used to enforce unconstitutional State and local segregation laws and practices. The Freedom Rides forced the Federal Government to take steps to ban segregation in interstate bus travel. On May 29, 1961, Attorney General Kennedy petitioned the Interstate Commerce Commission (ICC) to issue regulations banning segregation, and the ICC subsequently decreed that by November 1, 1961, bus carriers and terminals serving interstate travel had to be integrated.

As described above, the sites of these events contain objects of historic interest from a critical period of American history.

WHEREAS, section 320301 of title 54, United States Code (known as the ''Antiquities Act''), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS, the City of Anniston has donated to The Conservation Fund fee title to the former Greyhound bus station building in downtown Anniston, Alabama, approximately 0.17 acres of land;

WHEREAS, Calhoun County has donated to The Conservation Fund fee title to the site of the bus burning outside Anniston, Alabama, approximately 5.79 acres of land;

WHEREAS, The Conservation Fund has relinquished and conveyed all of these lands to the United States of America;

WHEREAS, it is in the public interest to preserve and protect the historic objects associated with the former Greyhound bus station in Anniston, Alabama, and the site of the bus burning outside Anniston in Calhoun County, Alabama;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Federal Government to be the Freedom Riders National Monument (monument) and, for the purpose of protecting those objects, reserve as a part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. The reserved Federal lands and interests in lands encompass approximately 5.96 acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries described on the accompanying map are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing.

The establishment of the monument is subject to valid existing rights. If the Federal Government acquires any lands or interests in lands not owned or controlled by the Federal Government within the boundaries described on the accompanying map, such lands and interests in lands shall be reserved as a part of the monument, and objects identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

The Secretary of the Interior (Secretary) shall manage the monument through the National Park Service, pursuant to applicable legal authorities, consistent with the purposes and provisions of this proclamation. The Secretary shall use available authorities, as appropriate, to enter into agreements with others to address common interests and promote management needs and efficiencies.

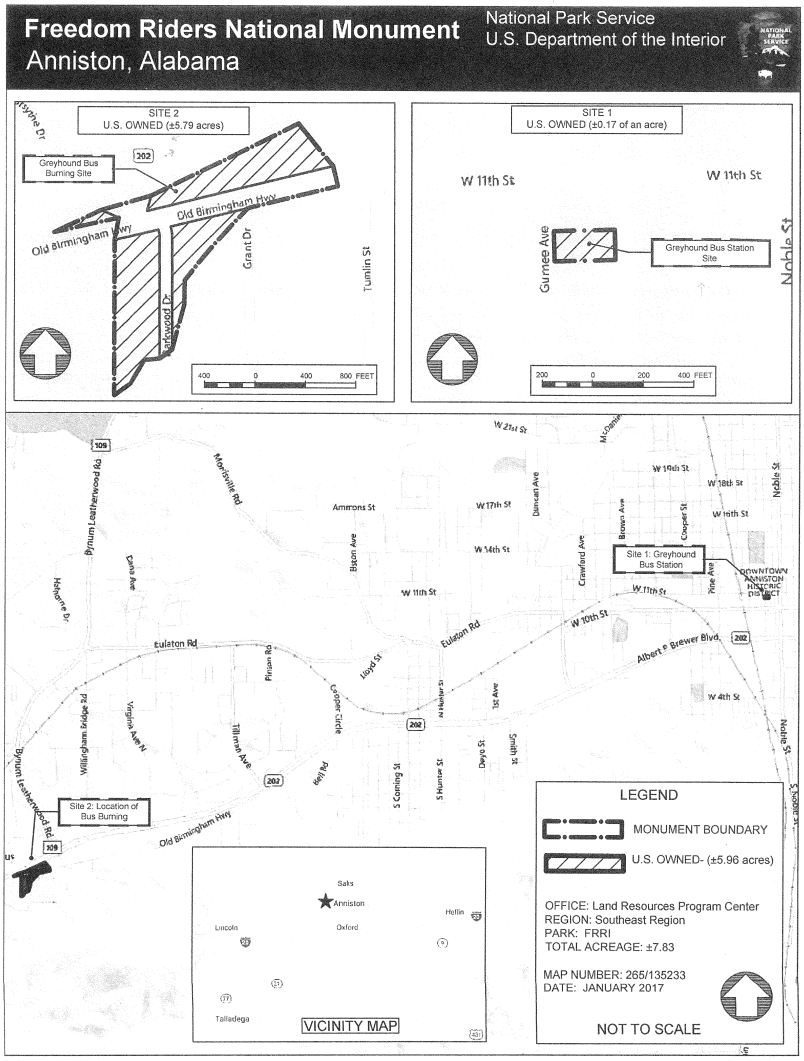
The Secretary shall prepare a management plan, with full public involvement, within 3 years of the date of this proclamation. The management plan shall ensure that the monument fulfills the following purposes for the benefit of present and future generations: (1) to preserve and protect the objects of historic interest associated with the monument, and (2) to interpret the objects, resources, and values related to the civil rights movement. The management plan shall, among other things, set forth the desired relationship of the monument to other related resources, programs, and organizations, both within and outside the National Park System.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of January, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA



Proclamation 9567 of January 12, 2017

Establishment of the Reconstruction Era National Monument

By the President of the United States of America
A Proclamation

The Reconstruction Era, a period spanning the early Civil War years until the start of Jim Crow racial segregation in the 1890s, was a time of significant transformation in the United States, as the Nation grappled with the challenge of integrating millions of newly freed African Americans into its social, political, and economic life. It was in many ways the Nation's Second Founding, as Americans abolished slavery and struggled earnestly, if not always successfully, to build a nation of free and equal citizens. During Reconstruction, Congress passed the Thirteenth, Fourteenth, and Fifteenth constitutional amendments that abolished slavery, guaranteed due process and equal protection under the law, and gave all males the ability to vote by prohibiting voter discrimination based on race, color, or previous condition of servitude. Ultimately, the unmet promises of Reconstruction led to the modern civil rights movement a century later.

The Reconstruction Era began when the first United States soldiers arrived in slaveholding territories, and enslaved people on plantations and farms and in cities escaped from their owners and sought refuge with Union forces or in free states. This happened in November 1861 in the Sea Islands or ''Lowcountry'' of southeastern South Carolina, and Beaufort County in particular. Just seven months after the start of the Civil War, Admiral Samuel F. DuPont led a successful attack on Port Royal Sound and brought a swath of this South Carolina coast under Union control. The white residents (less than twenty percent of the population), including the wealthy owners of rice and cotton plantations, quickly abandoned their country plantations and their homes in the town of Beaufort as Union forces came ashore. More than 10,000 African Americans—about one-third of the enslaved population of the Sea Islands at the time—refused to flee the area with their owners.

Beaufort County became one of the first places in the United States where formerly enslaved people could begin integrating themselves into free society. While the Civil War raged in the background, Beaufort County became the birthplace of Reconstruction, or what historian Willie Lee Rose called a ''rehearsal for Reconstruction.'' With Federal forces in charge of the Sea Islands, the Department of the Treasury, with the support of President Lincoln and the War Department, decided to turn the military occupation into a novel social experiment, known as the Port Royal Experiment, to help former slaves become self-sufficient. They enlisted antislavery and religious societies in the North to raise resources and recruit volunteers for the effort. Missionary organizations headquartered in the Northeast established outposts in Beaufort County.

In and around Beaufort County during Reconstruction, the first African Americans enlisted as soldiers, the first African American schools were founded, early efforts to distribute land to former slaves took place, and many of the Reconstruction Era's most significant African American politicians, including Robert Smalls, came to prominence. African

American political influence and land ownership endured there long after setbacks in other regions. In short, events and people from Beaufort County illustrate the most important challenges of Reconstruction—crucial questions related to land, labor, education, and politics after the destruction of slavery—and some early hopeful efforts to address them. The significant historical events that transpired in Beaufort County make it an ideal place to tell stories of experimentation, potential transformation, hope, accomplishment, and disappointment. In Beaufort County, including St. Helena Island, the town of Port Royal, and the city of Beaufort, many existing historic objects demonstrate the transformative effect of emancipation and Reconstruction.

Freed people hungered for education, as South Carolina had long forbidden teaching slaves to read and write. In 1862, Laura M. Towne and Ellen Murray from Pennsylvania were among the first northern teachers to arrive as part of the Port Royal Experiment. They established a partnership as educators at the Penn School on St. Helena Island that lasted for four decades. Charlotte Forten, a well-educated African American woman from a prominent abolitionist family in Philadelphia, joined the faculty later that year. The first classes for the former slaves were held at The Oaks plantation house, headquarters of the occupying U.S. military forces in the region. In 1863, Murray and Towne moved their school into Brick Church, a Baptist church near the center of the island. In the spring of 1864, supporters in Philadelphia purchased school buildings for Towne and Murray, and construction of Penn School began across the field from Brick Church on 50 acres of property donated by Hastings Gantt, an African American landowner.

Penn School helped many African Americans gain self-respect and self-reliance and integrate into free society. Towne and Murray strove to provide an education comparable to that offered in the best northern schools. The faculty also provided other support, including medical care, social services, and employment assistance. Penn School would evolve into the Penn Center in the 20th century, and remain a crucial place for education, community, and political organizing for decades to come. As a meeting place in the 1950s and 60s for civil rights leaders, including Dr. Martin Luther King, Jr., and the staff of the Southern Christian Leadership Conference, this historic place links the democratic aspirations of Reconstruction to those of the modern civil rights movement. Darrah Hall is the oldest standing structure on the site of the Penn School grounds. Students and community members built it around 1903, during the transition in the South from the Reconstruction Era to an era of racial segregation and political disenfranchisement.

The Brick Church where Towne and Murray held classes in 1863–64 is today the oldest church on St. Helena Island. Once freed from their owners, African Americans in Beaufort County wanted to worship in churches and join organizations they controlled. The Brick Church—also known as the Brick Baptist Church—was built by slaves in 1855 for the white planters on St. Helena Island. When the white population fled from the Sea Islands in 1861, the suddenly freed African Americans made the church their own. The Brick Church has been a place of worship and gathering ever since, and continues to serve the spiritual needs of the community to this day.

Camp Saxton in Port Royal—formerly the site of a plantation owned by John Joyner Smith—is where the First South Carolina Regiment Vol-

unteers mustered into the U.S. Army and trained from November 1862 to January 1863. In August 1862, U.S. Brigadier General Rufus Saxton, the military governor of the abandoned plantations in the Department of the South, received permission to recruit five thousand African Americans, mostly former slaves, into the Union Army. The former slaves assumed that military service would lead to rights of citizenship. Saxton selected Captain Thomas Wentworth Higginson of the 51st Massachusetts, a former Unitarian minister, abolitionist, and human rights activist, to command the regiment. An important ally of Higginson and the African American troops was Harriet Tubman, the famed conductor on the Underground Railroad, who in May of 1862 arrived in Beaufort as part of the Port Royal Experiment and who served skillfully as a nurse at Camp Saxton.

Camp Saxton was also the location of elaborate and historic ceremonies on January 1, 1863, to announce and celebrate the issuance of the Emancipation Proclamation, which freed all slaves in states then ''in rebellion'' against the United States. General Saxton himself had attended church services at the Brick Church in the fall of 1862 to recruit troops and to invite everyone, African American and white, ''to come to the camp . . . on New Year's Day, and join in the grand celebration.'' This Emancipation Proclamation celebration was particularly significant because it occurred in Union-occupied territory in the South where the provisions of the Proclamation would actually take effect before the end of the war.

Over five thousand people, including freed men, women, and children, Union military officials, guest speakers, and missionary teachers, gathered around the speakers' platform built in a grove of live oaks near the Smith plantation house. One of the majestic witness trees has become known as the Emancipation Oak. Of all the prayers, hymns, and speeches during the three-hour ceremony, one of the most moving was the spontaneous singing of ''My country, tis of thee; Sweet land of liberty'' when the American flag was presented to Higginson. As part of the celebration, the military had prepared a feast of roasted oxen for all to enjoy.

The town of Beaufort was the center of the County's social, political, cultural, and economic life during the Reconstruction Era. Before the Battle of Port Royal Sound in November 1861, Beaufort was where the planters spent the summer months in their grand homes. Beaufort served as the depot for plantation supplies transported there by steamship. The Old Beaufort Firehouse, built around 1912, stands near the heart of Reconstruction Era Beaufort, across the street from the Beaufort Arsenal, and within walking distance of over fifty historic places. The Beaufort Arsenal, the location today of the Beaufort History Museum, was built in 1799, rebuilt in 1852, and renovated by the Works Progress Administration in 1934, and served historically as the home of the Beaufort Volunteer Artillery Company that fought in the Revolutionary and Civil Wars.

Several historic Beaufort properties within walking distance of the Firehouse are associated with Robert Smalls, the most influential African American politician in South Carolina during the Reconstruction Era. Robert Smalls was born in Beaufort in 1839, the son of slaves of the Henry McKee family. When Smalls was twelve years old, his owner hired him out to work in Charleston, where he learned to sail, rig, and pilot ships. In May 1862, Smalls navigated the *CSS Planter,*

a Confederate ship, through Charleston harbor, past the guns of Fort Sumter, and turned it over to Union forces. This courageous escape made him an instant hero for the Union, and he soon began working as a pilot for the U.S. Navy. Smalls and his family used prize money awarded for the *Planter* to purchase the house in Beaufort once owned by the family that had owned him.

In 1864, Smalls was named to a delegation of African American South Carolinians to the Republican National Convention in Baltimore, where the delegation unsuccessfully petitioned the party to make African American enfranchisement part of its platform. Elected to the Beaufort County School Board in 1867, Smalls began his advocacy for education as the key to African American success in the new political and economic order.

In the years immediately following the end of the Civil War, the United States fiercely debated issues critical to Reconstruction. Southern Democrats tried to regain the power they held before the Civil War. The Republican majorities in the U.S. Congress rebuffed them, and proceeded to pass legislation and constitutional amendments to implement the principles of the Union victory. In 1867, Congress passed the Military Reconstruction Acts that called for military administration of southern states and new state constitutions. Voters elected Robert Smalls as a delegate to the South Carolina Constitutional Convention that met in Charleston in January 1868, where he successfully advocated for public education with compulsory attendance. The resulting constitution also provided for universal male suffrage and racial, political, and legal equality. In this new political order, Robert Smalls was elected to the South Carolina General Assembly from 1868 to 1874, first as a representative and then as a senator. In 1874, Smalls was elected to the U.S. House of Representatives, where he served five terms.

The success of Smalls and other African American lawmakers who had been enslaved only a handful of years before infuriated South Carolina's Democrats. Some of them turned to violence, carried out by the Ku Klux Klan and others. On more than one occasion, a homegrown vigilante group known as the Red Shirts terrorized Robert Smalls.

As a result of the contested Presidential and South Carolina gubernatorial elections of 1876, deals were made that effectively ended political and military Reconstruction in 1877. Smalls, however, continued to serve in Congress until 1886. He then returned to Beaufort, and served for many years as the Presidentially appointed customs collector for the Port of Beaufort.

In 1895, Smalls was elected a delegate to his second South Carolina Constitutional Convention. Twenty years after Democrats had regained control of the State government, they had figured out how to take back African Americans' rights as citizens. Smalls spoke eloquently at the Convention against this blow to democracy and representative government, but ultimately rights hard won three decades before were struck down. South Carolina voters ratified a new constitution that effectively eliminated African Americans from electoral politics and codified racial segregation in law for decades to come.

Even as Jim Crow laws and customs limited political participation and access to public accommodations, African Americans maintained visions of freedom and built strong community institutions. Ownership

of land, access to education, and churches and civic organizations that took root during the Reconstruction Era laid the foundation for the modern civil rights movement.

The many objects of historic interest described above stand testament to the formative role of the Reconstruction Era—and the enormous contributions of those who made it possible—in our shared history.

WHEREAS, section 320301 of title 54, United States Code (known as the ''Antiquities Act''), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS, the Beaufort National Historic Landmark District, which contains many objects of historic interest including the Old Beaufort Firehouse, was designated in 1973; and the Penn School National Historic Landmark District, which also contains many objects of historic interest including Darrah Hall and the Brick Baptist Church, was designated in 1974;

WHEREAS, the Camp Saxton Site was listed in the National Register of Historic Places in 1995;

WHEREAS, portions of the former Camp Saxton Site are located today on lands administered by the U.S. Department of the Navy at Naval Support Facility Beaufort, South Carolina;

WHEREAS, Penn Center, Inc., has donated to the United States fee title to Darrah Hall at Penn Center, St. Helena Island, South Carolina, with appurtenant easements, totaling approximately 3.78 acres of land and interests in land;

WHEREAS, Brick Baptist Church has donated to the United States a historic preservation easement in the Brick Baptist Church and associated cemetery located on St. Helena Island, South Carolina, an interest in land of approximately 0.84 acres;

WHEREAS, the Paul H. Keyserling Revocable Trust and Beaufort Works, LLC, have donated to the United States fee title to the Old Beaufort Firehouse at 706 Craven Street, Beaufort, South Carolina, approximately 0.08 acres of land;

WHEREAS, the designation of a national monument to be administered by the National Park Service would recognize the historic significance of Brick Baptist Church, Darrah Hall, Camp Saxton, and the Old Beaufort Firehouse, and provide a national platform for telling the story of Reconstruction;

WHEREAS, it is in the public interest to preserve and protect these sites;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Federal Government to be the Reconstruction Era Na-

tional Monument (monument) and, for the purpose of protecting those objects, reserve as a part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. The reserved Federal lands and interests in lands encompass approximately 15.56 acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries described on the accompanying map are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing.

The establishment of the monument is subject to valid existing rights. If the Federal Government acquires any lands or interests in lands not owned or controlled by the Federal Government within the boundaries described on the accompanying map, such lands and interests in lands shall be reserved as a part of the monument, and objects identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

The Secretary of the Interior shall manage the monument through the National Park Service, pursuant to applicable legal authorities, consistent with the purposes and provisions of this proclamation. The Secretary of the Interior shall prepare a management plan within 3 years of the date of this proclamation, with full public involvement, and to include coordination with Penn Center, Inc., Brick Baptist Church, the Department of the Navy, Atlantic Marine Corps Communities, LLC, the City of Beaufort, and the Town of Port Royal. The management plan shall ensure that the monument fulfills the following purposes for the benefit of present and future generations: (1) to preserve and protect the objects of historic interest associated with the monument, and (2) to interpret the objects, resources, and values related to the Reconstruction Era. The management plan shall, among other things, set forth the desired relationship of the monument to other related resources, programs, and organizations, both within and outside the National Park System.

The Secretary of the Navy, or the Secretary of the Navy's designee, shall continue to have management authority over Department of the Navy lands within the monument boundary at the Camp Saxton site, including the authority to control access to these lands. The Secretaries of the Navy and the Interior shall enter into a memorandum of agreement that identifies and assigns the responsibilities of each agency related to such lands, the implementing actions required of each agency, and the processes for resolving interagency disputes.

The National Park Service is directed to use applicable authorities to seek to enter into agreements with others to address common interests and promote management efficiencies, including provision of visitor services, interpretation and education, establishment and care of museum collections, and preservation of historic objects.

Given the location of portions of the monument on an operating military facility, the following provisions concern U.S. Armed Forces ac-

tions by a Military Department, including those carried out by the United States Coast Guard:

1. Nothing in this Proclamation precludes the activities and training of the Armed Forces; however, they shall be carried out in a manner consistent with the care and management of the objects to the extent practicable.

2. In the event of threatened or actual destruction of, loss of, or injury to a monument resource or quality resulting from an incident caused by a component of the Department of Defense or any other Federal agency, the appropriate Secretary or agency head shall promptly coordinate with the Secretary of the Interior for the purpose of taking appropriate action to respond to and mitigate the harm and, if possible, restore or replace the monument resource or quality.

3. Nothing in this proclamation or any regulation implementing it shall limit or otherwise affect the U.S. Armed Forces' discretion to use, maintain, improve, or manage any real property under the administrative control of a Military Department or otherwise limit the availability of such real property for military mission purposes.

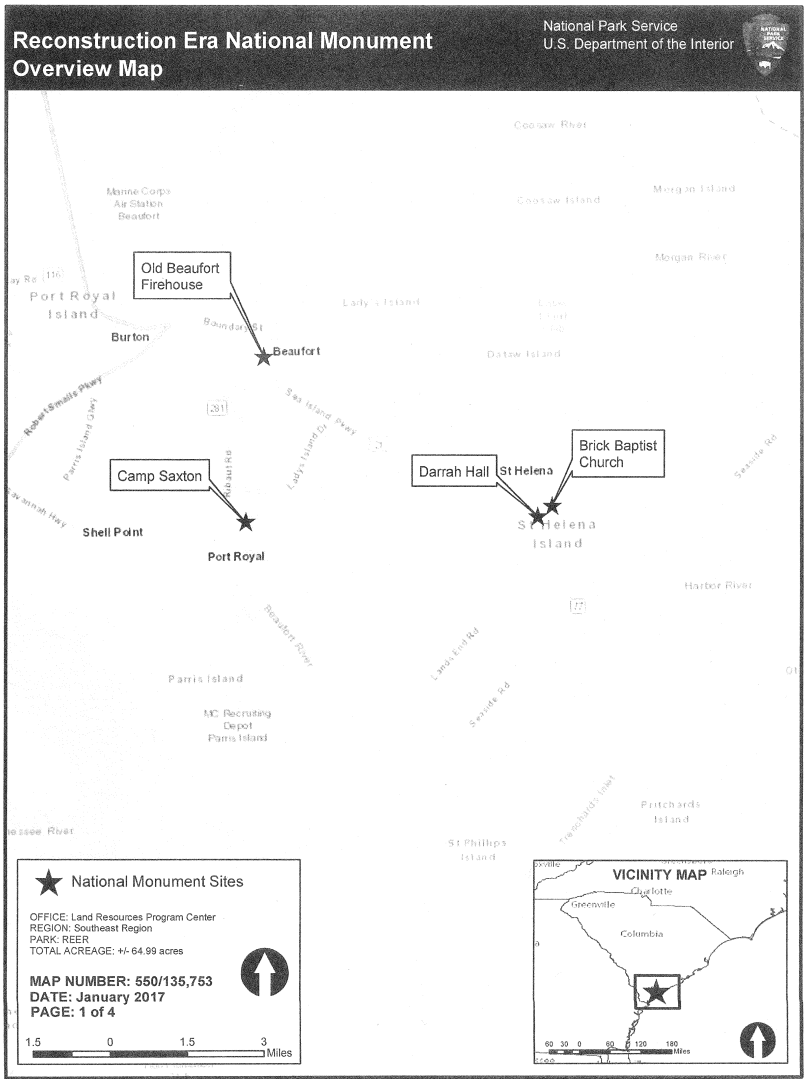
Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

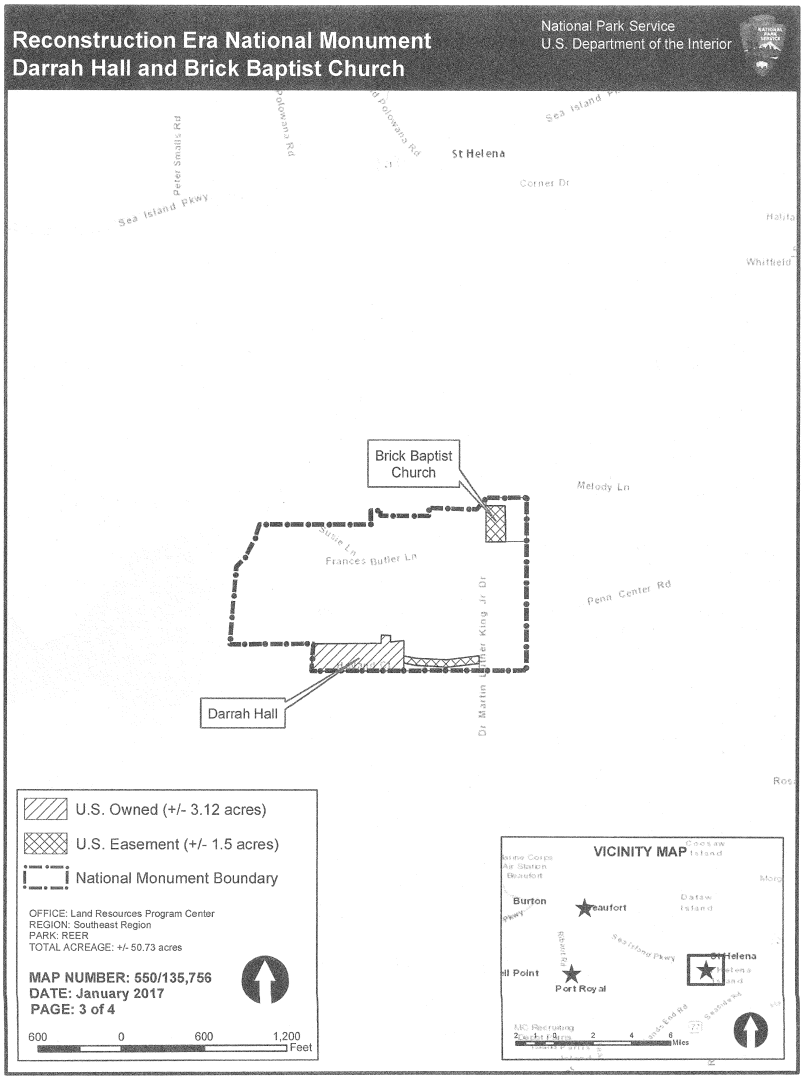
Nothing in this proclamation shall be construed to alter the authority or responsibility of any party with respect to emergency response activities within the monument.

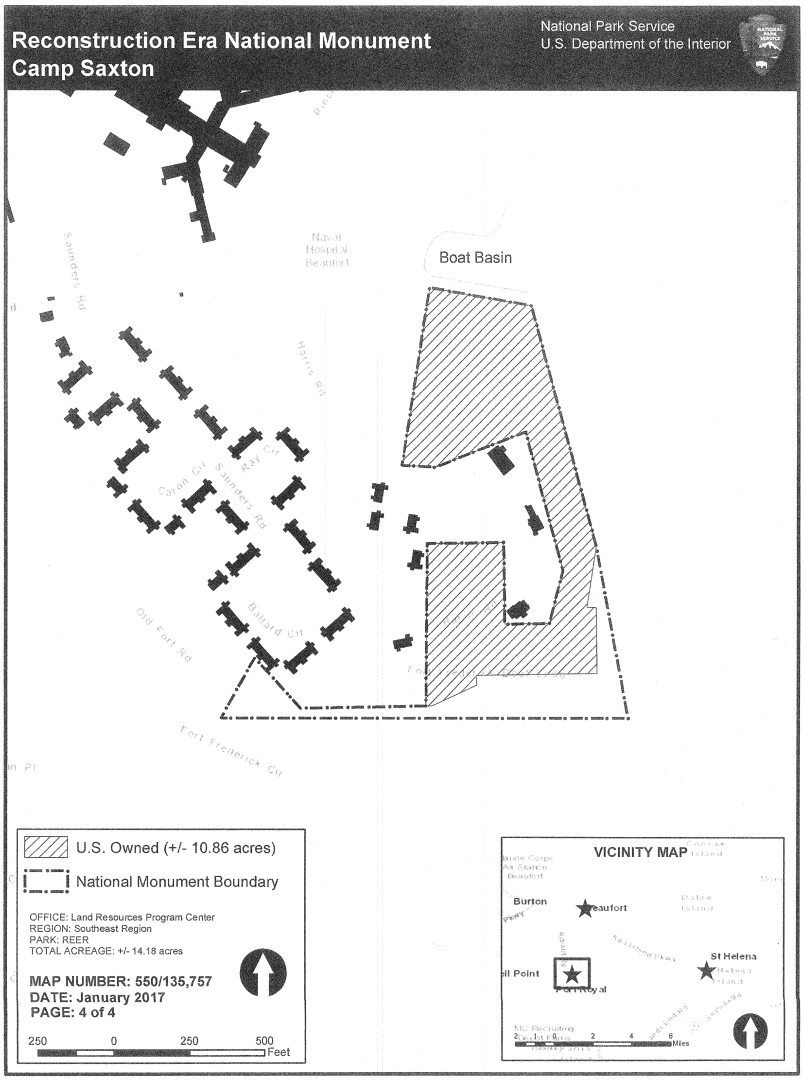
Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

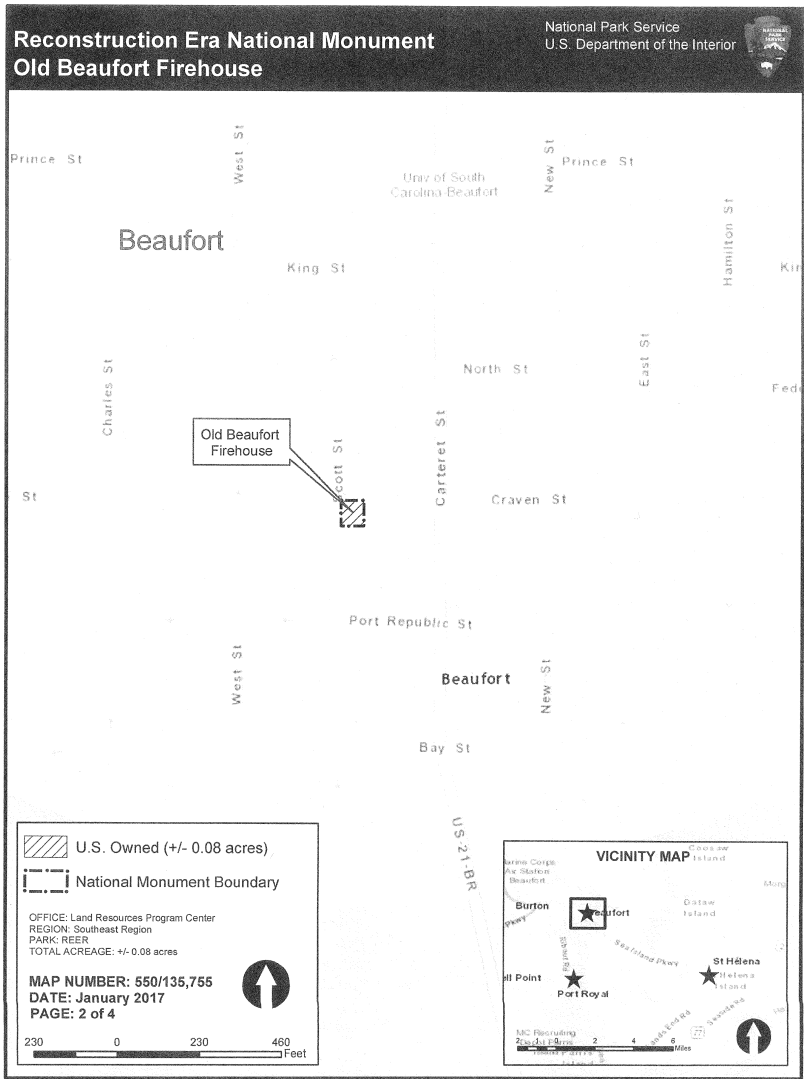
IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of January, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA


Reconstruction Era National Monument
Overview Map
National Park Service
U.S. Department of the Interior
Old Beaufort Firehouse
Beaufort
Burton
Port Royal Island
Camp Saxton
Shell Point
Port Royal
Darrah Hall
St Helena
Brick Baptist Church
St Helena Island
Parris Island
MC Recruiting Depot Parris Island
Harbor River
Coosaw River
Coosaw Island
Morgan Island
Morgan River
Datsw Island
Lady's Island
St Phillips Island
Pritchards Island
Marine Corps Air Station Beaufort
Boundary St
Sea Island Pkwy
Robert Smalls Pkwy
Parris Island Gwy
Lady Island Dr
Lady Island Rd
Seaside Rd
Beaufort River
Broomfield Rd
Savannah Hwy
National Monument Sites
OFFICE: Land Resources Program Center
REGION: Southeast Region
PARK: REER
TOTAL ACREAGE: +/- 64.99 acres
MAP NUMBER: 550/135,753
DATE: January 2017
PAGE: 1 of 4
1.5 0 1.5 3 Miles
VICINITY MAP
Raleigh
Charlotte
Greenville
Columbia
60 30 0 60 120 180 Miles


Reconstruction Era National Monument
Darrah Hall and Brick Baptist Church
National Park Service
U.S. Department of the Interior
Brick Baptist Church
Darrah Hall
Frances Butler Ln
Melody Ln
Penn Center Rd
St Helena
Corner Dr
Sea Island Pkwy
Peter Smalls Rd
U.S. Owned (+/- 3.12 acres)
U.S. Easement (+/- 1.5 acres)
National Monument Boundary
OFFICE: Land Resources Program Center
REGION: Southeast Region
PARK: REER
TOTAL ACREAGE: +/- 50.73 acres
MAP NUMBER: 550/135,756
DATE: January 2017
PAGE: 3 of 4
600 0 600 1,200 Feet
VICINITY MAP
Burton
Beaufort
Port Royal
St Helena
Miles


Reconstruction Era National Monument
Camp Saxton
National Park Service
U.S. Department of the Interior
Boat Basin
Naval Hospital Beaufort
Saunders Rd
Harris Cir
Raxy Cir
Saxton Cir
Ballard Cir
Old Fort Rd
Fort Frederick Cir
U.S. Owned (+/- 10.86 acres)
National Monument Boundary
OFFICE: Land Resources Program Center
REGION: Southeast Region
PARK: REER
TOTAL ACREAGE: +/- 14.18 acres
MAP NUMBER: 550/135,757
DATE: January 2017
PAGE: 4 of 4
250 0 250 500 Feet
VICINITY MAP
Burton
Beaufort
St Helena
Port Royal
Miles


Reconstruction Era National Monument
Old Beaufort Firehouse
National Park Service
U.S. Department of the Interior
Prince St
West St
Univ of South Carolina-Beaufort
New St
Prince St
Beaufort
King St
Hamilton St
Charles St
North St
East St
Old Beaufort Firehouse
Scott St
Carteret St
Craven St
Port Republic St
West St
Beaufort
New St
Bay St
US-21-BR
U.S. Owned (+/- 0.08 acres)
National Monument Boundary
OFFICE: Land Resources Program Center
REGION: Southeast Region
PARK: REER
TOTAL ACREAGE: +/- 0.08 acres
MAP NUMBER: 550/135,755
DATE: January 2017
PAGE: 2 of 4
230 0 230 460 Feet
VICINITY MAP
Burton
Beaufort
St Hélena
Port Royal
Miles

Proclamation 9568 of January 13, 2017

Martin Luther King, Jr., Federal Holiday, 2017

By the President of the United States of America
A Proclamation

When the Reverend Dr. Martin Luther King, Jr., shared his dream with the world atop the steps of the Lincoln Memorial, he gave mighty voice to our founding ideals. Few could have imagined that nearly half a century later, his iconic profile would forever be memorialized in stone, standing tall and gazing outward, not far from where he stirred our collective conscience to action. In summoning a generation to recognize the universal threat of injustice anywhere, Dr. King's example has proven that those who love their country can change it.

A foot soldier for justice and a giant of the Civil Rights Movement, Dr. King lifted the quiet hopes of our Nation with the powers of his voice and pen. Whether behind his pulpit in Montgomery, at a podium on the National Mall, or from his jail cell in Birmingham, he beckoned us toward justice through non-violent resistance and oratory skill. Dr. King fought not merely for the absence of oppression but for the presence of opportunity. His soaring rhetoric impelled others to take up his cause, and with struggle and discipline, persistence and faith, those who joined him on his journey began to march. America was watching, and so they kept marching; America was listening, and so they kept sounding the call for justice. Because they kept moving forward with unwavering resistance, they changed not only laws but also hearts and minds. And as change rippled across the land, it began to strengthen over time, building on the progress realized on buses, in schools, and at lunch counters so that eventually, it would reverberate in the halls of government and be felt in the lives of people across our country.

Those who dismiss the magnitude of the progress that has been made dishonor the courage of all who marched and struggled to bring about this change—and those who suggest that the great task of extending our Nation's promise to every individual is somehow complete neglect the sacrifices that made it possible. Dr. King taught us that ''The ultimate measure of a man is not where he stands in moments of convenience and comfort, but where he stands at times of challenge and controversy.'' Although we do not face the same challenges that spurred the Civil Rights Movement, the fierce urgency of now—and the need for persistence, determination, and constant vigilance—is still required for us to meet the complex demands and defeat the injustices of our time. With the same iron will and hope in our hearts, it is our duty to secure economic opportunity, access to education, and equal treatment under the law for all. The arc of the moral universe may bend toward justice, but it only bends because of the strength and sacrifice of those who reject complacency and drive us forward.

As we reflect on Dr. King's legacy, we celebrate a man and a movement that transformed our country, and we remember that our freedom is inextricably bound to the freedom of others. Given the causes he championed—from civil rights and international peace to job creation and economic justice—it is right that today we honor his work by serving others. Now more than ever, we must heed his teachings by embracing our convictions. We must live our values, strive for righteousness, and

bring goodness to others. And at a time when our politics are so sharply polarized and people are losing faith in our institutions, we must meet his call to stand in another person's shoes and see through their eyes. We must work to understand the pain of others, and we must assume the best in each other. Dr. King's life reminds us that unconditional love will have the final word—and that only love can drive out hate.

Only by drawing on the lessons of our past can we ensure the flame of justice continues to shine. By standing up for what we know to be right and speaking uncomfortable truths, we can align our reality closer with the ideal enshrined in our founding documents that all people are created equal. In remembering Dr. King, we also remember that change has always relied on the willingness of our people to keep marching forward. If we do, there is no mountaintop or promised land we cannot reach.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 16, 2017, as the Martin Luther King, Jr., Federal Holiday. I encourage all Americans to observe this day with appropriate civic, community, and service projects in honor of Dr. King and to visit www.MLKDay.gov to find Martin Luther King, Jr., Day of Service projects across our country.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of January, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9569 of January 13, 2017

Religious Freedom Day, 2017

By the President of the United States of America

A Proclamation

Believing that ''Almighty God hath created the mind free,'' Thomas Jefferson authored the Virginia Statute for Religious Freedom after our young Nation declared its independence. This idea of religious liberty later became a foundation for the First Amendment, which begins by stating that ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . .'' On Religious Freedom Day, we rededicate ourselves to defending these fundamental principles, pay tribute to the many ways women and men of different religious and non-religious backgrounds have shaped America's narrative, and resolve to continue forging a future in which all people are able to practice their faiths freely or not practice at all.

Religious freedom is a principle based not on shared ancestry, culture, ethnicity, or faith but on a shared commitment to liberty—and it lies at the very heart of who we are as Americans. As a Nation, our strength comes from our diversity, and we must be unified in our commitment to protecting the freedoms of conscience and religious belief

and the freedom to live our lives according to them. Religious freedom safeguards religion, allowing us to flourish as one of the most religious countries on Earth, but it also strengthens our Nation as a whole. Brave men and women of faith have challenged our conscience and brought us closer to our founding ideals, from the abolition of slavery to the expansion of civil rights and workers' rights. And throughout our history, faith communities have helped uphold these values by joining in efforts to help those in need—rallying in the face of tragedy and providing care or shelter in times of disaster.

As they built this country, our Founders understood that religion helps strengthen our Nation when it is not an extension of the State. And because our Government does not sponsor a religion—nor pressure anyone to practice a particular faith or any faith at all—we have a culture that aims to ensure people of all backgrounds and beliefs can freely and proudly worship without fear or coercion. Yet in 2015, nearly 20 percent of hate crime victims in America were targeted because of religious bias. That is unacceptable—and as Americans, we have an obligation to do better.

If we are to defend religious freedom, we must remember that when any religious group is targeted, we all have a responsibility to speak up. At times when some try to divide us along religious lines, it is imperative that we recall the common humanity we share—and reject a politics that seeks to manipulate, prejudice, or bias, and that targets people because of religion. Part of being American means guarding against bigotry and speaking out on behalf of others, no matter their background or belief—whether they are wearing a hijab or a baseball cap, a yarmulke or a cowboy hat.

Today, we must also remember those outside the United States who are persecuted for their faith or beliefs, including those who have lost their lives in attacks on sacred places. Religious liberty is more than a cornerstone of American life—it is a universal and inalienable right—and as members of a global community, we must strive to ensure that all people can enjoy that right in peace and security. That is why my Administration has worked with coalitions around the globe to end discrimination against religious minorities, protect vulnerable communities, and promote religious freedom for all. We have also worked to ensure that those who are persecuted for their religious beliefs can find safety and a new home in the United States and elsewhere.

America has changed a great deal since Thomas Jefferson first drafted the Virginia Statute for Religious Freedom, but religious liberty is a right we must never stop striving to uphold. Today, let us work to protect that precious right and ensure all people are able to go about their day in safety and with dignity—without living in fear of violence or intimidation—in our time and for generations to come.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 16, 2017, as Religious Freedom Day. I call on all Americans to commemorate this day with events and activities that teach us about this critical foundation of our Nation's liberty, and that show us how we can protect it for future generations at home and around the world.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of January, in the year of our Lord two thousand seventeen, and

of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

Proclamation 9570 of January 20, 2017

National Day of Patriotic Devotion

By the President of the United States of America
A Proclamation

A new national pride stirs the American soul and inspires the American heart. We are one people, united by a common destiny and a shared purpose.

Freedom is the birthright of all Americans, and to preserve that freedom we must maintain faith in our sacred values and heritage.

Our Constitution is written on parchment, but it lives in the hearts of the American people. There is no freedom where the people do not believe in it; no law where the people do not follow it; and no peace where the people do not pray for it.

There are no greater people than the American citizenry, and as long as we believe in ourselves, and our country, there is nothing we cannot accomplish.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 20, 2017, as National Day of Patriotic Devotion, in order to strengthen our bonds to each other and to our country—and to renew the duties of Government to the people.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of January, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9571 of January 25, 2017

National School Choice Week, 2017

By the President of the United States of America
A Proclamation

The foundation of a good life begins with a great education. Today, too many of our children are stuck in schools that do not provide this opportunity.

Because the education of our young people is so important, the parents of every student in America should have a right to a meaningful choice about where their child goes to school.

By expanding school choice and providing more educational opportunities for every American family, we can help make sure that every child has an equal shot at achieving the American Dream. More choices for our students will make our schools better for everybody.

Our country is home to many great schools and many extraordinary teachers—whether they serve in traditional public schools, public charter schools, magnet schools, private or religious schools, or in homeschooling environments.

With a renewed commitment to expanding school choice for our children, we can truly make a great education possible for every child in America.

I commend our Nation's students, parents, teachers, and school leaders for their commitment to quality, effective education, and I call on States and communities to support effective education and school choice for every child in America.

As our country celebrates National School Choice Week, I encourage parents to evaluate the educational opportunities available for their children. I also encourage State lawmakers and Federal lawmakers to expand school choice for millions of additional students.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 22 through January 28, 2017, as National School Choice Week.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of January, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9572 of February 1, 2017

National African American History Month, 2017

By the President of the United States of America

A Proclamation

As we celebrate National African American History Month, we recognize the heritage and achievements of African Americans. The contributions African Americans have made and continue to make are an integral part of our society, and the history of African Americans exemplifies the resilience and innovative spirit that continue to make our Nation great.

For generations, African Americans have embodied the shared progress of our Nation. Through toil and struggle and with courageous actions that have broken barriers, they have made America a better place to live and work for everybody. Women like Katherine Johnson, a pioneer in space history whose work helped America win the Space Race, and Madam C.J. Walker, who became one of the most successful female entrepreneurs of her time, paved the way for both women and African Americans in their respective fields. Robert Smalls, a man born into

slavery, founded our Nation's first free and compulsory public school system. Later in life, he served as a lawmaker in South Carolina's State legislature and the U.S. House of Representatives. The strength and determination of men and women like these remind us that our Nation brims with people whose contributions continue to make it stronger and better.

This year, African American History Month calls upon us to reflect on the crucial role of education in the history of African Americans. It reminds us of the importance of teaching and reflecting upon the many roles African Americans have played in building this Nation and driving it forward. This year's theme also calls upon us to rededicate ourselves to the work of ensuring that all children in this Nation have access to quality educational opportunities that give them the skills, experiences, relationships, and credentials that can empower them to follow in the footsteps of people like Katherine Johnson, Madam C.J. Walker, and Robert Smalls.

As we journey toward a stronger, more united Nation, let us use this commemoration of African American History Month to serve as a reminder of the need for meaningful dialogue and shared commitment to collective action that uplifts and empowers, as well as of the strength, ingenuity, and perseverance required of us in the years to come.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim February 2017 as National African American History Month. I call upon public officials, educators, librarians, and all the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of February, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9573 of February 2, 2017

American Heart Month, 2017

By the President of the United States of America
A Proclamation

The death rate from heart disease in the United States has fallen dramatically since the 1960s, a significant public health victory. Despite this progress, heart disease remains a leading cause of death for both men and women in the United States, and we must reduce its toll. During American Heart Month, we remember those who have lost their lives to heart disease and resolve to improve its prevention, detection, and treatment. It is a time for all of us to reaffirm our commitment to improving cardiovascular health—for ourselves, our families, and our communities.

Over the past several decades, we have learned much about factors that contribute to heart disease, how to monitor those triggers, and ways to treat them. We know that individuals can live longer and better lives by refraining from tobacco use, maintaining an optimal blood pressure and a healthy weight, eating a healthy diet, and exercising regularly. Innovative companies continue to offer new tools and online systems, giving people more access than ever to information they can use to make informed, health-conscious choices.

Scientific research and evidence-based interventions to prevent or treat heart attacks and strokes have played an important part in making these strides. Developments in technology and the discovery of early markers of heart disease have allowed us to diagnose and treat heart disease sooner than ever before. American innovators continue to develop treatments for high blood pressure and high cholesterol, and our health care providers continue to promote best strategies and educate Americans to stay heart healthy.

To highlight the importance of preventing heart disease, Melania and I invite all Americans to wear red this Friday, February 3, 2017, to observe National Wear Red Day. Working together on National Wear Red Day, and throughout the year, we can raise awareness about heart disease and make our Nation healthier.

In acknowledgement of the importance of the ongoing fight against cardiovascular disease, the Congress, by Joint Resolution approved on December 30, 1963, as amended (36 U.S.C. 101), has requested that the President issue an annual proclamation designating February as American Heart Month.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim February 2017 as American Heart Month, and I invite all Americans to participate in National Wear Red Day on February 3, 2017. I also invite the Governors of the States, the Commonwealth of Puerto Rico, officials of other areas subject to the jurisdiction of the United States, and the American people to join me in recognizing and reaffirming our commitment to fighting cardiovascular disease.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of February, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9574 of March 1, 2017

American Red Cross Month, 2017

By the President of the United States of America

A Proclamation

For more than 135 years, the American Red Cross has stepped into the breach, providing shelter, food, and emotional support to victims of natural disaster, war, conflict, and unexpected hardship. Today, the Red Cross is responsible for a remarkable 40 percent of our Nation's

blood supply, teaches life-saving techniques to volunteer citizen-rescuers, and leads the world in international humanitarian aid. The Red Cross has proudly and ardently supported our military, our veterans, and their families for more than a century, delivering over 352,000 services to members of the military and veterans each year.

The American Red Cross is a miracle-working organization, rooted in the legacy of its gallant founder, Clara Barton, who tore down every convention at the time regarding women in battle, giving history one of the most incredible examples of courage and devotion to duty that it has ever known. Her tremendous legacy lives on through the Red Cross's assistance to hundreds of thousands of Americans affected by disasters each year. In 2016, volunteers responded to 180 significant incidents, including wildfires, storms, flooding, Hurricane Matthew, and other emergencies at all times of the day and night. They opened nearly 800 emergency shelters, served more than 4.1 million meals and snacks, and distributed more than 2.1 million relief items. Last year, the Red Cross helped 79,000 families recover from home fires that left them with no place to go.

The comfort, care, and relief provided by the American Red Cross serves a great mission. When those in need see that recognizable symbol of hope, the Red Cross, they see the hearts of the American people at work—an incredibly powerful thing. When they see that beacon, they know that true help is on the way, and they feel our people's mighty generosity, love, and support for their fellow human beings.

To perform its vital national and international roles, the Red Cross relies on volunteers and the support of the American people. The Red Cross needs our continued commitment of time, resources, and funds to be successful, and our country and the world need the Red Cross.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America and Honorary Chairman of the American Red Cross, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2017 as American Red Cross Month. I encourage all Americans to observe this month with appropriate programs, ceremonies, and activities, and by supporting the work of service and relief organizations.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9575 of March 1, 2017

Irish-American Heritage Month, 2017

By the President of the United States of America
A Proclamation

Irish Americans have made an indelible mark on the United States. From Dublin, California, to Limerick, Maine, from Emerald Isle, North Carolina, to Shamrock, Texas, we are reminded of the more than 35

million Americans of Irish descent who contribute every day to all facets of life in the United States. Over generations, millions of Irish have crossed the ocean in search of the American Dream, and their contributions continue to enrich our country today.

From our four Irish-born Founding Fathers to Thomas Francis Meagher, the Irish revolutionary who became an American hero after leading the Irish Brigade during the Civil War, Irish immigrants have shaped our history in enduring ways. Throughout the centuries, hard-working Irish Americans have contributed to America's innovation and prosperity—tilling the farms of Appalachia, working the looms of New England textile mills, and building transcontinental railroads—often overcoming poverty and discrimination and inspiring Americans from all walks of life with their indomitable and entrepreneurial spirit in the process. From these early beginnings rose generations of Irish Americans who continue to lead our cities, drive our economy, and protect and defend the land they embrace as their own.

American culture carries an unmistakably Irish-American imprint. Our literature, cinema, music, dance, sports, and visual arts are filled with the names and influence of great Irish Americans.

Irish Americans should be proud of the deep cultural, historical, and familial ties that have contributed to the strength of our vibrant transatlantic relationship with Ireland. As we honor the past during Irish-American Heritage Month, we also celebrate a bright future of friendship and cooperation for generations to come.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2017 as Irish-American Heritage Month. I call upon all Americans to celebrate the achievements and contributions of Irish Americans to our Nation with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9576 of March 1, 2017

Women's History Month, 2017

By the President of the United States of America
A Proclamation

We are proud of our Nation's achievements in promoting women's full participation in all aspects of American life and are resolute in our commitment to supporting women's continued advancement in America and around the world.

America honors the celebrated women pioneers and leaders in our history, as well as those unsung women heroes of our daily lives. We honor those outstanding women, whose contributions to our Nation's

life, culture, history, economy, and families have shaped us and helped us fulfill America's promise.

We cherish the incredible accomplishments of early American women, who helped found our Nation and explore the great western frontier. Women have been steadfast throughout our battles to end slavery, as well as our battles abroad. And American women fought for the civil rights of women and others in the suffrage and civil rights movements. Millions of bold, fearless women have succeeded as entrepreneurs and in the workplace, all the while remaining the backbone of our families, our communities, and our country.

During Women's History Month, we pause to pay tribute to the remarkable women who prevailed over enormous barriers, paving the way for women of today to not only participate in but to lead and shape every facet of American life. Since our beginning, we have been blessed with courageous women like Henrietta Johnson, the first woman known to work as an artist in the colonies; Margaret Corbin, who bravely fought in the American Revolution; and Abigail Adams, First Lady of the United States and trusted advisor to President John Adams.

We also remember incredible women like Mary Walker, the first woman to receive the Congressional Medal of Honor; Harriet Tubman, who escaped slavery in 1849 and went on to free hundreds of others through the Underground Railroad; Susan B. Anthony, the publisher and editor of *The Revolution* and her friend, Dr. Charlotte Lozier, one of the first women medical doctors in the United States, both of whom advocated for the dignity and equality of women, pregnant mothers, and their children; Rosa Parks, whose refusal to give up her seat accelerated the modern civil rights movement; Shirley Temple Black, the famous actress turned diplomat and first chief of protocol for the President of the United States; Anna Bissell, the first woman CEO in American history; Amelia Earhart, the first woman to fly solo across the Atlantic Ocean; Ella Fitzgerald, the First Lady of Song and the Queen of Jazz; and Sally Ride, the first American woman astronaut.

America will continue to fight for women's rights and equality across the country and around the world. Though poverty holds back many women, America cannot and will not allow this to persist. We will empower all women to pursue their American dreams, to live, work and thrive in safe communities that allow them to protect and provide for themselves and their families.

America is also mindful of the fight that continues for so many women around the world, where women are often not protected and treated disgracefully as second-class citizens. America will fight for these women too, and it will fight to protect young girls who are robbed of their rights, trafficked around the world, and exploited.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2017 as Women's History Month. I call upon all Americans to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord two thousand seventeen, and of the

Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9577 of March 6, 2017

National Consumer Protection Week, 2017

By the President of the United States of America
A Proclamation

The economic strength and vitality of our Nation is directly linked to our consumers' confidence in the integrity and security of their personal information and the robust protection of their privacy. As an increasing number of transactions and activities occur online, the safety of vital consumer information is increasingly at risk. The American people deserve freedom from unscrupulous actors who perpetrate identity theft, abuse personal information, or engage in fraud.

Cyber crimes, which defraud hard-working Americans, cost our families billions of dollars each year and result in tremendous stress, loss of time, and hardship. Americans must have access to the tools necessary to protect their personal information and privacy and know how to use them to improve their online security. Our first defense against fraudulent cyber transactions and the misuse of personal information will always be a well-informed consumer.

National Consumer Protection Week reminds us of the importance of empowering consumers by helping them to more capably identify and report cyber scams, monitor their online privacy and security, and make well-informed decisions. The Federal Government, in conjunction with a network of national organizations and State and local partners, provides consumer education resources to help Americans protect their personal information. These resources assist military service members and their families, identity-theft victims, and all potentially vulnerable consumers. Our work to protect consumers from identity theft, abuse of personal information, and fraud, and to improve the integrity and security of our marketplaces, enhances the prosperity of our great country.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 5 through March 11, 2017, as National Consumer Protection Week. I call upon government officials, industry leaders, and advocates to educate our citizens about the protection of personal information and identity theft through consumer education activities in communities across the country.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of March, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9578 of March 17, 2017

National Poison Prevention Week, 2017

By the President of the United States of America
A Proclamation

The United States has made great strides in preventing unintentional childhood poisoning deaths. Thanks to combined national, State, and local efforts over the course of years, Americans have reduced childhood fatalities related to accidental poisoning in the United States from 200 deaths per year to 27 per year, which is an 88 percent decline. From a public health perspective, this is a resounding achievement.

Fifty-five years ago, President John F. Kennedy noted that virtually all deaths attributable to accidental poisoning could be prevented. He was right—we as a society must do much more to prevent tragic and preventable loss of life from occurring. Ensuring the safety and security of the American people requires that we unequivocally commit to a continuation of the successful policies that have reduced accidental childhood poisonings and injuries.

This week we warn all Americans about unintended exposure to poisons and the threat of household items unintentionally being turned into deadly weapons. This is an important reminder—and one that could save lives.

To encourage Americans to learn more about the dangers of unintentional poisonings and to take appropriate preventative measures, on September 26, 1961, the Congress, by joint resolution (75 Stat. 681), authorized and requested the President to issue a proclamation designating the third week of March each year as, ''National Poison Prevention Week.''

NOW, THEREFORE, I, DONALD J. TRUMP, do hereby proclaim March 19 through March 25, 2017, as National Poison Prevention Week. I call upon all Americans to observe this week by taking actions to safeguard our families from poisonous products, chemicals, and medicines found in our homes.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of March, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9579 of March 21, 2017

National Agriculture Day, 2017

By the President of the United States of America
A Proclamation

America's farmers and ranchers help feed the world, fuel our Nation's economy, and lead global markets in output and productivity. The efficiency of American agriculture has provided this country with abundance our ancestors could not have imagined.

The agriculture sector of the United States is endlessly innovative. It continuously builds on its centuries of progress through advances in science, research, technology, safety, production, and marketing to meet the demands of changing consumer needs and complex world markets. The agriculture sector provides jobs across our Nation, not just for farmers and ranchers, but for foresters, scientists, processors, shippers, firefighters, police, and retailers.

American agriculture is the largest positive contributor to our Nation's net trade balance, generating 10 percent of our exports and millions of American jobs. America's farmers and ranchers provide a safe and plentiful domestic food supply, which is vital to our national security. Moreover, they safeguard our sustainable resource base for future generations. As my Administration fights for better trade deals, agriculture will be an important consideration so that its significant contributions will only increase in the years ahead.

American farmers and ranchers are the heart and soul of America and they represent the determined, self-reliant character of our Nation. We are proud of American agriculture and we recognize agriculture's critical role to our Nation's bright future.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 21, 2017, as National Agriculture Day. I encourage all Americans to observe this day by recognizing the preeminent role that agriculture plays in Americans' daily life, acknowledging agriculture's continuing importance to our country's economy, and expressing our deep appreciation of farmers and ranchers across the Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of March, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9580 of March 24, 2017

Greek Independence Day: A National Day of Celebration of Greek and American Democracy, 2017

By the President of the United States of America

A Proclamation

This year marks the 196th anniversary of Greek independence. Greek and American democracy are forever intertwined. American patriots built our Republic on the ancient Greeks' groundbreaking idea that the people should decide their political fates.

As a young Nation, only recently free from Great Britain and securing its place on the world stage, America served as a source of inspiration for the revolutionary and freedom-loving Greeks who sought their own independence. Indeed, American citizens stood united with the people of Greece in its ''glorious cause'' of democracy and freedom, as expressed by Philadelphia's Franklin Gazette at the time.

The ideas and ideals of the ancient Greeks altered the course of human history, from our own American Republic to the modern Greek state and many other nations. All those who believe in the refrain ''liberty and justice for all,'' and who are devoted to democracy and rule of law, owe a debt of gratitude to Greece and the foundational principles that took root in the ancient city-state of Athens.

On this Greek Independence Day, we express our deep gratitude for Greece's enduring friendship in a region that has experienced great uncertainty. Greece is an important partner in our engagements throughout the international sphere. We look forward to strengthening our excellent bilateral defense relationship, and recognize the value and importance Greece's role as a strong ally in the North Atlantic Treaty Organization.

The American people join Greece in celebrating another milestone in its independent history, and we look forward to a future of shared success as partners and allies.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 25, 2017, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy. I call upon the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of March, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9581 of March 31, 2017

Cancer Control Month, 2017

By the President of the United States of America
A Proclamation

The creativity and commitment of America's incredible medical research and healthcare communities have made the United States the biomedical innovation capital of the world. In particular, American innovators have made ground-breaking advances in cancer research. These innovations help drive the declining rates of cancer mortality.

Still, much work remains to be done. Cancer is still the second-leading cause of death in the United States and causes too much suffering for too many of our families and communities.

During Cancer Control Month, we honor the memory of loved ones lost to cancer and we celebrate our cancer survivors. We recommit ourselves to developing cures for those currently battling this disease across the country and to educating people on the many ways they can prevent cancer and take care of those who have fallen ill.

Our Nation is committed to winning the fight against cancer. Throughout April, we promote methods to combat cancer and we recognize the thousands of medical professionals, public health advocates, scientific researchers, innovative companies, and family members and friends who treat, find cures for, and support those suffering from all forms of cancer.

My Administration will continue to work with the Congress to implement the 21st Century Cures Act and clear the way for enormous breakthroughs in medical science. Cutting-edge research can transform cancer treatment, so that it is more effective, less toxic, and less debilitating. Together, we will make possible the medical advances necessary to prevent, treat, and defeat this disease.

Experts believe that nearly half of the most common cancers can be prevented. Americans can reduce their risk of developing cancer through healthy eating habits, regular physical activity, and avoiding tobacco and excessive alcohol consumption. Regular physicals and cancer screenings and awareness of family medical histories are also critical to preventing cancers and helping those who fall victim to cancer discover it at earlier, more treatable stages.

Because of the toll cancer imposes on our citizens, families, and communities, as well as the importance of promoting prevention and early detection, my Administration wholeheartedly concurs in the request of the Congress, that dates back to 1938, to declare April as ''Cancer Control Month.''

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2017 as Cancer Control Month. I call upon the people of the United States to speak with their doctors and healthcare providers to learn more about preventive measures that can save lives. I encourage citizens, government agencies, private businesses, nonprofit organizations, the media, and other interested groups to increase awareness of what Americans can do to prevent and control cancer. I also invite the Governors of the States and Territories and officials of other areas subject to the jurisdiction of the United States to join me in recognizing Cancer Control Month.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9582 of March 31, 2017

National Child Abuse Prevention Month, 2017

By the President of the United States of America

A Proclamation

Childhood is precious. Growing up in a loving home, with a nurturing family, surrounded by a safe community gives our children the best

opportunity to realize their full potential. Sadly, mistreatment by parents, guardians, relatives, or caregivers all too often threatens children's ability to flourish. Abuse or neglect can rob children of their sense of dignity and worth, which are indispensable to the pursuit of happiness and success in the classroom, in the workplace, and in relationships. Children rightfully impose a moral obligation on adults, who must protect them from harm and preserve their opportunity to reach their full potential and achieve their dreams. They deserve nothing less. The dreams of our children are the future of this country.

As we observe National Child Abuse Prevention Month, we renew our commitment to stop child abuse before it begins. That means preventing destructive conduct from shattering the secure and protective environments in which our children deserve to live, learn, and thrive. We must all be aware of the signs of child maltreatment and take appropriate steps to safeguard children by reporting concerns and connecting families with the help they may need.

The family is society's most important institution, and its impact on human potential is unmatched by any other influence that government, education, or even community can wield. We must promote strong families. By respecting and supporting parents, we will reduce risks and increase the safety and protection critical to our children's happiness and success. The best child abuse prevention program is a strong family with well-equipped, mature, and child-focused parents. We therefore celebrate the many community members who help parents fulfill their moral obligations by providing them a needed shoulder to lean on in troubled times.

We also honor foster and adoptive parents, child protective workers, faith leaders, community mentors, teachers, and law enforcement officials, whose tireless work every day protects children who have been tragically abused or neglected. Their often thankless service in these difficult and painful situations helps restore the safety and dignity of these wounded children and, in many cases, dramatically improves the course of their precious lives. As a Nation, we pledge to honor our commitment to protecting the vulnerable among us, not just this month, but every day of the year.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2017 as National Child Abuse Prevention Month. I call upon all Americans to be alert to the safety and well-being of children and to support efforts that promote their physical, emotional, and developmental health.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9583 of March 31, 2017

National Donate Life Month, 2017

By the President of the United States of America
A Proclamation

Every day, Americans sustain the miracle of life by generously donating their organs and tissue to others in need. During National Donate Life Month, we honor the living and deceased donors who gave so others could live, and celebrate the remarkable achievements of our healthcare and science professionals who perform transplants and create techniques to make the gift of life possible.

We also continue our efforts to raise awareness of the life-saving potential Americans have as donors. The Organ Procurement and Transplantation Network reports that 33,606 transplants were performed during 2016, which is an 8.5 percent increase from 2015.

Still, additional donors are urgently needed. More than 118,000 people are currently waiting for organ transplants, and thousands of our family members and friends die each year waiting for matches. This month we remind Americans that people of all ages and from all walks of life can help save lives. Remarkably, one organ donor can save up to eight lives. One tissue donor can help 75 people heal. I encourage Americans everywhere to learn about how they can participate in the gift of life by becoming organ and tissue donors, and the many other ways they can give to those in need.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2017 as National Donate Life Month. I call upon healthcare professionals, volunteers, educators, government agencies, faith-based and community groups, and private organizations to help raise awareness of the urgent need for organ and tissue donors throughout our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9584 of March 31, 2017

National Financial Capability Month, 2017

By the President of the United States of America
A Proclamation

The ability of Americans to plan, save, and invest is vital to their building wealth and pursuing the American Dream. One of my first actions as President was to issue an Executive Order entitled ''Core Principles for Regulating the United States Financial System,'' and its first core principle is that financial regulation should ''empower Americans

to make independent financial decisions and informed choices in the marketplace, save for retirement, and build individual wealth.''

Empowering Americans to make independent financial decisions and informed choices is critically important to our Nation's prosperity. Yet more than half of households today do not have 3 months of funds saved for emergency, and most families with children are not currently saving for college. In addition, a majority of working Americans worry about running out of money in retirement, and nearly a third of workers have no retirement savings at all.

We must address these challenges. Creating and implementing innovative financial education curriculums is critical. For example, the Department of Defense has made long-term financial security education opportunities available for our service members and their families. As a result, the men and women of the Armed Forces can plan a healthy financial future by seeking advice from personal financial managers and counselors.

My Administration will work with committed organizations in all sectors to improve financial education and share best practices so that all Americans—no matter their income, education, or background—have the capability to make sound financial decisions. Together, we will empower Americans to take advantage of the many opportunities they have to attain more financially secure and prosperous futures for themselves and their families.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2017 as National Financial Capability Month. I call upon all Americans to observe this month by engaging in activities that improve their understanding of important financial decisions.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9585 of March 31, 2017

National Sexual Assault Awareness and Prevention Month, 2017

By the President of the United States of America

A Proclamation

At the heart of our country is the emphatic belief that every person has unique and infinite value. We dedicate each April to raising awareness about sexual abuse and recommitting ourselves to fighting it. Women, children, and men have inherent dignity that should never be violated.

According to the Department of Justice, on average there are more than 300,000 instances of rape or other sexual assault that afflict our neighbors and loved ones every year. Behind these painful statistics are real

people whose lives are profoundly affected, at times shattered, and who are invariably in need of our help, commitment, and protection.

As we recognize National Sexual Assault Awareness and Prevention Month, we are reminded that we all share the responsibility to reduce and ultimately end sexual violence. As a Nation, we must develop meaningful strategies to eliminate these crimes, including increasing awareness of the problem in our communities, creating systems that protect vulnerable groups, and sharing successful prevention strategies.

My Administration, including the Department of Justice and the Department of Health and Human Services, will do everything in its power to protect women, children, and men from sexual violence. This includes supporting victims, preventing future abuse, and prosecuting offenders to the full extent of the law. I have already directed the Attorney General to create a task force on crime reduction and public safety. This task force will develop strategies to reduce crime and propose new legislation to fill gaps in existing laws.

Prevention means reducing the prevalence of sexual violence on our streets, in our homes, and in our schools and institutions. Recent research has demonstrated the effectiveness of changing social norms that accept or allow indifference to sexual violence. This can be done by engaging young people to step in and provide peer leadership against condoning violence, and by mobilizing men and boys as allies in preventing sexual and relationship violence. Our families, schools, and communities must encourage respect for women and children, who are the vast majority of victims, and promote healthy personal relationships. We must never give up the fight against the scourge of child pornography and its pernicious effects on both direct victims and the broader culture. We recommit ourselves this month to establishing a culture of respect and appreciation for the dignity of every human being.

There is tremendous work to be done. Together, we can and must protect our loved ones, families, campuses, and communities from the devastating and pervasive effects of sexual assault. In the face of sexual violence, we must commit to providing meaningful support and services for victims and survivors in the United States and around the world.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2017 as National Sexual Assault Awareness and Prevention Month. I urge all Americans, families, law enforcement, health care providers, community and faith-based organizations, and private organizations to support survivors of sexual assault and work together to prevent these crimes in their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9586 of March 31, 2017

World Autism Awareness Day, 2017

By the President of the United States of America
A Proclamation

On World Autism Awareness Day, we highlight the importance of addressing the causes and improving the treatments for autism spectrum disorders (ASDs). We also recognize the importance of identifying ASDs early in a child's life and of understanding the obstacles faced by people living on the autism spectrum. Together, we celebrate the many ways individuals with ASDs enhance our daily lives and make priceless contributions to our schools, workplaces, and communities.

Autism spectrum disorders affect an estimated one out of every 68 children in America. Individuals and families living with autism come from diverse backgrounds. These families face enormous challenges in assisting their loved ones over the course of their lifetimes. As those with ASDs reach early adulthood, families are often faced with even greater obstacles than during childhood, including planning for the successful transition into adulthood and independent life.

We are hopeful that our Nation's efforts will result in significant advancements related to autism diagnosis and treatments in the months and years ahead. Ongoing efforts to scan the human genome carry significant potential to better manage the disorder and, ultimately, find a cure. My Administration will continue to work with the Congress to implement the 21st Century Cures Act and help to clear the way for breakthroughs in medical science. Together, we will turn scientific discoveries into real solutions for people with complex health issues like autism.

Cutting edge therapies and lifelong treatments can impose enormous burdens and expenses on the families of people with autism spectrum disorders. I applaud the efforts by Members of Congress to enact tax-free savings vehicles for families of people with disabilities and ASDs. I also encourage the ongoing public-private efforts to develop new technologies to prevent wandering and keep individuals with ASDs safe.

For generations, men and women living on the autism spectrum have made extraordinary contributions in the fields of science, technology, art, literature, business, politics, and many other professions. Yet the world still has a great deal to learn about ASDs. We must continue our research to improve early identification and intervention, strengthen our comprehension of the disorder, and open opportunities for every member of our society to live independently and live the American Dream. My Administration is committed to promoting greater knowledge of ASDs and encouraging innovation that will lead to new treatments and cures for autism.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Sunday, April 2, 2017, as World Autism Awareness Day. I invite all Americans to Light it Up Blue, which Melania and I will do at the White House. I call upon all Americans to learn more about the signs of au-

tism to improve early diagnosis, understand the challenges faced by those with autism spectrum disorders, and to do what they can to support individuals with autism spectrum disorders and their families.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9587 of April 3, 2017

National Crime Victims' Rights Week, 2017

By the President of the United States of America

A Proclamation

During National Crime Victims' Rights Week, we stand with crime victims and their families, we renew our commitment to safeguarding our communities from crime, and we recognize those who devote their lives to supporting and empowering victims and survivors.

Crime and violence rob people of their rights to life, liberty, and the pursuit of happiness. We must focus on the plight of crime victims and search for effective solutions. For too long, communities across this Nation have suffered from murder rates that are far too high. Gang-related shootings plague our major cities, while violence continues to afflict towns both small and large.

The physical, mental, and emotional scars borne by crime victims are often coupled with serious financial implications. In 1984, President Reagan signed the Victims of Crime Act, which established the Crime Victims Fund. This fund provides compensation for victims of crime for crime-related expenses such as medical payments, counseling, lost wages, and funeral and burial costs; supports victims' service programs such as domestic violence shelters and rape crisis centers; and builds capacity to improve responsiveness to the needs of crime victims. The Crime Victims Fund receives billions of dollars each year from, among other sources, certain criminal fines and penalties paid by convicted Federal offenders, which helps prevent American taxpayers from shouldering the burdens of reparations. While this fund cannot completely undo the damage caused by crime, it can at least ease the monetary burden felt by victims and their families in the midst of grief.

As a society, we must continue to support those who have endured the fallout from crime. My Administration is developing an office to assist victims of crimes committed by criminal aliens. The Victims Of Immigration Crime Engagement (VOICE), within the Department of Homeland Security, will work to serve the victims of open borders policies—which will no longer form the basis of our immigration system. These victims will not be ignored by the media or silenced by special interests any longer. We will restore law and order and protect our citizens from this undue harm.

During National Crime Victims' Week, we renew our commitment to protecting all victims of crime, vindicating their rights, alleviating their

burdens, and preventing future crime. We will assist our law enforcement community in bringing justice to victims and to their communities. My Administration is resolved to uphold this fundamental purpose of the United States Government—preserving security for all Americans.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2 through April 8, 2017, as National Crime Victims' Rights Week. I urge all Americans, families, law enforcement, community and faith-based organizations, and private organizations to work together to support victims of crime and protect their rights.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of April, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9588 of April 5, 2017

Honoring the Memory of John Glenn

By the President of the United States of America
A Proclamation

As a mark of respect for the memory of John Glenn, I hereby order, by the authority vested in me by the Constitution and the laws of the United States of America, that on the day of his interment, the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset on such day. I also direct that the flag shall be flown at half-staff for the same period at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of April, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9589 of April 6, 2017

Education and Sharing Day, U.S.A., 2017

By the President of the United States of America
A Proclamation

At the core of the American Dream lies the belief that our futures are not pre-determined and can be improved through learning and hard work. On Education and Sharing Day, we acknowledge the critical role of families, schools, and religious and other civic institutions in nurturing in our children the values that enable them to realize the full scope of their ambitions.

Education and Sharing Day recognizes the remarkable efforts of Rabbi Menachem Mendel Schneerson, the Lubavitcher Rebbe, to use values-based education to drive our Nation's children toward the American Dream. As an educator, Rabbi Schneerson understood that education is incomplete if it is devoid of moral development. Working through a spirit of optimism, he strived to teach children to be honest, civil, respectful of differences, and self-disciplined, in addition to being intellectually rigorous.

On April 18, 1978, our Nation's first Education Day, U.S.A., Rabbi Schneerson wrote that ''we can neither be satisfied nor slacken our efforts'' so long as ''there is still one child that does not receive an adequate education.'' These words inspire us today, as they did then, to empower our children and share with each of them the opportunity and promise of America. It is up to us to support our children in realizing their hopes and to encourage them to reach their fullest potential.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 7, 2017, as ''Education and Sharing Day, U.S.A.'' I call upon government officials, educators, volunteers, and all the people of the United States to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of April, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9590 of April 7, 2017

Pan American Day and Pan American Week, 2017

By the President of the United States of America
A Proclamation

Pan American Day and Pan American Week commemorate the 127th anniversary of the conclusion of the First International Conference of American States. This inter-American gathering planted the seed for the creation of the Organization of American States, an enduring orga-

nization for the promotion of democracy, security, human rights, and economic development throughout the Americas. Pan American Day and Pan American Week remind us to reflect on the shared history of the Americas and the Caribbean and to commit to strengthening relationships with our regional partners based on common interests and shared values.

My Administration is dedicated to improving border security, dismantling transnational criminal networks, and combating terrorism to ensure the safety of our citizens. We are committed to constructive and cooperative engagement with our longstanding Pan American partners, building on existing linkages and forging new relationships, to advance these critical objectives.

The governments and people of the Americas are united through longstanding institutional, economic, cultural, and social bonds. In conversations and meetings with regional leaders, I continue to reinforce America's commitment to those bonds and to advancing the Pan American ideals of peace and prosperity across the Western Hemisphere. As these conversations continue, we will find new ways to promote enhanced, reciprocal relationships among the Pan American States, advancing the well-being of people throughout the region.

As we celebrate Pan American Day and Pan American Week, commemorating the formation of our Pan American partnership on April 14, 1890, let us reaffirm our close ties and pledge to work together on shared priorities that are vital to the interests of our countries.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 14, 2017, as Pan American Day and April 9 through April 15, 2017, as Pan American Week. I call upon the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of April, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9591 of April 7, 2017

National Former Prisoner of War Recognition Day, 2017

By the President of the United States of America
A Proclamation

On National Former Prisoner of War Recognition Day, America honors our service men and women imprisoned during war. These patriots have moved and inspired our Nation through their unyielding sacrifices and devout allegiance. We honor the strength through adversity of all of these heroes from our Nation's wars and conflicts, from the American Revolution to the World Wars, from Korea to Vietnam, from Desert Storm to the War on Terror.

American service members serve and fight selflessly each day to secure the freedoms we often take for granted. They bear the full weight of their oath to ''support and defend the Constitution of the United States against all enemies, foreign and domestic,'' in which there is no safety clause. None know this so well as our former prisoners of war (POWs). According to the Department of Veterans Affairs, more than half a million Americans have been captured and interned as POWs since the American Revolution.

This year marks the 75th anniversary of the Bataan Death March. After the surrender of the Bataan peninsula in the Philippines on April 9, 1942, Filipino and American soldiers were rounded up and forced to march 60 miles from Mariveles to San Fernando. An estimated 500 Americans died during the march, as they were starved, beaten, and tortured to death. Those who reached San Fernando were taken in cramped boxcars to POW camps, where thousands more Americans died of disease and starvation.

These stories remind us of the great sacrifice and bravery of our men and women in the Armed Forces. Throughout our history, they have risked everything to defend our country. They have been stripped of liberty, and regained it. They have faced the darkness of captivity, and emerged to the warm light of freedom. These victories have no match. These triumphs ignite the flame of liberty deep within their hearts, and in ours, and make America the great Nation it is today.

But in celebrating those POWs who returned from captivity, we also solemnly remember and honor those who died in captivity. They paid the ultimate price for their love of country.

As President, I am committed to providing our veterans, and especially our former POWs, with the support, care, and resources they deserve. Our country owes a debt to our heroes that we can never adequately repay, but which we will always honor each day.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 9, 2017, as National Former Prisoner of War Recognition Day. I call upon Americans to observe this day by honoring the service and sacrifice of all our former prisoners of war and to express our Nation's eternal gratitude for their sacrifice. I also call upon Federal, State, and local government officials and organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of April, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9592 of April 14, 2017

National Park Week, 2017

By the President of the United States of America
A Proclamation

This year we celebrate National Park Week as the National Park Service begins its second century as a critical guardian of America's Federal public lands. During National Park Week, national parks across our country waive their entrance fees and welcome all explorers to experience, as past generations have, the history and splendor of our Nation's treasures.

The national park system started with a painting. In 1872, Thomas Moran painted *The Grand Canyon of the Yellowstone*, presented it to the Congress, and captivated countless Americans. Inspired by Moran's beautiful illustration and western explorers' stories, photographs, and sketches, the Congress and President Ulysses S. Grant enacted the Yellowstone National Park Protection Act. This law established Yellowstone as the world's first national park and transformed how we protect many of our Nation's landmarks.

Forty years later, President Theodore Roosevelt, known as the ''Conservation President,'' established Crater Lake, Oregon, as our fifth national park. During his presidency, Roosevelt doubled the number of national parks, designating, in addition to Crater Lake: Wind Cave, South Dakota; Sullys Hill, North Dakota; Mesa Verde, Colorado; and Platt, Oklahoma. Given his instrumental role in expanding our national park system, it is fitting that his likeness endures at Mount Rushmore National Memorial.

Today, visitors from around the world travel to our Nation's 59 national parks to climb snow-capped peaks, splash under majestic falls, rappel into the deepest canyons, and find peace in shaded forests. Our parks routinely provide visitors with unforgettable, sometimes life-changing experiences. From their unsurpassed beauty to their unmatched physical challenges, our parks capture the spirit of America's pioneering history. They symbolize our ongoing commitment to the preservation of our land and wildlife, and they set the conservation standard for the rest of the world.

It is a priority of my Administration to protect these magnificent lands, and to ensure all Americans have access to our national parks, as well as to other National Park Service sites, throughout the next century. For this reason, I chose to donate the first portion of my salary as President to the American Battlefield Protection Program, which the National Park Service uses to preserve significant American battlefields. It is my hope that we will pass down these natural and historic sites to our children and grandchildren.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 15 through April 23, 2017, as National Park Week. I encourage all Americans to celebrate by visiting our national parks and learning more about the natural, cultural, and historical heritage that belongs to each and every citizen of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of April, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9593 of April 21, 2017

National Volunteer Week, 2017

By the President of the United States of America

A Proclamation

During National Volunteer Week, we celebrate the spirit of compassion and generosity that drives us to care for others, and we recognize America's volunteers. Our volunteers are often unsung and unseen, but they are heroes.

One of our Nation's greatest strengths has always been our citizens' unique commitment to improving the lives of others. The principles of charitable compassion and philanthropic collaboration were at the heart of our Founding Fathers' efforts to build a culture that serves the greater good. From our earliest days, Americans have answered the call to help those in need—at home and around the world. This service, fundamental to our Nation's character, is renewed each day by citizens who generously give their time and talents to help others.

Our Nation's commitment to civic engagement continues to thrive. American volunteers keep students on track for graduation, care for seniors and veterans, and rebuild communities after terrible storms. Beyond our borders, our volunteers often place their lives at risk as they help those affected by war, poverty, and disease.

According to the Bureau of Labor Statistics, more than 60 million Americans volunteered in 2015, giving an estimated $185 billion in service to their communities. The latest data shows that our Nation's seniors lead the way in time spent volunteering, and we are immensely thankful for their commitment. Our busy adults aged 35 to 54 volunteer at the highest rates, and our communities depend on their continued involvement. Our Nation continues to build a culture of service—the volunteer rate among our teenagers has steadily climbed over the past several years.

This week we pay tribute to the extraordinary faith-based, nonprofit, national service, service club, military service, and community organizations that provide volunteers with opportunities to serve. These organizations engage and connect Americans from every walk of life. Through the generosity of our citizens, we are reminded that each one of us has a role to play in improving our communities. During the recent International Week of Service, service organizations across the globe came together to assist others and make an impact. This effort is a shining example of how our Nation's generous volunteers continue to lead the world in helping those most in need.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Con-

stitution and the laws of the United States, do hereby proclaim April 23 through April 29, 2017, as National Volunteer Week. I call upon all Americans to observe this week by volunteering in service projects across our country and pledging to make service a part of their daily lives.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of April, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9594 of April 24, 2017

Days of Remembrance of Victims of the Holocaust, 2017

By the President of the United States of America

A Proclamation

On Yom HaShoah—the day of Holocaust Remembrance—and during this Week of Remembrance, we honor the victims of the Holocaust and Nazi persecution.

The Holocaust was the state-sponsored, systematic persecution and attempted annihilation of European Jewry by the Nazi regime and its collaborators. By the end of World War II, six million Jews had been brutally slaughtered. The Nazis also targeted other groups for persecution and murder, including Roma (Gypsies), persons with mental and physical disabilities, Soviet prisoners of war, Jehovah's Witnesses, Slavs and other peoples of Europe, gays, and political opponents.

The United States stands shoulder to shoulder with the survivors of the Holocaust, their families, and the descendants of those who were murdered. We support the Jewish diaspora and the State of Israel as we fulfill our duty to remember the victims, honor their memory and their lives, and celebrate humanity's victory over tyranny and evil. Holocaust survivors, despite scars from history's darkest days, continue to inspire us to remember the past and learn from its lessons. By sharing their experiences and wisdom, they continue to fuel our resolve to advance human rights and to combat antisemitism and other forms of hatred.

During this week in 1945, American and Allied forces liberated the concentration camp at Dachau and other Nazi death camps, laying bare to the world the unconscionable horror of the Holocaust. We must remain vigilant against hateful ideologies and indifference. Every generation must learn and apply the lessons of the Holocaust so that such horror, atrocity, and genocide never again occur. It is our solemn obligation to reaffirm our commitment to respecting the fundamental freedoms and inherent dignity of every human being.

Let us join together to remember and honor the victims of the Holocaust and Nazi persecution. We express our eternal gratitude to the liberators who selflessly risked their lives to save those of others, and we pledge to never be bystanders to evil.

We must never forget.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby ask the people of the United States to observe the Days of Remembrance of Victims of the Holocaust, April 23 through April 30, 2017, and the solemn anniversary of the liberation of Nazi death camps, with appropriate study, prayers and commemoration, and to honor the memory of the victims of the Holocaust and Nazi persecution by internalizing the lessons of this atrocity so that it is never repeated.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of April, in the year two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9595 of April 28, 2017

Asian American and Pacific Islander Heritage Month, 2017

By the President of the United States of America

A Proclamation

This month, we celebrate Asian American and Pacific Islander Heritage Month, and we recognize the achievements and contributions of Asian Americans and Pacific Islanders that enrich our Nation.

Asian Americans and Pacific Islanders have distinguished themselves in the arts, literature, and sports. They are leading researchers in science, medicine, and technology; dedicated teachers to our Nation's children; innovative farmers and ranchers; and distinguished lawyers and government leaders.

Dr. Sammy Lee, a Korean American who passed away last December, exemplified the spirit of this month. Dr. Lee was the first Asian American man to win an Olympic gold medal, becoming a platform diving champion at the 1948 London Olympics only 1 year after graduating from medical school. To fulfill his dreams, Dr. Lee overcame several obstacles, including his local childhood pool's policy of opening to minorities only once per week. Later in life he was subject to housing discrimination (even after 8 years of military service). Dr. Lee nevertheless tirelessly served his country and community, including by representing the United States at the Olympic Games, on behalf of several Presidents.

Katherine Sui Fun Cheung also embodied the spirit of this month. In 1932, she became the first Chinese American woman to earn a pilot license. At the time, only about 1 percent of pilots in the United States were women. As a member of The Ninety-Nines, an organization of women pilots, she paved the way for thousands of women to take to the skies.

There are more than 20 million Asian Americans and Pacific Islanders in the United States. Each day, through their actions, they make America more vibrant, more prosperous, and more secure. Our Nation is particularly grateful to the many Asian Americans and Pacific Islanders

who have served and are currently serving in our Armed Forces, protecting the Nation, and promoting freedom and peace around the world.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2017 as Asian American and Pacific Islander Heritage Month. The Congress, by Public Law 102–450, as amended, has also designated the month of May each year as ''Asian/Pacific American Heritage Month.'' I encourage all Americans to learn more about our Asian American, Native Hawaiian, and Pacific Islander heritage, and to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of April, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9596 of April 28, 2017

Jewish American Heritage Month, 2017

By the President of the United States of America
A Proclamation

During Jewish American Heritage Month, we celebrate our Nation's strong American Jewish heritage, rooted in the ancient faith and traditions of the Jewish people. The small band of Dutch Jews who first immigrated in 1654, seeking refuge and religious liberty, brought with them their families, their religion, and their cherished customs, which they have passed on from generation to generation. The moral and ethical code of the Jewish people is inspired by their spiritual vocation of ''tikkun olam''—the charge to repair the world. Through that vocation, the Jewish people have left an indelible mark on American culture. Today, it is manifested in the towering success Jewish people have achieved in America through a unique synthesis of respect for heritage and love of country.

Escaping religious persecution and ethnic violence and seeking political freedom and economic opportunity, American Jews, over centuries, have held firm in the belief that the United States was ''Di Goldene Medina''—the Golden Country. Those who moved here built houses and gardens, raised families, and launched businesses. They have pursued education to advance their mission to make the world a better place. In every aspect of the country's cultural, spiritual, economic, and civic life, American Jews have stood at the forefront of the struggles for human freedom, equality, and dignity, helping to shine a light of hope to people around the globe.

The achievements of American Jews are felt throughout American society and culture, in every field and in every profession. American Jews have built institutions of higher learning, hospitals, and manifold cultural and philanthropic organizations. American Jews have even brought us our greatest superheroes—Captain America, Superman, and

Batman. American Jews have composed some of our defining national hymns like *God Bless America,* timeless musicals like *The Sound of Music,* and even famous Christmas songs. From Admiral Hyman G. Rickover to Albert Einstein, Richard Rodgers to Irving Berlin, Jerry Siegel to Bill Finger, Mel Brooks to Don Rickles, and Levi Strauss to Elie Wiesel, American Jews have transformed all aspects of American life and continue to enrich the American spirit.

This month, I celebrate with my family—including my daughter, Ivanka, my son-in-law, Jared, my grandchildren, and our extended family—the deep spiritual connection that binds, and will always bind, the Jewish people to the United States and its founding principles. We recognize the faith and optimism exemplified by American Jews is what truly makes America ''The Golden Country,'' and we express our Nation's gratitude for this great, strong, prosperous, and loving people.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2017 as Jewish American Heritage Month. I call upon all Americans to celebrate the heritage and contributions of American Jews and to observe this month with appropriate programs, activities, and ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of April, in the year two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9597 of April 28, 2017

National Foster Care Month, 2017

By the President of the United States of America

A Proclamation

During the month of May, we observe National Foster Care Month and we celebrate those who have opened their homes and their hearts to children in need and those who have devoted their careers to serving America's foster youth.

Americans throughout the country are serving their communities as foster parents, mentors, respite care providers, and volunteers. In the last year alone, America's foster families opened their homes and hearts to more than 300,000 young people.

But we can do more. Every child deserves a safe and supportive family. Ensuring that children grow up with the opportunity to reach their full potential is a top priority of my Administration. For thousands of children whose biological families are unable to support them, foster families provide a secure and nurturing environment that is essential for a successful start in life.

Foster families serve young people from all walks of life, from infants awaiting adoption, to children seeking reunification with their families and teens in need of safe havens from negative influences. In many

cases, they offer our Nation's most at-risk children a second chance at the American Dream.

A tremendous demand exists for foster parents and families across the country. Together as a Nation, we must raise awareness about this need and inspire volunteers to step forward and invest in the lives of our Nation's youth through our foster care system.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2017 as National Foster Care Month. I call upon all Americans to observe this month by taking time to help children and youth in foster care and to recognize the commitment of those who touch their lives, particularly celebrating their foster parents and other caregivers.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of April, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9598 of April 28, 2017

National Physical Fitness and Sports Month, 2017

By the President of the United States of America
A Proclamation

During National Physical Fitness and Sports Month, we remind Americans of all ages and backgrounds that maintaining a healthy and active lifestyle is critical to long-term physical and mental well-being, productivity, and quality of life. We also highlight the close relationship between sports and physical fitness and the benefits related to participation in sports, including disease prevention, lessons in teamwork and leadership, and the practice of overcoming adversity. In addition to their physical health benefits, sports promote positive mentoring, discipline, and structure for young Americans.

In 1956, President Dwight D. Eisenhower formed the President's Council on Youth Fitness, demonstrating a national commitment to improving health and physical fitness. President Eisenhower's legacy lives on today in the form of the President's Council on Fitness, Sports, and Nutrition, which advises me on health and fitness and engages with communities across the country to improve youth fitness and empower Americans to adopt healthy lifestyles that include regular physical activity and good nutrition. My Administration will continue this tradition, with a particular focus on promoting sports and physical fitness among our youth.

As we each work to maintain our own physical fitness, we play a part in building a stronger and healthier America. Failure to engage in physical activity contributes to serious negative health outcomes, including obesity and diseases such as type 2 diabetes, and an increased risk of heart disease, the number one cause of death in America. Com-

plications from these health problems often impact quality of life and frequently lead to other related and debilitating conditions.

As we celebrate National Physical Fitness and Sports Month, let us commit ourselves to celebrating active lifestyles, promoting physical fitness, and tackling public health issues together by making healthier choices. Let us rededicate ourselves each day to childhood obesity prevention, and recognize the role that sports can play in our Nation's health and well-being. Throughout May, I encourage all Americans to eat nutritious food, to take more time each day to be active, and to inspire friends, family, peers, and loved ones to do the same.

Finally, the Americans who serve our Nation's youth through sports and other physical activities deserve our collective appreciation. Whether through coaching, driving kids to and from practice, or organizing the leagues and events that make sport competitions possible, these Americans make countless unseen sacrifices that merit special recognition.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2017, as National Physical Fitness and Sports Month. I call upon the people of the United States to make physical activity and sports participation a priority in their lives.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of April, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9599 of April 28, 2017

Older Americans Month, 2017

By the President of the United States of America
A Proclamation

Older Americans are our Nation's memory. Some of today's grandparents and great-grandparents were born during the Great Depression, lived through the Second World War, witnessed the rise and fall of Communism, fought in Korea and Vietnam, marched with Martin Luther King, Jr., and watched the first man walk on the Moon. Now, they surf the internet and share family photos on their phones in a world that is richer and freer than the one into which they were born. Listening to the stories of our older citizens allows younger Americans to appreciate the country they inherited and gain the wisdom necessary to make it even better for their children and grandchildren.

As we celebrate Older Americans Month, we take the opportunity to thank our seniors and recognize the enormous contributions they make to the Nation. Indeed, one of modern life's greatest blessings are the medical advancements that make it possible for older people to remain healthy and active well into the later stages of life. We are blessed to

have their presence, their love, and their unmatched perspective for our families.

Our elders also have an unprecedented opportunity to make a difference in our communities by sharing their talents, wisdom, and time. America's seniors give back in a myriad of ways, working with children in our schools, providing assistance to the sick and shut-in, and inventing new and innovative products. They have made our Nation stronger through their experience, knowledge, and willingness to share with others.

Finally, during this month we also recognize that, as we age, many of us will need more assistance from our friends and family. We therefore recommit ourselves to ensuring that older Americans are not neglected or abused, receive the best healthcare available, live in suitable homes, have adequate income and economic opportunities, and enjoy freedom and independence in their golden years. They deserve—and we owe them—nothing less.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2017 as Older Americans Month. I call upon all Americans to honor our elders, acknowledge their contributions, care for those in need, and reaffirm our country's commitment to older Americans this month and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of April, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9600 of April 28, 2017

National Charter Schools Week, 2017

By the President of the United States of America

A Proclamation

During National Charter Schools Week, we recommit ourselves to empowering students and giving parents their rightful freedom over their children's education. We recognize the successful public charter schools across the country and the families, teachers, administrators, and communities who continue to invest in our Nation's most precious resource—our children.

More than 25 years ago, an idea took root: educators free of restrictive processes and policies, and empowered to experiment with new teaching methods, would generate better outcomes for students. Charter schools are built around this idea. Like traditional public schools, they are tuition-free, but they operate independently from traditional school boards and, in exchange, are held accountable by local authorizers to standards that are often more demanding.

Education is the foundation for success, and educational opportunity should not be limited or defined by status, income, or residence. All

children deserve access to a quality education. When our children receive a rigorous education and are held to high standards, they can achieve their goals, rise out of poverty, and actively engage in our democracy.

For too long, however, students across this country have been trapped in failing or underperforming schools simply because of their zip code. The Washington one-size-fits-all approach has not worked for far too many of our children. Fortunately, we have seen how allowing families the freedom to choose other schooling options—including charter schools—delivers life-changing results.

Today, 44 States and the District of Columbia have laws that allow for charter schools, which enroll more than 3 million students. The demand for charter schools only continues to grow: a recent study showed that at least 70 percent of parents favor opening a charter school in their neighborhood. This is because charter schools work. According to Stanford University's Center for Research on Education Outcomes study, students in urban charter schools, on average, achieve significantly greater outcomes in both reading and math. This is why I have called upon the Congress to increase funding for charter schools as well as school choice programs for disadvantaged youth, which would include millions of African American and Latino children. Under the leadership of Secretary of Education Betsy DeVos, we will expand charter school options for students throughout the United States.

As Americans, we have an abiding conviction that our next generation's future should be even brighter than ours. Education provides the staircase out of poverty, toward a fulfilling life of work and service, and a true shot at the American Dream. We want every student—from New Orleans to Kansas City, from Houston to Detroit, and every city and town in between—to rise to success. Charter schools have tremendous potential to offer students around the country the priceless gift of possibility. As a Nation, we should support the continued success of charter schools and hold our students up to the high standards they are all capable of achieving.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 30 through May 6, 2017, as National Charter Schools Week. I commend our Nation's successful public charter schools, teachers, and administrators, and I call on States and communities to empower parents and families by supporting high-quality charter schools as an important school choice option.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of April, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9601 of April 28, 2017

Small Business Week, 2017

By the President of the United States of America
A Proclamation

During Small Business Week, we celebrate our Nation's small business owners, whose entrepreneurship and hard work bring jobs and prosperity to our communities. Small business owners embody the American pioneering spirit and remind us that determination can turn aspiration into achievement. This week, we affirm our commitment to removing government barriers to the success of American small businesses.

Small businesses are an economic force in this country, and have grown by nearly 40 percent since 1982 despite often facing regulatory headwinds. They employ almost 58 million Americans, accounting for about 50 percent of all private-sector jobs in the United States. Our communities depend on the success of small businesses. More than 99 percent of all employer firms in the country are small businesses and in recent years, too many of them have been crushed by overwhelming Federal regulations. At the beginning of my Administration, I met with small business owners who continue to struggle under too many burdensome regulations. I have already signed legislation disapproving many excessive and unreasonable regulations and issued several Executive Orders to address other overreaching rules. These actions will free our Nation's entrepreneurs to spend more time creating jobs and less time navigating the Federal bureaucracy.

My Administration is also working to ensure our Nation's trade deals establish favorable conditions for small businesses to export their goods and services. With a level playing field on the international stage, America's small businesses will lead an export revival that brings jobs and wealth back to our country.

Our Nation also deserves a tax system that works for—not against—small business owners. One of the biggest problems facing our small businesses is an unduly complicated, and often unfair, tax system. Tax reform will unleash a new wave of investment, innovation, and entrepreneurship in our country. Americans will keep more money in their pockets, leaving them with the resources they need to expand their businesses and hire more workers.

America's small business owners transform ideas into reality. They are a strong testament to the opportunities a market economy affords. During this week, we recognize the incredible contributions small businesses make to our country and pledge to foster the conditions that enable them to prosper and thrive.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 30 through May 6, 2017, as Small Business Week. I call upon all Americans to recognize the critical contributions of America's entrepreneurs and small business owners as they grow our Nation's economy.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of April, in the year of our Lord two thousand seventeen,

and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9602 of April 28, 2017

Loyalty Day, 2017

By the President of the United States of America
A Proclamation

On Loyalty Day, we recognize and reaffirm our allegiance to the principles upon which our Nation is built. We pledge our dedication to the United States of America and honor its unique heritage, reminding ourselves that we are one Nation, under God, made possible by those who have sacrificed to defend our liberty. We honor our Republic and acknowledge the great responsibility that self-governance demands of each of us.

The United States stands as the world's leader in upholding the ideals of freedom, equality, and justice. Together, and with these fundamental concepts enshrined in our Constitution, our Nation perseveres in the face of those who would seek to harm it.

As one Nation, we will always stand strong against the threats of terrorism and lawlessness. The loyalty of our citizenry sends a clear signal to our allies and enemies that the United States will never yield from our way of life. Through the Department of Defense and other national security agencies, we are working to destroy ISIS, and to secure for all Americans the liberty terrorists seek to extinguish. We humbly thank our brave service members and veterans who have worn our Nation's uniform—from the American Revolution to the present day. Their unwavering loyalty and fidelity has made the world a safer, more free, and more just place. We are inspired by their pride in our country's principles, their devotion to our freedom, and their solemn pledge to protect and defend our Constitution against all enemies, foreign and domestic.

To express our country's loyalty to individual liberties, to limited government, and to the inherent dignity of every human being, the Congress, by Public Law 85–529 as amended, has designated May 1 of each year as ''Loyalty Day.'' On this day, we honor the United States of America and those who uphold its values, particularly those who have fought and continue to fight to defend the freedom it affords us.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 1, 2017, as Loyalty Day. This Loyalty Day, I call on all Americans to observe this day with appropriate ceremonies in our schools and other public places, including recitation of the Pledge of Allegiance to the Flag of the United States of America. I also call upon all Government officials to display the flag of the United States on all Government buildings and grounds on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of April, in the year of our Lord two thousand seventeen,

and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9603 of May 1, 2017

National Mental Health Awareness Month, 2017

By the President of the United States of America
A Proclamation

National Mental Health Awareness Month is a time to recognize the millions of American families affected by mental illness and to redouble our efforts to ensure that those who are suffering get the care and treatment they need. Nearly 10 million Americans suffer from a serious mental illness, such as schizophrenia, bipolar disorder, or major depression. Unfortunately, approximately 60 percent of adults and 50 percent of adolescents with mental illness do not get the treatment or other services they need. As a result, instead of receiving ongoing expert psychiatric care, these individuals often find themselves in emergency rooms, prisons, or living on the streets.

This month, and for the course of my Administration, I am committed to working with the Department of Health and Human Services, States, and communities throughout the country to find a better answer for the millions of Americans who need mental health services and their families. We must further empower States, law enforcement, first responders, doctors, and families to help those with the most severe mental illnesses; to ensure that people with mental illness have access to evidence-based treatment and services; and to fight the stigma associated with mental illness, which can prevent people from seeking care. We must also resolve to enhance our understanding of mental illness and its relationship to other complex societal challenges, including homelessness, substance abuse, and suicide; and we reaffirm our commitment to improving prevention, diagnosis, and treatment through innovative medical strategies.

Addressing substance abuse, addiction, and overdose is often critical to improving mental health outcomes. An estimated 8.1 million adults in America suffering with a mental illness also struggle with substance abuse. Many of those who struggled with both were among the 52,000 people in our country who died from a drug overdose in 2015. Approximately 44,000 Americans took their own lives in the past year, a preventable tragedy that frequently correlates with mental illness and substance abuse.

On May 4, 2017, my Administration, along with more than 160 organizations and 1,100 communities, will commemorate National Children's Mental Health Awareness Day. At this national event, Health and Human Services Secretary Tom Price will give special recognition awards to Awareness Day Honorary Chairpersons and United States Olympic champions Michael Phelps and Allison Schmitt for speaking openly about their behavioral health challenges and for encouraging young Americans to lead healthy lives. The event will help promote the importance of National Mental Health Awareness Month, providing

Americans with resources related to treatment and services for mental health and substance abuse.

No American should suffer in silence and solitude. During Mental Health Awareness Month, I encourage all Americans to seek to better understand mental illness and to look for opportunities to help those with mental health issues. We must support those in need and remain committed to hope and healing. Through compassion and committed action, we will enrich the spirit of the American people and improve the well-being of our Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2017 as National Mental Health Awareness Month. I call upon all Americans to support citizens suffering from mental illness, raise awareness of mental health conditions through appropriate programs and activities, and commit our Nation to innovative prevention, diagnosis, and treatment.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9604 of May 1, 2017

Law Day, U.S.A., 2017

By the President of the United States of America

A Proclamation

Today, we celebrate Law Day, as we have since President Dwight D. Eisenhower first commemorated it in 1958, and reflect upon our great heritage of liberty, justice, and equality. Our Founders risked their lives, fortunes, and sacred honor in defense of these values. More than 240 years ago, they set pen to paper and declared to the world ''that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.'' The Declaration of Independence thus set our Nation on its revolutionary and transformative path to protecting people's inherent, individual rights and liberties from the tyranny of an elite few who might use the powers of the state to trample upon them.

To protect the values for which they fought, the Framers of our Constitution created a government of limited and separated powers that enables the rule of law to prevail over the whims of government officials. As the great Justice Antonin Scalia frequently observed, every dictatorship has a bill of rights, but paper rights alone will not preserve liberty. It is our Constitution's clear division of the sovereign's power—vesting the power to create laws in the Congress, the power to execute laws in the President, and the power to interpret laws in an independent judiciary—that enables us to remain free and in control of our government.

Recognizing, as President Ronald Reagan did, that ''freedom is never more than one generation away from extinction,'' today we pay tribute to the government of laws, and not of men, that forms the foundation of our freedom. Therefore, on this Law Day, we rededicate ourselves to the rule of law, to the separation of powers, and, in the words of President Abraham Lincoln's Gettysburg Address, to the preservation of ''government of the people, by the people, for the people.''

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, in accordance with Public Law 87–20, as amended, do hereby proclaim May 1, 2017, as Law Day, U.S.A. I urge all Americans, including government officials, to observe this day by reflecting upon the importance of the rule of law in our Nation and displaying the flag of the United States in support of this national observance.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9605 of May 4, 2017

National Day of Prayer, 2017

By the President of the United States of America
A Proclamation

We come together on our National Day of Prayer as one Nation, under God, to show gratitude for our many blessings, to give thanks for His providence, and to ask for His continued wisdom, strength, and protection as we chart a course for the future. We are united in prayer, each according to our own faith and tradition, and we believe that in America, people of all faiths, creeds, and religions must be free to exercise their natural right to worship according to their consciences.

We are also reminded and reaffirm that all human beings have the right, not only to pray and worship according to their consciences, but to practice their faith in their homes, schools, charities, and businesses—in private and in the public square—free from government coercion, discrimination, or persecution. Religion is not merely an intellectual exercise, but also a practical one that demands action in the world. Even the many prisoners around the world who are persecuted for their faith can pray privately in their cells. But our Constitution demands more: the freedom to practice one's faith publicly.

The religious liberty guaranteed by the Constitution is not a favor from the government, but a natural right bestowed by God. Our Constitution and our laws that protect religious freedom merely recognize the right that all people have by virtue of their humanity. As Thomas Jefferson wisely questioned: ''can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God?''

In 1789, President George Washington proclaimed a day of public thanksgiving and prayer, calling upon Americans to ''unite in most

humbly offering our prayers and supplications to the great Lord and Ruler of Nations.'' In 1988, the Congress, by Public Law 100–307, called on the President to issue each year a proclamation designating the first Thursday in May as a ''National Day of Prayer.'' On this National Day of Prayer, the right to pray freely and live according to one's faith is under threat around the world from coercive governments and terrorist organizations. We therefore pray especially for the many people around the world who are persecuted for their beliefs and deprived of their fundamental liberty to live according to their conscience. We pray for the triumph of freedom over oppression, and for God's love and mercy over evil.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States of America, do hereby proclaim May 4, 2017, as a National Day of Prayer. I invite the citizens of our Nation to pray, in accordance with their own faiths and consciences, in thanksgiving for the freedoms and blessings we have received, and for God's guidance and continued protection as we meet the challenges before us.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of May, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9606 of May 5, 2017

National Hurricane Preparedness Week, 2017

By the President of the United States of America
A Proclamation

National Hurricane Preparedness Week reminds those of us living in hurricane-prone areas of the need to ready our homes, communities, and families for extreme weather events before hurricane season arrives. Preparing for weather-related disasters can dramatically reduce their impact on you, your family, and your community.

The 2017 hurricane season, which begins June 1 and lasts through November 30, marks the 25th anniversaries of Hurricanes Andrew and Iniki. In August 1992, Hurricane Andrew tore through South Florida before making landfall, again, in Louisiana. It claimed 65 lives, destroyed 25,000 homes, and caused approximately $26 billion in overall damage. A few weeks later, Hurricane Iniki struck the Hawaiian Island of Kauai, killing six, demolishing 1,400 homes, and causing about $1.8 billion in overall damage. The tragic losses caused by those terrible storms remind us of the need to prepare for the destruction hurricanes can bring.

As Hurricane Andrew demonstrated, inland areas are not immune from the destruction hurricanes can bring with them through flooding rains and other related weather events. A National Oceanic and Atmospheric Administration study of Hurricane Andrew revealed that most of the damage it caused was inland from the primary storm surge areas. Just

last year, heavy rains from Hurricane Matthew caused destructive flooding and loss of life in the Carolinas, even though the hurricane's eye remained mostly offshore.

This week, through several initiatives, I am encouraging Americans to take the time to prepare for the upcoming hurricane season. After a major disaster, you may not have immediate access to the services you are accustomed to, such as clean water, grocery stores, and emergency services. Hurricane preparedness information provided by the National Weather Service (NWS) and the *Ready* campaign conducted by the Federal Emergency Management Agency (FEMA), both available online, outline important steps you can take right now to safeguard your family, pets, and property. These resources will help you create evacuation and communications plans and assemble a disaster kit of necessary supplies. Developing and implementing these plans will save lives and avoid excess damage.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 7 through May 13, 2017, as National Hurricane Preparedness Week. I call upon Americans living in hurricane-prone areas to observe this week by making use of the online resources provided by the NWS and FEMA and by taking actions to safeguard their families, homes, and businesses from the dangers of hurricanes. I also call upon Federal, State, local, tribal, and territorial emergency management officials to help inform our communities about hurricane preparedness and response, in order to help prevent storm damage and save lives.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of May, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9607 of May 5, 2017

Public Service Recognition Week, 2017

By the President of the United States of America

A Proclamation

During Public Service Recognition Week, we express gratitude for our civil servants. Their daily effort keeps our Government functioning and helps make our Nation exceptional.

Throughout my first 100 days, I have seen the tremendous work civil servants do to fulfill our duty to the American people. At all levels of government, our public servants put our country and our people first. The hard work of our mail carriers, teachers, firefighters, transit workers, and many more, creates an environment that allows individuals and companies to thrive.

To empower our civil servants to best help others, the Government must always operate more efficiently and more securely. In March, I issued an Executive Order on a Comprehensive Plan for Reorganizing

the Executive Branch. I am counting on our civil servants to seize upon that order and make our Government dramatically more accountable, effective, and efficient, by going beyond the modernization efforts of the past and re-examining the operational core of our executive departments and agencies. Together, through these and other efforts, we will fulfill our responsibilities to make our Government work better for the American people.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 7 through May 13, 2017, as Public Service Recognition Week. I call upon Americans and all Federal, State, tribal, and local government agencies to recognize the dedication of our Nation's public servants and to observe this week through appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of May, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9608 of May 12, 2017

Military Spouse Day, 2017

By the President of the United States of America

A Proclamation

On Military Spouse Day, we honor military spouses for their invaluable contributions to the defense of this great Nation. In 1984, President Ronald Reagan first recognized this day with a proclamation, honoring the exemplary service and immeasurable sacrifices of our Nation's military spouses. This long overdue tribute gives thanks to those who, since the formation of our Republic, have served our country with selfless support. Military spouses have been, and continue to be, a steady, strong presence on the home front and in the hearts of our military men and women.

Most military spouses hold no rank and wear no uniform, yet humbly serve our Nation with distinction. They endure deployments for weeks, months, and years at a time, sometimes with little warning, and they must brace themselves for the uncertainty that comes with goodbye. When duty calls, they shoulder the full day-to-day responsibilities of managing a household and often of parenting—many times with little or no support. They face frequent relocations, which interrupt their careers and educational pursuits and require them to leave churches, homes, and friends. Most difficult of all, military spouses live with constant worry about the daily risks our military forces take for our country. Military spouses navigate these and other challenges with uncommon grace and inspiring strength.

My Administration will focus on supporting and increasing opportunities for military spouses. I urge American businesses to create opportunities for hiring, training, and promoting military spouses, and to identify ways to keep them employed following relocations. These women

and men have skills and experiences valued by employers and coworkers alike. They give so much of themselves to our country, and they deserve our enduring respect and appreciation in return. I have pledged to our Armed Forces to have their backs, and that means providing for our military spouses as well.

On this Military Spouse Day, we recognize the exceptional women and men who have shared their loved ones with our country. We honor them for their service, praise them for their sacrifices, and offer them our gratitude and prayers on behalf of a grateful Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 12, 2017, as Military Spouse Day. I call upon the people of the United States to honor military spouses with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of May, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9609 of May 12, 2017

Mother's Day, 2017

By the President of the United States of America

A Proclamation

Mother's Day is a special celebration in America. It is an occasion to thank our mothers for the life and love they have given us and to emphasize our affection for them, affection they deserve every day of the year. But it is also an opportunity to honor mothers across our Nation and celebrate motherhood as a pillar of our country's stability and success.

Our deep appreciation for the strength and spirit of mothers and their resolve to do what is right for their children and families cannot be overstated. They are often the first to lend a hand during hard times and the first to celebrate our proudest victories. The boundless energy of our mothers inspires us to be people of action, people who strive relentlessly toward our goals. Above all, they teach us the power and joy of unconditional love.

Today and every day, we honor the incredible women whose influence on the world is beyond measure. They brighten America's future by shaping the character of each new generation. They lead us through our deepest lessons about perseverance and hard work, preparing us for life's responsibilities. Whether by birth, adoption, or foster care, our Nation's mothers give selflessly of themselves for the well-being of the lives and futures of others. We humbly thank them for this greatest gift.

In recognition of the contributions of mothers to American families and to our Nation, the Congress, by joint resolution approved May 8, 1914 (38 Stat. 770), has designated the second Sunday in May each year as

Mother's Day and requested the President to call for its appropriate observance.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 14, 2017, as Mother's Day. I encourage all Americans to express their love and respect for their mothers or beloved mother figures, whether with us in person or in spirit, and to reflect on the importance of motherhood to the prosperity of our families, communities, and Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of May, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9610 of May 12, 2017

National Defense Transportation Day and National Transportation Week, 2017

By the President of the United States of America

A Proclamation

During National Defense Transportation Day and National Transportation Week, we celebrate our Nation's land, air, and sea infrastructure systems. These critical systems connect Americans to one another, provide vital national security capabilities, and serve as a cornerstone of our economy. We also recognize the transportation professionals who are dedicated to keeping our Nation's transportation networks secure, efficient, and reliable.

Quality infrastructure provides Americans with the freedom they need and deserve to move themselves and their families, and the vast array of products they want to buy and sell. But in too many cases, our roads, waterways, bridges, airports, and mass transit systems have fallen into disrepair. That is why my Administration is committed to rebuilding a world-class transportation infrastructure that works for all Americans.

Revitalizing our infrastructure is all the more important because American transportation enhancements have played and will continue to play a critical role in our national defense. During World War II, our ability to refuel ships at sea was, in the words of Admiral Chester Nimitz, the ''Navy's secret weapon.'' Today, our military logistics system is essential to the defense of our homeland and our ability to project power around the world.

To remain effective, the transportation industry must constantly innovate. That is why, in addition to rebuilding our current infrastructure, my Administration is removing regulatory hurdles that have, for too long, impeded necessary infrastructure improvements. This will allow creative companies to transform how we use our roads, waterways, rails, and the skies, making them both safer for travelers and more effective for our national security.

To recognize the men and women who work in the transportation industry and who contribute to our Nation's well-being and defense, the Congress, by joint resolution approved May 16, 1957, as amended (36 U.S.C. 120), has designated the third Friday in May of each year as ''National Defense Transportation Day,'' and, by joint resolution approved May 14, 1962, as amended (36 U.S.C. 133), has declared that the week during which that Friday falls be designated as ''National Transportation Week.''

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim Friday, May 19, 2017, as National Defense Transportation Day and May 14 through May 20, 2017, as National Transportation Week. I encourage all Americans to celebrate these observances with appropriate ceremonies and activities to learn more about how our transportation system contributes to the security of our citizens and the prosperity of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of May, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9611 of May 15, 2017

Peace Officers Memorial Day and Police Week, 2017

By the President of the United States of America

A Proclamation

During Peace Officers Memorial Day and Police Week, we honor the men and women of law enforcement who have been killed or disabled in the course of serving our communities. Police officers are the thin blue line whose sacrifices protect and serve us every day, and we pledge to support them as they risk their lives to safeguard ours.

Last year, 118 officers died in the line of duty, and of those, 66 were victims of malicious attacks. These attacks increased by nearly 40 percent from 2015. This must end. That is why one of my first actions was to direct the Department of Justice to develop a strategy to better prevent and prosecute crimes of violence against our Federal, State, tribal, and local law enforcement officers.

In addition, my Administration will continue to further the efforts of the Department of Justice to improve the lives of law enforcement officers and their families. This includes supporting the Officer Safety and Wellness Group, which improves officer safety on the job, and accelerating the processing of benefits through the Public Safety Officers' Benefits Program, which provides vital resources to the families of fallen officers.

Our liberties depend on the rule of law, and that means supporting the incredible men and women of law enforcement. By a joint resolution approved October 1, 1962, as amended (76 Stat. 676), and by Public Law 103–322, as amended (36 U.S.C. 136 and 137), the President has been authorized and requested to designate May 15 of each year as

''Peace Officers Memorial Day'' and the week in which it falls as ''Police Week.''

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 15, 2017, as Peace Officers Memorial Day and May 14 through May 20, 2017, as Police Week. In humble appreciation of our hard-working law enforcement officers, Melania and I will light the White House in blue on May 15. I call upon all Americans to observe Peace Officers Memorial Day and Police Week with appropriate ceremonies and activities. I also call on the Governors of the States and Territories and officials of other areas subject to the jurisdiction of the United States, to direct that the flag be flown at half-staff on Peace Officers Memorial Day. I further encourage all Americans to display the flag at half-staff from their homes and businesses on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of May, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9612 of May 19, 2017

Emergency Medical Services Week, 2017

By the President of the United States of America

A Proclamation

During Emergency Medical Services (EMS) Week, we express our gratitude for the hundreds of thousands of skilled personnel who help save lives in communities across the United States each year. Through the hard work and dedication of these career and volunteer first responders, Americans receive the finest emergency medical treatment in their most vulnerable moments. We also honor those EMS providers who have made the ultimate sacrifice and given their lives in the line of duty.

Day or night, in every city, suburb, rural community, or wilderness area, our Nation relies upon EMS providers to respond to every kind of emergency situation to save lives and reduce suffering. In January, when more than 70 tornadoes touched down in Georgia and Mississippi, injuring many, EMS responders were there to help. In March, when wildfires threatened Kansas, Colorado, Oklahoma, and Texas, taking lives and forcing thousands from their homes, our EMS personnel were there providing urgent medical care and patient transportation. Last month, when flooding and tornadoes ravaged Missouri, Arkansas, and Texas, EMS personnel once more came to their neighbors' aid. Whether they are assisting during natural disasters or providing lifesaving care after car accidents, heart attacks, sports injuries, or violent crime, EMS personnel respond to tens of millions of requests for help each year in our country. We rest easier knowing that they stand ready to answer the call.

Over the past 50 years, our Nation's EMS system has evolved with ever-developing medical, transportation, and communications tech-

nologies to meet the changing needs of our communities. The *EMS Agenda 2050* project—a joint effort by the National Highway Traffic Safety Administration, the Department of Health and Human Services, the Department of Homeland Security, and the EMS community—will help develop a vision for meeting our communities' future emergency medical services needs and improve the health of all Americans. We commend these efforts to develop innovative new treatments, advance and adapt medical skills, establish stronger professional standards, and promote public education and health. This week, we thank our EMS professionals for their sustained commitment to excellence and dedication to service, and share our hopes for a bright future that will make us all safer and healthier.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 21 through May 27, 2017, as Emergency Medical Services Week. I encourage all Americans to observe this occasion by showing their support for local EMS professionals through appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of May, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9613 of May 19, 2017

National Safe Boating Week, 2017

By the President of the United States of America
A Proclamation

As Memorial Day approaches and our summer season arrives, it is important for Americans of all ages to learn about safety on the water. During National Safe Boating Week, the U.S. Coast Guard and its Federal, State, and local safe boating partners encourage all boaters to explore and enjoy America's beautiful waters responsibly.

Safe boating begins with preparation. The Coast Guard estimates that human error accounts for 70 percent of all boating accidents and that life jackets could prevent more than 80 percent of boating fatalities. Through basic boating safety procedures—carrying lifesaving emergency distress and communications equipment, wearing life jackets, attending safe boating courses, participating in free boat safety checks, and staying sober when navigating—we can help ensure boaters on America's coastal, inland, and offshore waters stay safe throughout the season.

America's diverse waterways are waiting to be explored. But before enjoying a day on the water, Americans should take time this week to familiarize themselves with safe boating practices so that everyone makes it home unharmed.

In recognition of the importance of safe boating practices, the Congress, by joint resolution approved June 4, 1958 (36 U.S.C. 131), as amended, has authorized and requested the President to proclaim annually the 7-day period before Memorial Day weekend as ''National Safe Boating Week.''

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 21 through May 27, 2017, as National Safe Boating Week. I encourage all Americans who participate in boating activities to observe this occasion by learning more about safe boating practices and taking advantage of boating safety education opportunities. I also encourage the Governors of the States and Territories, and appropriate officials of all units of government, to join me in encouraging boating safety through events and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of May, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9614 of May 19, 2017

World Trade Week, 2017

By the President of the United States of America
A Proclamation

Robust trade is critical to the economic strength of our country. During World Trade Week, we recognize the power of open markets around the world and celebrate the many benefits that fair international commerce can bring to our Nation. We also highlight the importance of expanded trade to our economic growth, and we commit to breaking down trade barriers and opening new markets for American exports.

Open, fair, and competitive markets increase opportunities for American workers and employers and contribute to a higher standard of living. Job creation with increased wages is a top priority of my Administration, and increasing trade—while reducing our trade deficit—is a key component of that mission. We will promote our economic growth by strengthening our manufacturing base and expanding exports in manufacturing, agriculture, and the service industries. We will also challenge unfair trade practices that leave American workers, farmers, and businesses competing in global markets at a disadvantage.

Trade has a large role in the United States economy today, but it can be even greater. Our exports contribute $2.2 trillion, or 12 percent, to our national income, supporting 11.5 million private-sector jobs. Manufacturing exports total $1.265 trillion, behind only China and Germany. The United States leads the world in both agricultural exports, which currently total $139 billion, and services exports, at $750 billion today. The United States, however, has a large and persistent trade deficit in manufacturing, overall as well as with certain trading partners. Through an increased commitment to opening markets, reducing barriers to our goods, and firmly addressing unfair trade practices, we can do far better for American workers and manufacturers.

My Administration will negotiate future trade agreements that ensure that all Americans reap the benefits of global commerce. This includes small businesses, which are the backbone of our economy. While past agreements have not always accounted for the consequential effects of trade on small businesses and the American workforce, future agreements will.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 21 through May 27, 2017, as World Trade Week. I encourage Americans to observe this week with events, trade shows, and educational programs that celebrate the benefits of trade to our country.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of May, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9615 of May 19, 2017

Armed Forces Day, 2017

By the President of the United States of America

A Proclamation

For almost 70 years, our Nation has set aside one day to recognize the great debt we owe to the men and women who serve in the Army, Navy, Air Force, Marine Corps, and Coast Guard. On Armed Forces Day, we salute the bravery of those who defend our Nation's peace and security. Their service defends for Americans the freedom that all people deserve.

This year, we also reflect on the 100th anniversary of our Nation's entry into World War I. More than 4.7 million Americans would ultimately serve in the United States Armed Forces during that terrible conflict. Their sacrifice has not been forgotten. One hundred years later, we face different threats and challenges. But our safety and security, and the defense of our way of life, rest in the same able hands of our Armed Forces.

Because our Armed Forces must constantly adapt to new threats, our Nation is committed to ensuring they have the tools and resources they need as they train, deploy, and fight in defense of our country and defending our values. This is why my budget calls for a $54 billion increase in national defense spending.

Today, we salute our Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen for their dedication as they carry out the extraordinary duty of protecting our country. We also pay tribute to the families who serve alongside them, lending their steadfast love and support.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, and Commander in Chief of the Armed Forces of the United States, continuing the tradition of my predecessors in office, do hereby proclaim the third Saturday of each May as Armed Forces Day.

I invite the Governors of the States and Territories and other areas subject to the jurisdiction of the United States to provide for the observance of Armed Forces Day within their jurisdiction each year in an appropriate manner designed to increase public understanding and appreciation of the Armed Forces of the United States. I also invite veterans, civic, and other organizations to join in the observance of Armed Forces Day each year.

Finally, I call upon all Americans to display the flag of the United States at their homes and businesses on Armed Forces Day, and I urge citizens to learn more about military service by attending and participating in the local observances of the day.

Proclamation 9452 of May 20, 2016, is hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of May, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9616 of May 19, 2017

National Maritime Day, 2017

By the President of the United States of America
A Proclamation

On National Maritime Day, we recognize the important role the United States Merchant Marine plays in supporting our commerce and national security. We honor the proud history of our merchant mariners and their important contributions in strengthening our economy.

Americans have long looked to the sea as a source of safety and well-being. Bounded by two oceans and the Gulf of Mexico, and criss-crossed by inland waterways, America was destined to be a maritime nation. Our fledgling Republic expanded and became stronger, as our Nation's growing Merchant Marine connected the States and cemented ties among our new allies.

Today, the men and women who crew ships remain essential to our Nation's prosperity and security. Those in the maritime industry, including merchant mariners, promote our economic growth, facilitating the export of more than $475 billion in goods just last year and sustaining our critical defense industrial base. Merchant mariners also actively protect our homeland, serving as our eyes and ears on the seas. They serve with distinction and courage, heading into war zones, and too often sacrificing their own lives for our protection.

The Congress, by a joint resolution approved May 20, 1933, has designated May 22 of each year as ''National Maritime Day,'' to commemorate the first transoceanic voyage by a steamship, in 1819 by the S.S. Savannah. By this resolution, the Congress has authorized and requested the President to issue annually a proclamation calling for its appropriate observance.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 22, 2017, as National Maritime Day. I call upon the people of the United States to mark this observance and to display the flag of the United States at their homes and in their communities. I also request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of May, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9617 of May 24, 2017

Prayer for Peace, Memorial Day, 2017

By the President of the United States of America
A Proclamation

Memorial Day is our Nation's solemn reminder that freedom is never free. It is a moment of collective reflection on the noble sacrifices of those who gave the last measure of devotion in service of our ideals and in the defense of our Nation. On this ceremonious day, we remember the fallen, we pray for a lasting peace among nations, and we honor these guardians of our inalienable rights.

This year, we commemorate the centennial anniversary of America's entry into World War I. More than 4.7 million Americans served during The Great War, representing more than 25 percent of the American male population between the ages of 18 and 31 at the time. We remember the more than 100,000 Americans who sacrificed their lives during ''The War to End All Wars,'' and who left behind countless family members and loved ones. We pause again to pray for the souls of those heroes who, one century ago, never returned home after helping to restore peace in Europe.

On Memorial Day we honor the final resting places of the more than one million men and women who sacrificed their lives for our Nation, by decorating their graves with the stars and stripes, as generations have done since 1868. We also proudly fly America's beautiful flag at our homes, businesses, and in our community parades to honor their memory. In doing so, we pledge our Nation's allegiance to the great cause of freedom for which they fought and ultimately died.

In honor and recognition of all of our fallen service members, the Congress, by a joint resolution approved May 11, 1950, as amended (36 U.S.C. 116), has requested the President issue a proclamation calling on the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period on that day when the people of the United States might unite in prayer. The Congress, by Public Law 106–579, has also designated 3:00 p.m. local time on that day as a time for all Americans to observe, in their own way, the National Moment of Remembrance.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim Memorial Day, May 29, 2017, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11:00 a.m. of that day as a time when people might unite in prayer. I urge the press, radio, television, and all other information media to cooperate in this observance.

I further ask all Americans to observe the National Moment of Remembrance beginning at 3:00 p.m. local time on Memorial Day.

I also request the Governors of the United States and its Territories, and the appropriate officials of all units of government, to direct that the flag be flown at half-staff until noon on this Memorial Day on all buildings, grounds, and naval vessels throughout the United States and in all areas under its jurisdiction and control. I also request the people of the United States to display the flag at half-staff from their homes for the customary forenoon period.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of May, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9618 of May 31, 2017

African-American Music Appreciation Month, 2017

By the President of the United States of America

A Proclamation

During June, we pay tribute to the contributions African Americans have made and continue to make to American music. The indelible legacy of these musicians—who have witnessed our Nation's greatest achievements, as well as its greatest injustices—give all Americans a richer, deeper understanding of American culture. Their creativity has shaped every genre of music, including rock and roll, rhythm and blues, jazz, gospel, hip hop, and rap.

In March, rock and roll lost Chuck Berry, one of its founding fathers. Berry's signature style on the guitar, on display in classics like ''Johnny B. Goode,'' ''Roll Over Beethoven,'' ''Maybellene,'' and ''Carol,'' came to define the explosive new sound of rock and roll. As Keith Richards, guitarist for the Rolling Stones said while introducing Berry into the Rock and Roll Hall of Fame: ''This is the gentleman who started it all.''

We also take time this month to recognize the musical influence of two of the greatest jazz musicians of all time, Dizzy Gillespie and Ella Fitzgerald, as this year marks their centennial birthdays. Gillespie, through his legendary trumpet sound and Fitzgerald, through her pure, energetic voice, treated people around the world to spirited and soulful jazz music. Their work has influenced countless musicians, and continues to inspire listeners young and old.

The contributions of Berry, Gillespie, Fitzgerald, and other African-American musicians shine as examples of how music can bring us together. These musicians also remind us of our humanity and of our

power to overcome. They expressed the soul of blues, gospel, and rock and roll, which has so often captured the hardships of racism and injustices suffered by African Americans, as well as daily joys and celebrations. Their work highlights the power music has to channel the human experience, and they remain a testament to the resilience of all freedom-loving people. We are grateful for their contribution to the cannon of great American art.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2017 as African-American Music Appreciation Month. I call upon public officials, educators, and all the people of the United States to observe this month with appropriate activities and programs that raise awareness and appreciation of African-American Music.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9619 of May 31, 2017

Great Outdoors Month, 2017

By the President of the United States of America
A Proclamation

With June comes the summer sun, longer days, and warmer weather—the perfect opportunity to enjoy the great outdoors. During Great Outdoors Month, we encourage all Americans to experience the beauty and adventure of our Nation's lakes, mountains, and forests, and even of their own backyards.

Each of our States and territories provides endless opportunities to enjoy the great outdoors. Americans can go fishing in Eleven Mile State Park in Colorado, camp on the bluffs of Perrot State Park in Wisconsin, and bike along the Sable River in Ludington State Park in Michigan. These lands and waters are also home to cultural and historic sites that inspire our love of country and serve as important touchstones for who we are as Americans.

Whether your great outdoors means a community park, a state reservoir, a national forest, or a backyard campout, we must cherish our outdoor spaces and work to preserve them for generations. This is why, as President, I am working to bring leaders throughout the country together to improve the management of our vitally important public lands, especially through public-private partnerships to help clear the backlog of deferred maintenance.

I urge all Americans to set aside time during the month of June to visit our great outdoors and experience America's natural and cultural history. This month in particular, we celebrate our Nation's remarkable natural heritage and express our gratitude to those who help preserve our natural habitat for generations of Americans to come.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2017 as Great Outdoors Month. I urge all Americans to explore the great outdoors while acting as stewards of our lands and waters.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9620 of May 31, 2017

National Caribbean-American Heritage Month, 2017

By the President of the United States of America
A Proclamation

National Caribbean-American Heritage Month is a celebration of the accomplishments of Caribbean Americans and our long, shared history with the peoples of the Caribbean. We are grateful for the culture Caribbean Americans have shared with our Nation and the many contributions they have made to our society.

Throughout our history, Caribbean Americans have helped create and maintain the strength and independence of our Nation. Alexander Hamilton, who came from poverty in Nevis, was a key contributor to our Constitution and the first Secretary of the Treasury, helping to establish our modern financial system and to create the United States Coast Guard.

Every day, Caribbean Americans help make America more prosperous and secure. Our Nation is particularly grateful to the many Caribbean Americans who have served and are currently serving in our Armed Forces, protecting our Nation, and promoting freedom and peace around the world. Today, more than four million Caribbean Americans live in the United States and continue to contribute to a vibrant culture that enriches our Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2017 as National Caribbean-American Heritage Month. I encourage all Americans to join in celebrating the history, culture, and achievements of Caribbean Americans with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9621 of May 31, 2017

National Homeownership Month, 2017

By the President of the United States of America
A Proclamation

During National Homeownership Month, we recognize the many benefits of homeownership to our families, our communities, and our Nation. For generations of Americans, owning a home has been an essential element in achieving the American Dream. Homeownership is often the foundation of security and prosperity for families and communities and an enduring symbol of American freedom. This month, we recommit to ensuring that hard-working Americans enjoy a fair chance at becoming homeowners.

In the years since the Great Recession, homeownership rates have dipped to historic lows. Many Americans are not confident they will ever own a home, a tragic consequence of a decade of weak economic growth, excessive regulations, and stagnant wages. Many young families are unable to achieve the independence they desire because they have difficulty saving for a down payment, overcoming regulatory burdens, or gaining access to adequate credit. These challenges are even more pronounced for minorities, whose homeownership rates remain substantially below those of their fellow Americans.

I am committed to helping hard-working Americans become homeowners. As part of my Administration's plan to strengthen the middle class and the American housing market, I am working with the Congress on a pro-growth agenda of reducing rules and regulations, cutting taxes, and eliminating unnecessary government spending. These policies will unshackle our economy and create and sustain high-paying jobs so that more Americans have the resources and freedom they deserve to fulfill their American Dream.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2017 as National Homeownership Month.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9622 of May 31, 2017

National Ocean Month, 2017

By the President of the United States of America
A Proclamation

National Ocean Month celebrates the mighty oceans and their extraordinary resources. This month, we recognize the importance of harnessing the seas for our national security and prosperity.

Thirty-four years ago, President Ronald Reagan proclaimed the creation of the U.S. Exclusive Economic Zone, making clear America's sovereign right to explore, exploit, conserve, and manage ocean resources extending 200 nautical miles from our shores. This is the world's largest Exclusive Economic Zone, spanning more than 3.4 million square nautical miles—an area larger than the combined landmass of all 50 States. We must recognize the importance of our offshore areas to our security and economic independence, all while protecting the marine environment for present and future generations.

Today, our offshore areas remain underutilized and often unexplored. We have yet to fully leverage new technologies and unleash the forces of economic innovation to more fully develop and explore our ocean economy. In the field of energy, we have just begun to tap the potential of our oceans' oil and gas, wind, wave, and tidal resources to power the Nation. The fisheries resources of the United States are among the most valuable in the world. Growing global demand for seafood presents tremendous opportunities for expansion of our seafood exports, which can reduce our more than $13 billion seafood trade deficit.

NOW, THEREFORE, I, DONALD J. TRUMP, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2017 as National Ocean Month. This month, I call upon Americans to reflect on the value and importance of the oceans not only to our security and economy, but also as a source of recreation, enjoyment, and relaxation.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of May, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9623 of June 14, 2017

Flag Day and National Flag Week, 2017

By the President of the United States of America

A Proclamation

On Flag Day, we honor the symbol that reminds us that we are one Nation under God, united in our pursuit of liberty and justice for all. Today, we celebrate and recognize June 14 as the day in 1777 when the Continental Congress formally adopted the Stars and Stripes as the official flag of the Republic.

Our flag is a source of inspiration and strength to all Americans. Wherever Old Glory flies, we remember the six United States Marines raising the flag atop Mount Suribachi during the Battle of Iwo Jima, astronauts Neil Armstrong and Buzz Aldrin planting it on the surface of the moon, and our firefighters elevating it above Ground Zero following the terrorist attacks of September 11. At the White House, at our homes, churches, offices, and schools, in our town squares and military installations at home and abroad, our flag celebrates our independence and highlights our resolve to defend and protect the country and the values that we hold dear.

By honoring our flag, we pay due respect to the patriots and heroes who have laid down their lives in defense of the liberty it represents. As we raise the flag, we stand and salute or place our hands on our hearts, and we recall the fundamental truths upon which this Nation was founded: that we are all created equal and that just government derives its power from the people.

I am blessed to have shared my birthday with the Star Spangled Banner and the U.S. Army for 71 years now. Again, on Flag Day, I am deeply grateful to live under the red, white, and blue, and all for which it stands.

To commemorate the adoption of our flag, in 1949, the Congress requested the President recognize, by proclamation, that June 14 is ''Flag Day'' and requested the American flag be displayed on all Federal Government buildings. The Congress also requested, in 1966, that the President annually issue a proclamation designating the week in which June 14 occurs as ''National Flag Week'' and call upon citizens of the United States to display the flag during that week.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim June 14, 2017, as Flag Day, and this week as National Flag Week. I direct the appropriate officials to display the flag on all Federal Government buildings during this week, and I urge all Americans to observe Flag Day and National Flag Week by displaying the flag. I also encourage the people of the United States to observe with pride and all due ceremony those days from Flag Day through Independence Day, set aside by the Congress (89 Stat. 211), as a time to honor America, to celebrate our heritage in public gatherings and activities, and to publicly recite the Pledge of Allegiance to the Flag of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of June, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9624 of June 16, 2017

Father's Day, 2017

By the President of the United States of America

A Proclamation

Father's Day is a special occasion that reminds us to pause and thank the men in our lives who have taken on the responsibility of raising children. As sons and daughters, we recognize the love they have given and the sacrifices they have made, and we celebrate the indispensable role fathers play in our lives and communities.

Fathers have the ability and responsibility to instill in us core values we carry into adulthood. The examples they set and the lessons they impart about hard work, dedication to family, faith in God, and believing in ourselves establish the moral foundation for success that allows us to live up to our full potential. We remember those fatherly mo-

ments big and small—throwing a baseball, writing an essay, driving a car, walking down the aisle—that have shaped us, and we thank our dads for being there with a helping hand and an open heart.

Day in and day out, fathers put their children first, creating loving and supportive environments. Whether by birth, adoption, or foster care, today we honor the incredible fathers in our lives for all they have done and continue to do for us. Fathers inspire us to better ourselves and to be men and women of outstanding character. We recommit ourselves as individuals, families, and communities to promoting and supporting fatherhood, and take this day to express our love and appreciation for fathers across our country.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, in accordance with a joint resolution of the Congress approved April 24, 1972, as amended (36 U.S.C. 109), do hereby proclaim June 18, 2017, as Father's Day. I call on United States Government officials to display the flag of the United States on all Government buildings on Father's Day and invite State and local governments and the people of the United States to observe Father's Day with appropriate ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of June, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

Proclamation 9625 of June 29, 2017

To Modify Duty-Free Treatment Under the Generalized System of Preferences and for Other Purposes

By the President of the United States of America

A Proclamation

1. Pursuant to sections 501 and 503(a)(1)(A) of the Trade Act of 1974, as amended (the ''1974 Act'') (19 U.S.C. 2461 and 2463(a)(1)(A)), the President may, after receiving the advice of the United States International Trade Commission (the ''Commission''), designate certain articles as eligible for preferential tariff treatment under the Generalized System of Preferences (GSP) when they are imported from designated beneficiary developing countries.

2. Pursuant to sections 501, 503(a)(1)(A), and 503(b)(5) of the 1974 Act (19 U.S.C. 2463(b)(5)), and having received advice from the Commission in accordance with section 503(e) of the 1974 Act (19 U.S.C. 2463(e)), I have determined to designate certain articles as eligible articles when they are imported from beneficiary developing countries.

3. Pursuant to section 503(c)(1) of the 1974 Act (19 U.S.C. 2463(c)(1)), the President may withdraw, suspend, or limit application of the duty-free treatment accorded to specified articles under the GSP when imported from designated beneficiary developing countries.

4. Pursuant to section 503(c)(1) of the 1974 Act, and having considered the factors set forth in sections 501 and 502(c) of the 1974 Act (19

U.S.C. 2462(c)), I have determined to withdraw the application of duty-free treatment accorded to a certain article.

5. Section 503(c)(2)(A) of the 1974 Act (19 U.S.C. 2463(c)(2)(A)) subjects beneficiary developing countries, except those designated as least-developed beneficiary developing countries or beneficiary sub-Saharan African countries as provided in section 503(c)(2)(D) of the 1974 Act (19 U.S.C. 2463(c)(2)(D)), to competitive need limitations on the preferential treatment afforded to eligible articles under the GSP.

6. Pursuant to section 503(c)(2)(A) of the 1974 Act, I have determined that in 2016 certain beneficiary developing countries exported eligible articles in quantities exceeding the applicable competitive need limitations. I hereby terminate the duty-free treatment for such articles from such beneficiary developing countries.

7. Section 503(c)(2)(F)(i) of the 1974 Act (19 U.S.C. 2463(c)(2)(F)(i)) provides that the President may disregard the competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act (19 U.S.C. 2463(c)(2)(A)(i)(II)) with respect to any eligible article from any beneficiary developing country if the aggregate appraised value of the imports of any such article into the United States during the preceding calendar year does not exceed the amount set forth in section 503(c)(2)(F)(ii) of the 1974 Act (19 U.S.C. 2463(c)(2)(F)(ii)).

8. Pursuant to section 503(c)(2)(F)(i) of the 1974 Act, I have determined that the competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act should be disregarded with respect to certain eligible articles from certain beneficiary developing countries.

9. Section 503(d)(1) of the 1974 Act (19 U.S.C. 2463(d)(1)) provides that the President may waive the application of the competitive need limitations in section 503(c)(2) of the 1974 Act (19 U.S.C. 2463(c)(2)) with respect to any eligible article from any beneficiary developing country if certain conditions are met.

10. Pursuant to section 503(d)(1) of the 1974 Act, I have received the advice of the Commission on whether any industry in the United States is likely to be adversely affected by such waivers of the competitive need limitations provided in section 503(c)(2) of the 1974 Act. I have determined, based on that advice and the considerations described in sections 501 and 502(c) of the 1974 Act, and having given great weight to the considerations in section 503(d)(2) of the 1974 Act (19 U.S.C. 2463(d)(2)), that such waivers are in the national economic interest of the United States. Accordingly, I have determined that the competitive need limitations of section 503(c)(2) of the 1974 Act should be waived with respect to a certain eligible article from a certain beneficiary developing country.

11. Presidential Proclamation 8997 of June 27, 2013, suspended Bangladesh's designation as a beneficiary developing country for the purposes of the GSP. Presidential Proclamation 9333 of September 30, 2015, terminated Venezuela's designation as a beneficiary developing country for the purposes of the GSP. These proclamations made corresponding modifications to general note 4 of the Harmonized Tariff Schedule of the United States (HTS). Those modifications included technical errors, and I have determined that modifications to the HTS are necessary to correct them.

12. Presidential Proclamation 9466 of June 30, 2016, implemented the World Trade Organization Declaration on the Expansion of Trade in Information Technology Products (the ''Declaration'') and, pursuant to section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)), modified the HTS to include the schedule of duty reductions necessary to carry out the Declaration. Those modifications included technical errors, and I have determined that modifications to the HTS are necessary to correct them.

13. Presidential Proclamation 8097 of December 29, 2006, implemented modifications to the HTS, pursuant to section 1206(a) of the Omnibus Trade and Competitiveness Act of 1988 (the ''1988 Act'') (19 U.S.C. 3006(a)), to include changes to the schedule considered necessary or appropriate by the Commission to accomplish the purposes of section 1205(a) of the 1988 Act (19 U.S.C. 3005(a)). Those modifications to the HTS were set out in Publication 3898 of the Commission, entitled ''Modifications to the Harmonized Tariff Schedule of the United States under Section 1206 of the Omnibus Trade and Competitiveness Act of 1988,'' which was incorporated by reference into Presidential Proclamation 8097. Annex I to that publication included a technical error, and I have determined that a modification to the HTS is necessary to correct it.

14. Presidential Proclamation 9549 of December 1, 2016, implemented modifications to the HTS, pursuant to section 1206(a) of the 1988 Act, to include changes to the schedule considered necessary or appropriate by the Commission to accomplish the purposes of section 1205(a) of the 1988 Act. Those modifications to the HTS were set out in Publication 4653 of the Commission, entitled ''Modifications to the Harmonized Tariff Schedule of the United States under Section 1206 of the Omnibus Trade and Competitiveness Act of 1988 and for Other Purposes,'' which was incorporated by reference into Presidential Proclamation 9549. Annex I to that publication included technical errors, and I have determined that modifications to the HTS are necessary to correct them.

15. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other Acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including title V and section 604 of the 1974 Act, do proclaim that:

(1) In order to designate certain articles as eligible articles when imported from a beneficiary developing country for purposes of the GSP, the Rates of Duty 1–Special subcolumn for the corresponding HTS subheadings is modified as set forth in section A of Annex I to this proclamation.

(2) In order to provide that one or more countries should no longer be treated as beneficiary developing countries with respect to one or more eligible articles for purposes of the GSP, the Rates of Duty 1–Special subcolumn for the corresponding HTS subheadings and general note 4(d) to the HTS are modified as set forth in sections B, C, and D of Annex I to this proclamation.

(3) The competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act is disregarded with respect to the eligible articles in the HTS subheadings and to the beneficiary developing countries listed in Annex II to this proclamation, effective July 1, 2017.

(4) A waiver of the application of section 503(c)(2) of the 1974 Act shall apply to the article in the HTS subheading and to the beneficiary developing country set forth in Annex III to this proclamation, effective July 1, 2017.

(5) In order to make technical corrections necessary to reflect the suspension of benefits under the GSP with respect to Bangladesh and the termination of benefits under the GSP with respect to Venezuela, the HTS is modified as set forth in Annex IV to this proclamation.

(6) In order to make technical corrections necessary to provide the intended tariff treatment to goods covered by the Declaration in accordance with Presidential Proclamation 9466 of June 30, 2016, and to certain goods as recommended in Publications 3898 and 4653 of the Commission, the HTS is modified as set forth in Annex V.

(7) The modifications to the HTS set forth in Annexes I, IV, and V to this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the relevant sections of Annexes I, IV, and V.

(8) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of June, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-first.

DONALD J. TRUMP

ANNEX I

MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Section A.

Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2017, the Harmonized Tariff Schedule of the United States (HTS) is modified for the following subheadings:

For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A+" and inserting the symbol "A" in lieu thereof:

1104.19.90
2915.90.18
3301.13.00
3809.93.50
3912.20.00
4202.11.00
4202.12.21
4202.12.40
4202.12.81
4202.21.60
4202.21.90
4202.22.15
4202.22.45
4202.22.81
4202.31.60
4202.32.40
4202.32.80
4202.32.93
4202.32.99
4202.91.90
4202.92.15
4202.92.20
4202.92.31
4202.92.39
4202.92.45
4202.92.91
4202.92.97
4202.99.90

Section B.

Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after July 1, 2017, the HTS is modified as provided herein, with the language in tabular format inserted in the HTS columns entitled "Heading/Subheading", "Article Description", "Rates of Duty 1-General", "Rates of Duty 1-Special", and "Rates of Duty 2", respectively.

Subheading 2922.49.40 is deleted and the following new provisions are inserted in lieu thereof:

[2922	:Oxygen-function...:]			
[	Amino-acids,. . .]	:	:	:
[2922.49	: Other:]	:	:	:
	: Other:]	:	:	:
	: "Amino-acids:	:	:	:
2922.49.43	: Glycine (Aminoacetic acid):.....	:4.2%	:Free (AU,BH,	:25%
	:	:	: CA,CL,CO,D,E,	:
	:	:	: IL,JO,KR,MA,MX,:	
	:	:	: OM,P,PA,PE,SG):	
2922.49.49	: . Other amino acids.....	:4.2%	:Free (A,AU,BH,	:25%"
	:	:	: CA,CL,CO,D,E,	:
	:	:	: IL,JO,K,KR,MA,	:
	:	:	: MX,OM,P,PA,	:
	:	:	: PE,SG)	:

Section C.

Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2017, general note 4(d) to the HTS is modified by adding, in numerical sequence, the following subheading numbers and the countries set out opposite such subheading numbers:

2933.99.22	India
6801.00.00	Turkey

Section D. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2017, the HTS is modified as provided in this section.

For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A" and inserting the symbol "A*" in lieu thereof:

2933.99.22
6801.00.00

ANNEX II

HTS Subheadings and Countries for Which the Competitive Need Limitation Provided in Section 503(c)(2)(A)(i)(II) Is Disregarded

0405.20.80	India	2912.49.10	India
0410.00.00	Indonesia	2913.00.50	India
0603.13.00	Thailand	2914.22.20	India
0710.80.50	Turkey	2914.31.00	India
0711.40.00	India	2914.40.10	Brazil
0713.34.40	Belize	2916.39.12	India
0713.60.10	India	2921.42.21	India
0713.60.60	India	2921.49.32	India
0714.50.60	Ecuador	2922.29.26	India
0802.31.00	Moldova	2922.50.19	India
0802.52.00	Turkey	2924.29.36	India
0802.80.10	India	2924.29.43	India
0810.60.00	Thailand	2926.10.00	Brazil
0813.40.10	Thailand	2930.90.30	India
0813.40.80	Thailand	2932.20.25	India
1103.19.14	India	2932.99.08	India
1601.00.40	Brazil	2933.99.06	India
1604.19.81	Philippines	2935.00.06	India
1605.58.55	Indonesia	3802.90.10	Brazil
1701.91.10	Brazil	3808.50.10	India
2001.90.45	India	3808.93.20	India
2004.90.10	Ecuador	3824.90.31	Brazil
2005.80.00	Thailand	3824.90.32	Brazil
2006.00.70	Thailand	3920.94.00	India
2008.99.50	Thailand	4101.90.35	India
2306.50.00	Papua New Guinea	4101.90.50	Brazil
2401.10.95	Brazil	4104.11.30	India
2516.20.20	India	4106.21.90	India
2813.90.50	India	4106.22.00	Pakistan
2827.39.25	India	4107.11.40	India
2827.39.45	India	4107.11.60	Turkey
2828.10.00	India	4107.12.40	India
2831.90.00	India	4107.19.40	India
2833.29.40	Turkey	4107.91.40	India
2834.10.10	India	4107.92.40	India
2840.11.00	Turkey	4107.99.40	India
2841.61.00	India	4107.99.80	Brazil
2841.70.50	India	4202.22.35	India
2844.30.10	India	4302.20.60	Brazil
2904.10.08	India	4601.22.40	Indonesia
2905.19.10	Brazil	4602.19.23	Philippines
2905.49.10	India	5208.41.20	India
2906.19.30	Brazil	5209.41.30	India
2907.12.00	India	5607.90.35	Philippines
2907.15.10	India	5702.92.10	India
2907.29.25	India	7113.20.25	India
2909.11.00	India	8112.19.00	Kazakhstan
2909.30.10	India	8516.90.85	Turkey
2910.10.00	India	9205.90.14	India
2910.20.00	Brazil	9614.00.26	Egypt

ANNEX III

HTS Subheadings and Countries Granted a Waiver of the Application of Section 503(c)(2)(A) of the 1974 Act

4409.10.05	Brazil

ANNEX IV

Section A. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2017, general note 4(d) to HTS is modified by removing, in numerical sequence, the following subheading numbers and the countries set out opposite such subheading numbers:

0306.33.20	Venezuela
0306.93.20	Venezuela

Section B. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2017, the HTS is modified as provided in this section.

For each of the following subheadings, the rates of Duty 1-Special subcolumn is modified by deleting the symbol "A*" and inserting the symbol "A" in lieu thereof:

0306.33.20
0306.93.20

Section C. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after September 3, 2013 general note 4(a) is modified to remove Bangladesh as a currently qualifying member country of the South Asian Association for Regional Cooperation (SAARC)

ANNEX V

Section A. Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after July 1, 2016, subheading 8529.90.95 is hereby modified by inserting, in the Rates of Duty 1-Special subcolumn of column 1 in the parenthetical expression following the "Free" rate of duty, the symbol "C,".

Section B. Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2007, note 9(b)ii to Chapter 85 is modified by deleting "of" and by inserting in lieu thereof "or" to read as follows: "Hybrid integrated circuits in which passive elements (resistors, capacitors, inductances, etc.), obtained by thin- or thick-film technology, and active elements (diodes, transistors, monolithic integrated circuits, etc.), obtained by semiconductor technology, are combined to all intents and purposes indivisibly, by interconnections or interconnecting cables, on a single insulating substrate (glass, ceramic, etc.). These circuits may also include discrete components;".

Section C. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2016, general note 4(d) to the HTS is modified by removing, in numerical sequence, the following subheading number and the country set out opposite such subheading numbers:

8528.71.10	India

Section D. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2017, general note 4(d) to the HTS is modified by

1. adding, in numerical sequence, the following subheading number and the country set out opposite such subheading number:

2202.99.36	Philippines

2. removing, in numerical sequence, the following subheading number and the country set out opposite such subheading number:

2202.90.36	Philippines

Proclamation 9626 of July 14, 2017

Captive Nations Week, 2017

By the President of the United States of America
A Proclamation

During Captive Nations Week, we stand in solidarity with those living under repressive regimes, and we commit to promoting our American ideals, grounded in respect for natural rights and protected by the rule of law, throughout the world. As President Reagan often reminded us, as a shining city upon a hill, America has a duty to shine its beacon light on freedom-loving people around the world.

President Eisenhower first proclaimed Captive Nations Week during the Cold War with the Soviet Union, promising that America would stand with those people in captive nations who seek ''freedom and national independence.'' The Soviet Union collapsed more than a quarter of a century ago, but hundreds of millions of people around the world still live under the tyranny of authoritarian regimes. Authoritarianism and its many injustices have wrought misery and held captive the dreams of generations, while nations that value liberty have prospered and empowered their citizens to pursue their God-given potential to the fullest.

The injustices and abuses authoritarian regimes inflict on their own people affect us all, and we must recognize the bond we share with those who long to be free from oppression. Throughout our Nation's history, brave Americans have fought for the freedom of those suffering under authoritarianism. These American service members have shined light in the darkest corners of the world, those that are marred by starvation, political imprisonment, religious intolerance, and many other civil rights abuses.

Our military and diplomatic experiences have taught us that freedom is a powerful, yet fragile force that must be tirelessly protected. We continue to encourage despotic regimes to turn away from their oppressive ideologies and embrace a more hopeful and prosperous future for their people. This week, and always, we stand with all people throughout the world who are fighting for liberty, justice, and the rule of law.

The Congress, by Joint Resolution approved July 17, 1959 (73 Stat. 212), has authorized and requested the President to issue a proclamation designating the third week of July of each year as ''Captive Nations Week.''

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 16 through July 22, 2017, as Captive Nations Week. I call upon all Americans to reaffirm our commitment to those around the world striving for liberty, justice, and the rule of law.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of July, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9627 of July 17, 2017

Made in America Day and Made in America Week, 2017

By the President of the United States of America
A Proclamation

Today, we mark the first Made in America Day and recognize the vital contributions of American workers and job creators to our Nation's prosperity and strength. America owes much of its success to the determination and ingenuity of its entrepreneurs, workers, and farmers, who drive our economy and support our military strength.

American work ethic and quality craftsmanship are the heart and soul of our Nation. We are a Nation of innovators, builders, and farmers. We construct architectural wonders like the Golden Gate Bridge and the New York skyline. We feed the Nation and the world with agricultural products like American wheat, corn, and beef. We drive technological innovation, like the internet and the Global Positioning System, from visions to realities.

My Administration recognizes the critical connection between a strong manufacturing base and a thriving economy. I am committed to promoting American manufacturing, opening markets around the world for our producers, and protecting our businesses from unfair trade practices. And I am reducing job-killing regulations and cutting taxes, making it more attractive than ever to do business in the United States.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 17, 2017, as Made in America Day and this week, July 16 through July 22, as Made in America Week. Today and this week, I call upon Americans to pay special tribute to the builders, to the ranchers, to the crafters, and to all those who work every day to make America great.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of July, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9628 of July 25, 2017

Anniversary of the Americans with Disabilities Act, 2017

By the President of the United States of America
A Proclamation

On the anniversary of the Americans with Disabilities Act (ADA), we celebrate the landmark legislation that marks our Nation's commitment to ending discrimination against people with disabilities. The ADA's recognition of the inherent dignity of disabled persons solidified America's status as the world leader in protecting fundamental rights. Today, we pay special respect to the contributions of the more than 56

million Americans living with disabilities, and we look forward to further advancing accessibility for all those who need it.

President George H.W. Bush signed the ADA on July 26, 1990, and for 27 years it has been instrumental in protecting the rights and liberties of people with disabilities and strengthening their access to everyday American life. Disabilities are an unavoidable part of the human experience—veterans injured in service to their Nation, survivors of accidents and illnesses, children born with disabilities, and our elderly. Since its inception, the ADA has helped empower people living with disabilities by ensuring they have fair and just access to employment, government services, public accommodations, commercial facilities, and public transportation.

Americans are justifiably proud of the ADA and its accomplishments, but more can be done to protect the rights and dignity of Americans living with disabilities. Disabled Americans in the workforce already contribute substantially to our Nation's productivity and prosperity. We must continue to empower them by breaking down obstacles that prevent their full participation in the public and economic affairs of our Nation. In addition, my Administration will encourage American ingenuity and technological advancements in medicine and science, which will give millions of Americans with disabilities opportunities to work, engage in commerce, and connect with others in ways we could not have imagined 27 years ago.

On the anniversary of the ADA, we reaffirm our commitment to fostering an environment that provides all Americans with the opportunity to pursue their American dream. Let us all take this time to refocus our efforts to support our fellow Americans and help them succeed, no matter the obstacles they may face.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 26, 2017, as a day in celebration of the 27th Anniversary of the Americans with Disabilities Act. I call upon all Americans to observe this day with appropriate ceremonies and activities that celebrate the contributions of Americans with disabilities and to renew our commitment to achieving the promise of our freedom for all Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of July, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9629 of July 26, 2017

National Korean War Veterans Armistice Day, 2017

By the President of the United States of America
A Proclamation

On National Korean War Veterans Armistice Day, we honor the patriots who defended the Korean Peninsula against the spread of Communism

in what became the first major conflict of the Cold War. We remember those who laid down their lives in defense of liberty, in a land far from home, and we vow to preserve their legacy.

Situated between World War II and the Vietnam War, the Korean War has often been labeled as the ''Forgotten War,'' despite its having claimed the lives of more than 36,000 Americans. The Korean War began on June 25, 1950, when North Korean forces, backed by the Soviet Union, invaded South Korea. Shortly thereafter, American troops arrived and pushed back the North Koreans. For 3 years, alongside fifteen allies and partners, we fought an unrelenting war of attrition. Through diplomatic engagements led by President Eisenhower, Americans secured peace on the Korean Peninsula. On July 27, 1953, North Korea, China, and the United Nations signed an armistice suspending all hostilities.

While the armistice stopped the active fighting in the region, North Korea's ballistic and nuclear weapons programs continue to pose grave threats to the United States and our allies and partners. At this moment, more than 28,000 American troops maintain a strong allied presence along the 38th parallel, which separates North and South Korea. These troops, and the rest of our Armed Forces, help me fulfill my unwavering commitment as President to protecting Americans at home and to steadfastly defending our allies abroad.

As we reflect upon our values and pause to remember all those who fight and sacrifice to uphold them, we will never forget our Korean War veterans whose valiant efforts halted the spread of Communism and advanced the cause of freedom.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 27, 2017, as National Korean War Veterans Armistice Day. I call upon all Americans to observe this day with appropriate ceremonies and activities that honor and give thanks to our distinguished Korean War veterans.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of July, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9630 of August 20, 2017

National Employer Support of the Guard and Reserve Week, 2017

By the President of the United States of America

A Proclamation

Throughout our Nation's history, Americans from all walks of life have made tremendous sacrifices in defense of our freedom. Today, more than one million citizen soldiers, sailors, airmen, marines, and coastguardsmen continue this proud legacy as members of the National

Guard and Reserve. During National Employer Support of the Guard and Reserve Week, we express our gratitude to the employers and communities who support those brave men and women.

Employer support for the National Guard and Reserve is important to our ability to sustain an all-volunteer force. Employers play a vital role in easing the transitions our national guardsmen and reservists must make from civilian life to military service and back again. Whether they are participating in weekend training in support of readiness or deploying in response to a crisis at home and abroad, our national guardsmen and reservists are more effective when they have the support of civilian employers.

Our Nation salutes our employers and business leaders who, often at their own expense, back their employees who serve in the National Guard and Reserve. As President, I will continue to focus on providing our men and women in uniform and their families with access to the services, benefits, and care they so deserve. I encourage all Americans to join with our employers in facilitating the service our national guardsmen and reservists provide to our Nation and honoring the sacrifices they make in defense of our security.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim August 20 through August 26, 2017, as National Employer Support of the Guard and Reserve Week. I call upon all Americans to join me in expressing our heartfelt thanks to the civilian employers who provide critical support to the men and women of the National Guard and Reserve. I also call on State and local officials, private organizations, and all military commanders to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of August, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9631 of August 25, 2017

Women's Equality Day, 2017

By the President of the United States of America

A Proclamation

On August 26, 1920, America ratified the 19th Amendment, securing for women a sacred right of citizenship: the right to vote. On the anniversary of that historic day, we celebrate Women's Equality Day and the innumerable contributions women have made to their families, their communities, and in service to our country.

Women's suffrage in America has its roots in the meeting of a group of trailblazers in 1848, in Seneca Falls, New York. While that meeting sparked a movement, suffragists fought for 72 long years thereafter to secure the vote for women nationwide. Women have always been in-

strumental to America's greatness, but with greater access to governing institutions through national suffrage, generations of women have been able to use the power of the ballot to shape their communities and help keep America a beacon of freedom and opportunity for the world.

My Administration will continue to support the advancement of women, in every corner of the Nation. One of my first actions as President was to establish the United States-Canada Council for Advancement of Women Entrepreneurs and Business Leaders. Recently, I pledged $50 million to the new World Bank Group Women Entrepreneurs Finance Initiative. By expanding access to capital and networks, this important initiative will address many of the unique challenges women entrepreneurs in the developing world face when financing and growing their businesses. Through these efforts and others, we will support bold and innovative women leaders and entrepreneurs domestically and abroad, recognizing that their successes make our economy, and our Nation, stronger.

My Administration is committed to fostering an economy where all women can succeed and thrive. We must prioritize the needs of working mothers and families, including access to affordable childcare. Therefore, for the first time in the history of this country, my budget proposes a national paid family leave program. Our working families must be able to provide and care for their children without fear of financial insolvency, to strengthen our communities and drive a booming economy.

As President, I am also working to ensure that all women have access to the training they need to succeed in our modern economy, especially in science, technology, engineering, and math (STEM) fields. Women make up only 12 percent of engineers, and the percentage of women in computer and mathematical occupations has decreased over the past three decades. To empower women to participate in all sectors of our economy, my Administration is committed to workforce development, particularly through the expansion of apprenticeships and vocational education. We must break down the biases and barriers women in STEM face, and encourage every American to pursue excellence in his or her chosen field.

As we observe Women's Equality Day, commemorating the 19th Amendment, we honor America's female pioneers. These resilient women have inspired countless others to challenge the status quo in order to advance the ultimate American value: that all men *and* women are created equal. Together, we are creating a Nation where every daughter in America can grow up believing in herself, her future, and following her heart toward the American Dream.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim August 26, 2017, as Women's Equality Day. I call upon the people of the United States to celebrate the achievements of women and observe this day with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of August, in the year of our Lord two thousand seventeen, and

of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9632 of August 30, 2017

National Preparedness Month, 2017

By the President of the United States of America
A Proclamation

During National Preparedness Month, we bring attention to the importance of readying ourselves for disasters, both natural and man-made. We also take this time to extend our sincerest gratitude to first responders, who selflessly run toward danger to keep our Nation and its people safe. We vow to support them and provide the tools they need to save lives.

This year marks the 5-year anniversary of Hurricane Sandy, which ravaged the Northeast; the 10-year anniversary of the Enhanced Fujita (EF) level-5 tornado that leveled 95 percent of the Greensburg, Kansas, community; and the 25-year anniversary of Hurricane Andrew, the most destructive hurricane in Florida's history. And, this week we are especially mindful of those affected by the catastrophic Hurricane Harvey, which brought historic floods to Texas. While these tragedies underscore our vulnerabilities, they also remind us of our Nation's great resilience. In the responses to each of these unexpected disasters, we have seen the character of the American spirit—courageousness, determination, and generosity.

This month we recognize that by educating the Nation on how to prepare and respond to emergencies, we can save countless lives. Unfortunately, fewer than half of American families report having an emergency response plan. While we never know when the next disaster will strike, it is incumbent upon every American to be prepared.

Americans can start today to improve our readiness for the next disaster. The first steps include making and practicing a family emergency response plan, creating an emergency supply kit, and signing up for emergency alerts. The Federal Emergency Management Agency's *Ready* campaign outlines additional important and low-cost measures Americans can take right now to protect their family, pets, and property before a major disaster. Together, we will create a stronger and safer Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2017 as National Preparedness Month. I encourage all Americans, including Federal, State, and local officials, to take action to be prepared for disaster or emergency by making and practicing their plans. Each step we take to become better prepared will make a real difference in how our families and communities will respond and persevere when faced with the unexpected.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of August, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9633 of August 31, 2017

National Alcohol and Drug Addiction Recovery Month, 2017

By the President of the United States of America
A Proclamation

During National Alcohol and Drug Addiction Recovery Month, we stand with the millions of Americans in recovery from alcohol and drug addiction, and reaffirm our commitment to support those who are struggling with addiction, and their families and loved ones. Substance abuse robs Americans of their potential, shatters their families, and tears apart our communities. My Administration is committed to lifting our Nation from this tragic reality.

Substance addiction affects people of every class, creed, and color. More than 20 million Americans are addicted to alcohol or other drugs, and countless more lives have been touched as a consequence of substance abuse.

Together, however, we can fight drug and alcohol abuse. This month, we emphasize to all those suffering that recovery is possible. My Administration is taking a proactive approach to support State and local communities as they work on the front lines to prevent substance use and addiction and to promote recovery. To date, we have dedicated more than $500 million to strengthening prevention programs, expanding access to evidence-based addiction treatment, and building networks of recovery support services across our Nation. And earlier this year, I established the *President's Commission on Combating Drug Addiction and the Opioid Crisis* to help guide the Federal Government's response to drug abuse and drug addiction, with a particular focus on the opioid epidemic that is currently afflicting our country.

Solving our Nation's drug and alcohol problems requires both a strong public health response and a strong public safety response that stems the flow of illicit drugs into our communities. I have, therefore, requested $2.6 billion in my 2018 budget proposal for border security and infrastructure that will improve our ability to protect Americans and the homeland from the dangers of drug trafficking.

During National Alcohol and Drug Addiction Recovery Month, and throughout the year, let us remember those who have bravely conquered their addiction. We also pray for those currently suffering so they may, through effective treatment and the strength of family and friends, transform their lives. Finally, let us also thank the family members, friends, and healthcare providers who provide much-needed assistance, encouragement, and love to support Americans in recovery.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2017 as National Alcohol and Drug Addiction Recovery Month. I call upon the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9634 of September 1, 2017

National Day of Prayer for the Victims of Hurricane Harvey and for Our National Response and Recovery Efforts

By the President of the United States of America

A Proclamation

Hurricane Harvey first made landfall as a Category 4 storm near Rockport, Texas, on the evening of August 25, 2017. The storm has since devastated communities in both Texas and Louisiana, claiming many lives, inflicting countless injuries, destroying or damaging tens of thousands of homes, and causing billions of dollars in damage. The entire Nation grieves with Texas and Louisiana. We are deeply grateful for those performing acts of service, and we pray for healing and comfort for those in need.

Americans have always come to the aid of their fellow countrymen—friend helping friend, neighbor helping neighbor, and stranger helping stranger—and we vow to do so in response to Hurricane Harvey. From the beginning of our Nation, Americans have joined together in prayer during times of great need, to ask for God's blessings and guidance. This tradition dates to June 12, 1775, when the Continental Congress proclaimed a day of prayer following the Battles of Lexington and Concord, and April 30, 1789, when President George Washington, during the Nation's first Presidential inauguration, asked Americans to pray for God's protection and favor.

When we look across Texas and Louisiana, we see the American spirit of service embodied by countless men and women. Brave first responders have rescued those stranded in drowning cars and rising water. Families have given food and shelter to those in need. Houses of worship have organized efforts to clean up communities and repair damaged homes. Individuals of every background are striving for the same goal—to aid and comfort people facing devastating losses. As Americans, we know that no challenge is too great for us to overcome.

As response and recovery efforts continue, and as Americans provide much needed relief to the people of Texas and Louisiana, we are reminded of Scripture's promise that ''God is our refuge and strength, a very present help in trouble.'' Melania and I are grateful to everyone

devoting time, effort, and resources to the ongoing response, recovery, and rebuilding efforts. We invite all Americans to join us as we continue to pray for those who have lost family members or friends, and for those who are suffering in this time of crisis.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim September 3, 2017, as a National Day of Prayer for the Victims of Hurricane Harvey and for our National Response and Recovery Efforts. We give thanks for the generosity and goodness of all those who have responded to the needs of their fellow Americans. I urge Americans of all faiths and religious traditions and backgrounds to offer prayers today for all those harmed by Hurricane Harvey, including people who have lost family members or been injured, those who have lost homes or other property, and our first responders, law enforcement officers, military personnel, and medical professionals leading the response and recovery efforts. Each of us, in our own way, may call upon our God for strength and comfort during this difficult time. I call on all Americans and houses of worship throughout the Nation to join in one voice of prayer, as we seek to uplift one another and assist those suffering from the consequences of this terrible storm.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of September, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9635 of September 8, 2017

National Days of Prayer and Remembrance, 2017

By the President of the United States of America

A Proclamation

During National Days of Prayer and Remembrance, our Nation recalls the nearly 3,000 innocent people murdered on September 11, 2001. As we reflect on our sorrow and our grief, we come together to pray for those who lost loved ones. As a Nation, we pray that the love of God and the comfort of knowing that those who perished are forever remembered brings them peace and gives them courage.

We pause to remember that tragic morning, when our homeland endured unprecedented attacks. As we watched smoke billow from the World Trade Center, we prayed for the safety of our fellow Americans, and we reached out to help, however we could. Now, during these days of prayer and remembrance, we remind ourselves of the lives—mothers, fathers, sons, and daughters—lost at the World Trade Center, at the Pentagon, and aboard United Flight 93 when it crashed near Shanksville, Pennsylvania. We also honor the brave first responders who rushed into crumbling buildings, risking their own lives to rescue others. More than 400 first responders lost their lives in those efforts, so that others would not perish.

Today, a single tree stands near the base of what was once the Twin Towers of the World Trade Center, having survived that fateful day 16

years ago. This tree, the ''Survivor Tree,'' stands as a living testament to our national character of triumph. Like the Survivor Tree, we continue to stand tall and strong as one Nation. Try as they might, terrorists will never defeat our resilient American spirit.

We also pause to pray for those who fight today and every day to protect our country from terrorism. Those who commit acts of terror only have power if we choose to fear. In remembrance of September 11, 2001, Americans reveal their courage, strength, and resolve.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Friday, September 8, through Sunday, September 10, 2017, as National Days of Prayer and Remembrance. I ask that the people of the United States mark these National Days of Prayer and Remembrance with prayer, contemplation, memorial services, the visiting of memorials, the ringing of bells, and evening candlelight remembrance vigils. I invite all people around the world to share in these Days of Prayer and Remembrance.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of September, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9636 of September 8, 2017

Patriot Day, 2017

By the President of the United States of America
A Proclamation

On Patriot Day, we honor the nearly 3,000 innocent lives taken from us on September 11, 2001, and all of those who so nobly aided their fellow citizens in America's time of need. We rededicate ourselves to the ideals that define our country and unite us as one, as we commemorate all the heroes who lost their lives saving others.

September 11, 2001, will forever be one of the most tragic days in American history. Through the unimaginable despair, however, ordinary Americans etched into our history remarkable illustrations of bravery, of sacrifice for one another, and of dedication to our shared values. The shock from the indelible images of the smoke rising from the World Trade Center and Pentagon gave way to countless inspiring videos of co-workers helping one another to safety; of heroes running into collapsing buildings to save the innocent people trapped within; and to the unforgettable story of the patriots who charged the cockpit of Flight 93 to save untold numbers of lives. These heroes moved us with their bravery. They make us proud to be Americans.

Throughout history, everyday Americans and first responders have done the extraordinary through selfless acts of patriotism, compassion, and uncommon courage. Not just in New York, Virginia, and Pennsylvania, but across our great Nation, Americans on September 11, 2001,

bound themselves together for the common good, saying with one voice that we will be neither scared nor defeated. The enemy attempted to tear at the fabric of our society by destroying our buildings and murdering our innocent, but our strength has not and will not waiver. Americans today remain steadfast in our commitment to liberty, to human dignity, and to one another.

It has been 16 years since the tragedy of September 11, 2001. Children who lost their parents on that day are now parents of their own, while many teenagers currently in high school learn about September 11th only from their history books. Yet all Americans are imbued with the same commitment to cause and love of their fellow citizens as everyone who lived through that dark day. We will never forget. The events of September 11, 2001, did not defeat us. They did not rattle us. They, instead, have rallied us, as leaders of the civilized world, to defeat an evil ideology that preys on innocents and knows nothing but violence and destruction.

On this anniversary, I invite all Americans to thank our Nation's incredible service members and first responders, who are on the front lines of our fight against terrorism. We will always remember the sacrifices made in defense of our people, our country, and our freedom. The spirit of service and self-sacrifice that Americans so nobly demonstrated on September 11, 2001, is evident in the incredible response to Hurricanes Harvey and Irma. The same spirit of American patriotism we movingly witnessed on September 11th has filled our hearts as we again see the unflinching courage, compassion, and generosity of Americans for their neighbors and countrymen. The service members and first responders who lost their lives on September 11, 2001, and in the years of service since would be proud of what we have all witnessed over these last three weeks and what will undoubtedly unfold in the coming months of recovery. By protecting those in need, by taking part in acts of charity, service, and compassion, and by giving back to our communities and country, we honor those who gave their lives on and after September 11, 2001.

By a joint resolution approved December 18, 2001 (Public Law 107–89), the Congress has designated September 11 of each year as ''Patriot Day.''

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim September 11, 2017, as Patriot Day. I call upon all departments, agencies, and instrumentalities of the United States to display the flag of the United States at half-staff on Patriot Day in honor of the individuals who lost their lives on September 11, 2001. I invite the Governors of the United States and its territories and interested organizations and individuals to join in this observance. I call upon the people of the United States to participate in community service in honor of those our Nation lost, to observe this day with appropriate ceremonies and activities, including remembrance services, and to observe a moment of silence beginning at 8:46 a.m. Eastern Daylight Time to honor the innocent victims who perished as a result of the terrorist attacks of September 11, 2001.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of September, in the year of our Lord two thousand seventeen, and of

the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9637 of September 13, 2017

National Hispanic Heritage Month, 2017

By the President of the United States of America

A Proclamation

During National Hispanic Heritage Month, we celebrate the accomplishments of Hispanic Americans who have helped shape our great Nation. We are grateful for the many contributions Hispanic American men and women make to our society and the vibrancy they weave into our American culture.

From America's earliest days, Hispanic Americans have played a prominent and important role in our national heritage, and Hispanic Americans continue to embody the pioneering spirit of America today. Demonstrating a steadfast commitment to faith, family, and hard work, Hispanic Americans lift up our communities and our economy as entrepreneurs, executives, and small business owners, and make contributions in areas such as science, art, music, politics, academia, government, and sports. In fact, Hispanic-owned small businesses are the fastest growing businesses in America, starting at a pace 15 times the national average over the last decade. Hispanic Americans own more than three million American businesses and serve with honor in all branches of the Armed Forces, continuing a strong legacy of dedication to our country that has seen the Medal of Honor awarded to 60 Hispanic Americans. Hispanic Americans are a testament to the American promise that anyone can succeed in the United States through hard work.

Hispanic Americans strengthen our bonds with our Latin American neighbors, with whom we share a rich history. We are united with them in hemispheric solidarity, based on a shared commitment to democratic principles. To secure a more prosperous, free Western Hemisphere, we are working to advance and maintain democracy in the region and secure free and fair trade among our regional partners. My Administration is dedicated to securing human rights in Cuba and Venezuela, and strengthening our cultural and philosophical ties with all our Latin American partners.

This month, we recognize the countless contributions of Hispanic Americans that help make our Nation a thriving and secure land of opportunity. To honor the achievements of Hispanic Americans, the Congress by Public Law 100–402, as amended, has authorized and requested the President to issue annually a proclamation designating September 15 through October 15 as ''National Hispanic Heritage Month.''

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 15 through October 15, 2017, as National Hispanic Heritage

Month. I call upon public officials, educators, librarians, and all Americans to observe this month with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of September, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9638 of September 13, 2017

National POW/MIA Recognition Day, 2017

By the President of the United States of America
A Proclamation

Americans are blessed with many freedoms thanks to the hard-earned battle victories and tremendous sacrifices of our military men and women. The members of our Armed Forces shine a light of freedom throughout the world, and as we celebrate our returning heroes, we also remember our heroes who never returned home. On National POW/MIA Recognition Day, our Nation recognizes all American prisoners of war and service members missing in action who have valiantly honored their commitment to this great country.

It is our sacred obligation to pay tribute to the thousands of men and women of our Armed Forces who have been imprisoned while serving in conflicts and who have yet to return to American soil. We reflect on the brave Americans who, while guarding our freedom and our way of life, spent years of their youth imprisoned in distant lands. They paid an enormous price and remained dedicated to our sacred principles, even while under extreme duress.

We do not leave our fellow man or woman behind, and we do not rest until our mission is complete. For more than three decades, our country has conducted investigation and recovery operations in Southeast Asia with the help of the governments of Vietnam, Laos, and Cambodia. Whether in Southeast Asia, or in South Korea, Europe, the South Pacific, and in all other corners of the globe, we are committed to this most honorable mission of fully accounting for our missing personnel. We are encouraged by the progress made, but know our mission is ongoing until every Soldier, Sailor, Airman, Coast Guardsman, and Marine missing in the line of duty is accounted for.

As Commander in Chief, it is my solemn duty to keep all Americans safe. I will never forget our heroes held prisoner or who have gone missing in action while serving their country. Today, we recognize not just the tremendous sacrifices of our service members, but also those of their families who still seek answers. We are steadfastly committed to bringing solace to those who wait for the fullest possible accounting of their loved ones.

On September 15, 2017, the stark black and white banner symbolizing America's Missing in Action and Prisoners of War will be flown over the White House; the United States Capitol; the Departments of State,

Defense, and Veterans Affairs; the Selective Service System Headquarters; the World War II Memorial; the Korean War Veterans Memorial; the Vietnam Veterans Memorial; United States post offices; national cemeteries; and other locations across our country. We raise this flag as a solemn reminder of our obligation to always remember the sacrifices made to defend our Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 15, 2017, as National POW/MIA Recognition Day. I call upon the people of the United States to join me in saluting all American POWs and those missing in action who valiantly served our country. I call upon Federal, State, and local government officials and private organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of September, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9639 of September 15, 2017

Constitution Day, Citizenship Day, and Constitution Week, 2017

By the President of the United States of America

A Proclamation

On the 230th anniversary of the Constitution of the United States, we celebrate the enduring brilliance of our Founding Charter and recognize all American citizens. Older than any other written constitution in use today, our Constitution establishes a system of checks and balances designed to preserve liberty, promote prosperity, and ensure the security of our beloved country. On this day and during this week, we recall the people and the principles that made our Nation great and commit ourselves to restoring that greatness.

Our Constitution is founded on a fundamental trust in America's citizens. ''We the People,'' the Constitution proclaims, are the source of all governmental authority. We are, as President Lincoln declared in the war-torn fields of Gettysburg, a ''Government of the People, by the People, for the People.'' That is why we must be particularly mindful of a would-be ruling class that has lost sight of this foundational truth. In the drive for progressive reform, our Federal Government has grown beyond belief and has layered regulation on top of burdensome regulation. American citizens and businesses face an unrelenting onslaught of rules and regulations adopted by an army of regulators unaccountable to the citizens they seek to control.

My solemn promise as President is to return power to the American People—to the workers and the warriors who made this Nation great and will make it great again. Restoring this founding principle of ac-

countability requires us to once again respect the structural safeguards of our great Constitution. The Framers of our Constitution sought to preserve liberty by separating government power. In our constitutional system, the Congress is charged with authoring and amending the laws, in accordance with its beliefs about what will benefit our country. The President's duty is to execute those laws and protect the Nation, consistent with the Constitution. And the Judiciary's role is to faithfully apply the Constitution and the laws to resolve specific cases and controversies. Modern government, however, has rebelled against the constraints inherent in these defined roles, abandoning that original design in favor of a centralized system of out-of-control agencies that claim independence from elected leaders and demand deference from the courts.

On this day and during this week, I call on all citizens and all branches of government to reflect on the original meaning of our Constitution, and to recall the founding principles we too frequently forget: Our government exists to preserve freedom and to serve its citizens. We are accountable to the People. And the public deserves clear, intelligible laws that are enacted through an open, Constitutional process.

As the elected head of the Executive Branch, I call on Federal agencies to reduce the crushing burdens of the regulatory state and to restore fairness, transparency, and due process in all regulatory matters. We are here to enable the greatness of our Nation, not to restrain it. I call on the Congress to take up critical legislative measures, and to work together to set free the full potential of our People. I call on Federal judges to apply the law as it exists, not as they wish it to be—to exercise, in the words of our Founders, ''neither force nor will, but merely judgment.'' And I call on all American citizens to pursue greatness in their lives through hard work and the insistence that their government exists only by the people, and for the people, of this great land.

The Congress, by joint resolution of February 29, 1952 (36 U.S.C. 106), designated September 17 as ''Constitution Day and Citizenship Day,'' and by joint resolution of August 2, 1956 (36 U.S.C. 108), requested that the President proclaim the week beginning September 17 and ending September 23 of each year as ''Constitution Week.''

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 17, 2017, as Constitution Day and Citizenship Day, and September 17, 2017, through September 23, 2017, as Constitution Week. On this day and during this week, we celebrate the citizens and the Constitution that has made America the greatest Nation this world has ever known. In doing so, we recommit ourselves to the enduring principles of the Constitution and thereby ''secure the Blessings of Liberty to ourselves and our Posterity.''

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of September, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9640 of September 15, 2017

National Farm Safety and Health Week, 2017

By the President of the United States of America
A Proclamation

As the fall harvest begins, we reflect on the vital contributions of hard-working American farmers, ranchers, and foresters, and we commit to ensuring their health and their safety. During National Farm Safety and Health Week, we recognize the men and women of our great Nation who work the land, often times at their own risk, to supply the United States and the world with essential products while creating jobs, supporting the economy, and protecting our environment and natural resources for future generations.

Farmers, ranchers, foresters, and their families play critical roles in meeting our Nation's needs for food, fiber, forestry, fuel, and jobs. Each day, they perform a range of physically demanding and potentially dangerous tasks. These tasks often involve long hours and are performed in high-risk settings, whether working in confined storage buildings, operating heavy machinery, or handling hazardous chemicals, sometimes in harsh weather conditions.

According to the Department of Labor, agriculture has the highest fatality rate of any industry sector in America, and reported 570 fatalities in 2015. These fatalities frequently result from transportation incidents and the dangers of working with heavy machinery. As the fortunate beneficiaries of these workers' long hours of physically demanding and dangerous labor, it is incumbent upon us all to be mindful of the hazards of this industry. To eliminate or minimize the risks, we must emphasize ''safety first'' and support comprehensive farm-safety education and training initiatives.

American farmers, ranchers, and foresters uphold values at the heart of the American character, and as such, it is our duty to protect and promote their safety and health. This week we pay tribute to those who earn their living from the land and honor their resolute work ethic, steadfast concern for others, and a strong sense of community.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 17 through September 23, 2017, as National Farm Safety and Health Week. I call upon the people of the United States, including America's farmers and ranchers and agriculture-related institutions, organizations, and businesses, to reaffirm their dedication to farm safety and health. I also urge all Americans to honor our agricultural heritage and to express their appreciation and gratitude to our farmers, ranchers, and foresters for their important contributions and tireless service to our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of September, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9641 of September 15, 2017

National Gang Violence Prevention Week, 2017

By the President of the United States of America
A Proclamation

Every day, innocent Americans are the victims of terrible crimes perpetrated by violent gangs and criminal cartels. During National Gang Violence Prevention Week, my Administration pledges to restore justice to American communities and keep evil off our streets by eradicating the gangs that commit these despicable acts.

During the previous Administration, the number of gangs and gang members reached an alarming 20-year high. In 2015 alone, homicides spiked by 17 percent in America's 50 largest cities—the largest increase in 25 years. Gangs continue to evolve and adapt. Today they have expanded to almost 1.5 million members nationwide who perpetrate an average of 48 percent of violent crimes in most jurisdictions and up to 90 percent in others. My Administration will not stand by idly as these menacing gangs threaten the safety and security of our communities.

Particularly, we must address the rise of violent transnational criminal gangs, such as MS–13, that have infiltrated our neighborhoods and recruited our vulnerable young people. Weak border security, failure to enforce immigration laws already on the books, and sanctuary cities have emboldened criminals to enter the United States illegally and enabled gang and transnational cartel members to engage with impunity in illegal human and drug trafficking, corruption and fraud, and barbaric acts including violence, sexual assaults, and murder.

My Administration has pledged to identify and eradicate transnational organized crime, gangs, and gang violence. During my first 100 days as President, the Immigration and Customs Enforcement Agency led a coordinated effort to capture more than 30,000 convicted criminal aliens, including more than 1,000 gang members and affiliates. Many of these arrests were of immigration fugitives who had committed heinous acts of gang violence: smuggling, sex crimes, arson, extortion, or cruelty to innocent children. By Executive Order, I also created the Council on Transnational Organized Crime, which has been hard at work coordinating Federal resources to better identify, prosecute, and dismantle transnational criminal organizations. As a result of these steps and the new partnerships we have formed at all levels of government, illegal border crossings have declined drastically since I took office.

The Congress has also indicated a willingness to address this pressing issue. Yesterday, the House passed H.R. 3697, the Criminal Alien Gang Member Removal Act. My Administration strongly supports this legislation. Once enacted, it will protect law-abiding Americans by denying criminal alien gang members admission into the United States and by giving law enforcement more effective tools to remove them. I encourage the Senate to act quickly to enact this bill into law and help protect the safety of Americans.

This week, let us rededicate ourselves to destroying the criminal gangs that have plagued American neighborhoods and communities for far

too long. We owe this to all those affected by gang violence and to all who seek a brighter future.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of September 17 through September 23, 2017, as ''National Gang Violence Prevention Week.'' I call upon the people of the United States to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of September, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9642 of September 15, 2017

National Historically Black Colleges and Universities Week, 2017

By the President of the United States of America
A Proclamation

As we celebrate Historically Black Colleges and Universities Week, we recognize the extraordinary contributions that Historically Black Colleges and Universities (HBCUs) have made, and continue to make, to the general welfare and prosperity of our country. Established by visionary leaders, America's HBCUs have long played an integral role in our Nation's history, providing Black Americans opportunities to learn and achieve their dreams.

Many HBCUs were founded under the cold shadow of segregation and racial prejudice. Before the Civil War, most institutions of higher learning denied admittance to minority students. HBCUs formed to overcome such discrimination and prove to the Nation that all students deserve a high-quality education, and that all Americans can rise to great heights if given the opportunity. For more than 150 years, HBCUs have produced some of our Nation's leaders in business, government, academia, and the military, and they have helped create a thriving and important Black middle class. Today, they continue to provide a rigorous education to students, who are often from low-income backgrounds, who seek to advance themselves and give back to their Nation. We can see the influences of HBCUs in every sector of our economy, from medicine and law, to sports and journalism.

Today, more than 100 HBCUs are thriving in 19 States, the District of Columbia, and the U.S. Virgin Islands, enrolling more than 300,000 students. This year, Historically Black Colleges and Universities Week coincides with the 150th anniversary of nine HBCUs: Alabama State University, Barber-Scotia College, Fayetteville State University, Howard University, Johnson C. Smith University, Morehouse College, Morgan State University, St. Augustine's University, and Talladega College. It is a great honor for our Nation to join in celebrating the achieve

ments of these nine institutions, as well as those of every HBCU across the country.

Investing in HBCUs strengthens America's future, and my Administration will help ensure that HBCUs continue to be self-sustainable and viable institutions of higher education for generations to come. This week, we will also host the Annual White House Historically Black College and Universities Summit to provide a forum for HBCU presidents, faculty members, students, government partners, and other stakeholders to address the priorities set forth in my Executive Order to Promote Excellence and Innovation at Historically Black Colleges and Universities, signed February 28, 2017. This annual summit also serves to honor HBCU All-Star Students, who are appointed for 1 year to serve as ambassadors for the White House Initiative on Historically Black College and Universities.

National Historically Black Colleges and Universities Week serves to remind us of the historic and ongoing struggle for equal access that led to the establishment of HBCUs in our Nation. We use this week to recognize the importance of HBCUs in educating the leaders of tomorrow, and reaffirm our commitment to providing every student with the opportunity to learn, grow, and find success no matter his or her background.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 17 through September 23, 2017, as National Historically Black Colleges and Universities Week. I call upon educators, public officials, professional organizations, corporations and all Americans to observe this week with the appropriate programs, ceremonies, and activities that acknowledge the countless contributions these institutions and their alumni have made to our country.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of September, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9643 of September 15, 2017

Prescription Opioid and Heroin Epidemic Awareness Week, 2017

By the President of the United States of America
A Proclamation

During Prescription Opioid and Heroin Epidemic Awareness Week, we draw renewed attention to the scourge that continues to devastate individuals, families, and communities across our Nation. Preliminary data indicates that approximately 64,000 Americans died last year of drug overdoses in the United States, the majority of them from opioids. The number of infants born with opioid dependence has more than quadrupled in the past decade. Nearly 100 Americans, on average, die each

day from opioid overdoses, and overdose rates are highest among people between 25 to 54 years old, robbing so many of our young people of their potential. This is a genuine crisis that my Administration is working tirelessly to address.

The Department of Health and Human Services is leading an interagency effort to maximize the effect of the Comprehensive Addiction and Recovery Act (CARA) and 21st Century Cures Act (Cures Act) programs. In March, I issued an Executive Order establishing the President's Commission on Combating Drug Addiction and the Opioid Crisis (Commission) to study how the Federal Government can most effectively address the epidemic. The Commission will release its final recommendations this fall, and my Administration will rely on its findings to inform a whole-of-government emergency response plan. In addition, my FY 2018 Budget commits significant resources to fighting this epidemic, including $1.3 billion in investments for CARA and Cures Act programs, and other opioid-related initiatives that seek to prevent opioid abuse, improve access to treatment and recovery support services, and enhance overdose prevention programs.

This week, we reaffirm our commitment to fighting the opioid and heroin epidemic. Too many families know the enduring personal, emotional, and financial harm caused by prescription opioid and heroin addiction. To the men and women who are currently seeking or receiving treatment and to those who are in recovery: We stand with you, we pray for you, and we are working every single day to help you. As a Nation, we will come together to save lives and end this crisis.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 17 through September 23, 2017, as Prescription Opioid and Heroin Epidemic Awareness Week. I call upon my fellow Americans to observe this week with appropriate programs, ceremonies, religious services, and other activities that raise awareness about the prescription opioid and heroin epidemic.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of September, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9644 of September 22, 2017

Gold Star Mother's and Family's Day, 2017

By the President of the United States of America
A Proclamation

As we solemnly observe Gold Star Mother's and Family's Day, we honor and extend our deepest gratitude to the families of military service members who gave their last full measure of devotion to our country. Gold Star families have paid the ultimate price for our Nation's freedom with the life of their loved ones. Our grateful Nation grieves

with them in their loss, but also shares their pride in the selfless service of their sons and daughters.

Our country is built on the sacrifices of men and women who have willingly raised their hand to defend our Nation and its security. As members of our Armed Forces take an oath to protect our freedoms and liberty, they understand the gravity of their commitment to defend our way of life. And when that commitment results in the ultimate sacrifice, we come together as a Nation to walk beside the devoted families left behind and help them shoulder the vast absence they forever bear. Their loved ones did not die in vain. They gave of themselves to protect and defend the freedoms we all enjoy. Despite their grief, these families bravely move forward with dignity and grace.

Despite having endured unfathomable loss, many Gold Star families have turned their sorrow into action and community outreach to help others navigate this difficult journey. Their compassion, courage, determination, and strength inspire us all.

When the last rifle volley is fired, the final note of Taps echoes and fades away, and the carefully-folded National Colors are presented, it is our sacred duty to stand with these patriotic families to ensure they receive the care, compassion, and respect they have earned. On this day of remembrance, we pay tribute to those brave men and women in uniform who died protecting our great Nation, and we stand with the families who nurtured and loved them. Gold Star families have our sympathy, but more importantly, they have our respect and our gratitude.

The Congress, by Senate Joint Resolution 115 of June 23, 1936 (49 Stat. 1895 as amended), has designated the last Sunday in September as ''Gold Star Mother's Day.''

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 24, 2017, as Gold Star Mother's and Family's Day. I call upon all Government officials to display the flag of the United States over Government buildings on this special day. I also encourage the American people to display the flag and hold appropriate ceremonies as a public expression of our Nation's gratitude and respect for our Gold Star Mothers and Families.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of September, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9645 of September 24, 2017

Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats

By the President of the United States of America

A Proclamation

In Executive Order 13780 of March 6, 2017 (Protecting the Nation from Foreign Terrorist Entry into the United States), on the recommendations of the Secretary of Homeland Security and the Attorney General, I ordered a worldwide review of whether, and if so what, additional information would be needed from each foreign country to assess adequately whether their nationals seeking to enter the United States pose a security or safety threat. This was the first such review of its kind in United States history. As part of the review, the Secretary of Homeland Security established global requirements for information sharing in support of immigration screening and vetting. The Secretary of Homeland Security developed a comprehensive set of criteria and applied it to the information-sharing practices, policies, and capabilities of foreign governments. The Secretary of State thereafter engaged with the countries reviewed in an effort to address deficiencies and achieve improvements. In many instances, those efforts produced positive results. By obtaining additional information and formal commitments from foreign governments, the United States Government has improved its capacity and ability to assess whether foreign nationals attempting to enter the United States pose a security or safety threat. Our Nation is safer as a result of this work.

Despite those efforts, the Secretary of Homeland Security, in consultation with the Secretary of State and the Attorney General, has determined that a small number of countries—out of nearly 200 evaluated—remain deficient at this time with respect to their identity-management and information-sharing capabilities, protocols, and practices. In some cases, these countries also have a significant terrorist presence within their territory.

As President, I must act to protect the security and interests of the United States and its people. I am committed to our ongoing efforts to engage those countries willing to cooperate, improve information-sharing and identity-management protocols and procedures, and address both terrorism-related and public-safety risks. Some of the countries with remaining inadequacies face significant challenges. Others have made strides to improve their protocols and procedures, and I commend them for these efforts. But until they satisfactorily address the identified inadequacies, I have determined, on the basis of recommendations from the Secretary of Homeland Security and other members of my Cabinet, to impose certain conditional restrictions and limitations, as set forth more fully below, on entry into the United States of nationals of the countries identified in section 2 of this proclamation.

NOW, THEREFORE, I, DONALD J. TRUMP, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 212(f) and 215(a) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(f) and 1185(a), and section 301 of title 3,

United States Code, hereby find that, absent the measures set forth in this proclamation, the immigrant and nonimmigrant entry into the United States of persons described in section 2 of this proclamation would be detrimental to the interests of the United States, and that their entry should be subject to certain restrictions, limitations, and exceptions. I therefore hereby proclaim the following:

Section 1. *Policy and Purpose.* (a) It is the policy of the United States to protect its citizens from terrorist attacks and other public-safety threats. Screening and vetting protocols and procedures associated with visa adjudications and other immigration processes play a critical role in implementing that policy. They enhance our ability to detect foreign nationals who may commit, aid, or support acts of terrorism, or otherwise pose a safety threat, and they aid our efforts to prevent such individuals from entering the United States.

(b) Information-sharing and identity-management protocols and practices of foreign governments are important for the effectiveness of the screening and vetting protocols and procedures of the United States. Governments manage the identity and travel documents of their nationals and residents. They also control the circumstances under which they provide information about their nationals to other governments, including information about known or suspected terrorists and criminal-history information. It is, therefore, the policy of the United States to take all necessary and appropriate steps to encourage foreign governments to improve their information-sharing and identity-management protocols and practices and to regularly share identity and threat information with our immigration screening and vetting systems.

(c) Section 2(a) of Executive Order 13780 directed a ''worldwide review to identify whether, and if so what, additional information will be needed from each foreign country to adjudicate an application by a national of that country for a visa, admission, or other benefit under the INA (adjudications) in order to determine that the individual is not a security or public-safety threat.'' That review culminated in a report submitted to the President by the Secretary of Homeland Security on July 9, 2017. In that review, the Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, developed a baseline for the kinds of information required from foreign governments to support the United States Government's ability to confirm the identity of individuals seeking entry into the United States as immigrants and nonimmigrants, as well as individuals applying for any other benefit under the immigration laws, and to assess whether they are a security or public-safety threat. That baseline incorporates three categories of criteria:

(i) *Identity-management information.* The United States expects foreign governments to provide the information needed to determine whether individuals seeking benefits under the immigration laws are who they claim to be. The identity-management information category focuses on the integrity of documents required for travel to the United States. The criteria assessed in this category include whether the country issues electronic passports embedded with data to enable confirmation of identity, reports lost and stolen passports to appropriate entities, and makes available upon request identity-related information not included in its passports.

(ii) *National security and public-safety information.* The United States expects foreign governments to provide information about whether persons who seek entry to this country pose national security or public-safety risks. The criteria assessed in this category include whether the country makes available, directly or indirectly, known or suspected terrorist and criminal-history information upon request, whether the country provides passport and national-identity document exemplars, and whether the country impedes the United States Government's receipt of information about passengers and crew traveling to the United States.

(iii) *National security and public-safety risk assessment.* The national security and public-safety risk assessment category focuses on national security risk indicators. The criteria assessed in this category include whether the country is a known or potential terrorist safe haven, whether it is a participant in the Visa Waiver Program established under section 217 of the INA, 8 U.S.C. 1187, that meets all of its requirements, and whether it regularly fails to receive its nationals subject to final orders of removal from the United States.

(d) The Department of Homeland Security, in coordination with the Department of State, collected data on the performance of all foreign governments and assessed each country against the baseline described in subsection (c) of this section. The assessment focused, in particular, on identity management, security and public-safety threats, and national security risks. Through this assessment, the agencies measured each country's performance with respect to issuing reliable travel documents and implementing adequate identity-management and information-sharing protocols and procedures, and evaluated terrorism-related and public-safety risks associated with foreign nationals seeking entry into the United States from each country.

(e) The Department of Homeland Security evaluated each country against the baseline described in subsection (c) of this section. The Secretary of Homeland Security identified 16 countries as being ''inadequate'' based on an analysis of their identity-management protocols, information-sharing practices, and risk factors. Thirty-one additional countries were classified ''at risk'' of becoming ''inadequate'' based on those criteria.

(f) As required by section 2(d) of Executive Order 13780, the Department of State conducted a 50-day engagement period to encourage all foreign governments, not just the 47 identified as either ''inadequate'' or ''at risk,'' to improve their performance with respect to the baseline described in subsection (c) of this section. Those engagements yielded significant improvements in many countries. Twenty-nine countries, for example, provided travel document exemplars for use by Department of Homeland Security officials to combat fraud. Eleven countries agreed to share information on known or suspected terrorists.

(g) The Secretary of Homeland Security assesses that the following countries continue to have ''inadequate'' identity-management protocols, information-sharing practices, and risk factors, with respect to the baseline described in subsection (c) of this section, such that entry restrictions and limitations are recommended: Chad, Iran, Libya, North Korea, Syria, Venezuela, and Yemen. The Secretary of Homeland Security also assesses that Iraq did not meet the baseline, but that entry restrictions and limitations under a Presidential proclamation are not

warranted. The Secretary of Homeland Security recommends, however, that nationals of Iraq who seek to enter the United States be subject to additional scrutiny to determine if they pose risks to the national security or public safety of the United States. In reaching these conclusions, the Secretary of Homeland Security considered the close cooperative relationship between the United States and the democratically elected government of Iraq, the strong United States diplomatic presence in Iraq, the significant presence of United States forces in Iraq, and Iraq's commitment to combating the Islamic State of Iraq and Syria (ISIS).

(h) Section 2(e) of Executive Order 13780 directed the Secretary of Homeland Security to ''submit to the President a list of countries recommended for inclusion in a Presidential proclamation that would prohibit the entry of appropriate categories of foreign nationals of countries that have not provided the information requested until they do so or until the Secretary of Homeland Security certifies that the country has an adequate plan to do so, or has adequately shared information through other means.'' On September 15, 2017, the Secretary of Homeland Security submitted a report to me recommending entry restrictions and limitations on certain nationals of 7 countries determined to be ''inadequate'' in providing such information and in light of other factors discussed in the report. According to the report, the recommended restrictions would help address the threats that the countries' identity-management protocols, information-sharing inadequacies, and other risk factors pose to the security and welfare of the United States. The restrictions also encourage the countries to work with the United States to address those inadequacies and risks so that the restrictions and limitations imposed by this proclamation may be relaxed or removed as soon as possible.

(i) In evaluating the recommendations of the Secretary of Homeland Security and in determining what restrictions to impose for each country, I consulted with appropriate Assistants to the President and members of the Cabinet, including the Secretaries of State, Defense, and Homeland Security, and the Attorney General. I considered several factors, including each country's capacity, ability, and willingness to cooperate with our identity-management and information-sharing policies and each country's risk factors, such as whether it has a significant terrorist presence within its territory. I also considered foreign policy, national security, and counterterrorism goals. I reviewed these factors and assessed these goals, with a particular focus on crafting those country-specific restrictions that would be most likely to encourage cooperation given each country's distinct circumstances, and that would, at the same time, protect the United States until such time as improvements occur. The restrictions and limitations imposed by this proclamation are, in my judgment, necessary to prevent the entry of those foreign nationals about whom the United States Government lacks sufficient information to assess the risks they pose to the United States. These restrictions and limitations are also needed to elicit improved identity-management and information-sharing protocols and practices from foreign governments; and to advance foreign policy, national security, and counterterrorism objectives.

(ii) After reviewing the Secretary of Homeland Security's report of September 15, 2017, and accounting for the foreign policy, national security, and counterterrorism objectives of the United States, I have de-

termined to restrict and limit the entry of nationals of 7 countries found to be ''inadequate'' with respect to the baseline described in subsection (c) of this section: Chad, Iran, Libya, North Korea, Syria, Venezuela, and Yemen. These restrictions distinguish between the entry of immigrants and nonimmigrants. Persons admitted on immigrant visas become lawful permanent residents of the United States. Such persons may present national security or public-safety concerns that may be distinct from those admitted as nonimmigrants. The United States affords lawful permanent residents more enduring rights than it does to nonimmigrants. Lawful permanent residents are more difficult to remove than nonimmigrants even after national security concerns arise, which heightens the costs and dangers of errors associated with admitting such individuals. And although immigrants generally receive more extensive vetting than nonimmigrants, such vetting is less reliable when the country from which someone seeks to emigrate exhibits significant gaps in its identity-management or information-sharing policies, or presents risks to the national security of the United States. For all but one of those 7 countries, therefore, I am restricting the entry of all immigrants.

(iii) I am adopting a more tailored approach with respect to nonimmigrants, in accordance with the recommendations of the Secretary of Homeland Security. For some countries found to be ''inadequate'' with respect to the baseline described in subsection (c) of this section, I am restricting the entry of all nonimmigrants. For countries with certain mitigating factors, such as a willingness to cooperate or play a substantial role in combatting terrorism, I am restricting the entry only of certain categories of nonimmigrants, which will mitigate the security threats presented by their entry into the United States. In those cases in which future cooperation seems reasonably likely, and accounting for foreign policy, national security, and counterterrorism objectives, I have tailored the restrictions to encourage such improvements.

(i) Section 2(e) of Executive Order 13780 also provided that the ''Secretary of State, the Attorney General, or the Secretary of Homeland Security may also submit to the President the names of additional countries for which any of them recommends other lawful restrictions or limitations deemed necessary for the security or welfare of the United States.'' The Secretary of Homeland Security determined that Somalia generally satisfies the information-sharing requirements of the baseline described in subsection (c) of this section, but its government's inability to effectively and consistently cooperate, combined with the terrorist threat that emanates from its territory, present special circumstances that warrant restrictions and limitations on the entry of its nationals into the United States. Somalia's identity-management deficiencies and the significant terrorist presence within its territory make it a source of particular risks to the national security and public safety of the United States. Based on the considerations mentioned above, and as described further in section 2(h) of this proclamation, I have determined that entry restrictions, limitations, and other measures designed to ensure proper screening and vetting for nationals of Somalia are necessary for the security and welfare of the United States.

(j) Section 2 of this proclamation describes some of the inadequacies that led me to impose restrictions on the specified countries. Describing all of those reasons publicly, however, would cause serious damage

to the national security of the United States, and many such descriptions are classified.

Sec. 2. *Suspension of Entry for Nationals of Countries of Identified Concern.* The entry into the United States of nationals of the following countries is hereby suspended and limited, as follows, subject to categorical exceptions and case-by-case waivers, as described in sections 3 and 6 of this proclamation:

(a) *Chad.*

(i) The government of Chad is an important and valuable counterterrorism partner of the United States, and the United States Government looks forward to expanding that cooperation, including in the areas of immigration and border management. Chad has shown a clear willingness to improve in these areas. Nonetheless, Chad does not adequately share public-safety and terrorism-related information and fails to satisfy at least one key risk criterion. Additionally, several terrorist groups are active within Chad or in the surrounding region, including elements of Boko Haram, ISIS-West Africa, and al-Qa'ida in the Islamic Maghreb. At this time, additional information sharing to identify those foreign nationals applying for visas or seeking entry into the United States who represent national security and public-safety threats is necessary given the significant terrorism-related risk from this country.

(ii) The entry into the United States of nationals of Chad, as immigrants, and as nonimmigrants on business (B–1), tourist (B–2), and business/tourist (B–1/B–2) visas, is hereby suspended.

(b) *Iran.*

(i) Iran regularly fails to cooperate with the United States Government in identifying security risks, fails to satisfy at least one key risk criterion, is the source of significant terrorist threats, and fails to receive its nationals subject to final orders of removal from the United States. The Department of State has also designated Iran as a state sponsor of terrorism.

(ii) The entry into the United States of nationals of Iran as immigrants and as nonimmigrants is hereby suspended, except that entry by such nationals under valid student (F and M) and exchange visitor (J) visas is not suspended, although such individuals should be subject to enhanced screening and vetting requirements.

(c) *Libya.*

(i) The government of Libya is an important and valuable counterterrorism partner of the United States, and the United States Government looks forward to expanding on that cooperation, including in the areas of immigration and border management. Libya, nonetheless, faces significant challenges in sharing several types of information, including public-safety and terrorism-related information necessary for the protection of the national security and public safety of the United States. Libya also has significant inadequacies in its identity-management protocols. Further, Libya fails to satisfy at least one key risk criterion and has been assessed to be not fully cooperative with respect to receiving its nationals subject to final orders of removal from the United States. The substantial terrorist presence within Libya's territory amplifies the risks posed by the entry into the United States of its nationals.

(ii) The entry into the United States of nationals of Libya, as immigrants, and as nonimmigrants on business (B–1), tourist (B–2), and business/tourist (B–1/B–2) visas, is hereby suspended.

(d) *North Korea.*

(i) North Korea does not cooperate with the United States Government in any respect and fails to satisfy all information-sharing requirements.

(ii) The entry into the United States of nationals of North Korea as immigrants and nonimmigrants is hereby suspended.

(e) *Syria.*

(i) Syria regularly fails to cooperate with the United States Government in identifying security risks, is the source of significant terrorist threats, and has been designated by the Department of State as a state sponsor of terrorism. Syria has significant inadequacies in identity-management protocols, fails to share public-safety and terrorism information, and fails to satisfy at least one key risk criterion.

(ii) The entry into the United States of nationals of Syria as immigrants and nonimmigrants is hereby suspended.

(f) *Venezuela.*

(i) Venezuela has adopted many of the baseline standards identified by the Secretary of Homeland Security and in section 1 of this proclamation, but its government is uncooperative in verifying whether its citizens pose national security or public-safety threats. Venezuela's government fails to share public-safety and terrorism-related information adequately, fails to satisfy at least one key risk criterion, and has been assessed to be not fully cooperative with respect to receiving its nationals subject to final orders of removal from the United States. There are, however, alternative sources for obtaining information to verify the citizenship and identity of nationals from Venezuela. As a result, the restrictions imposed by this proclamation focus on government officials of Venezuela who are responsible for the identified inadequacies.

(ii) Notwithstanding section 3(b)(v) of this proclamation, the entry into the United States of officials of government agencies of Venezuela involved in screening and vetting procedures—including the Ministry of the Popular Power for Interior, Justice and Peace; the Administrative Service of Identification, Migration and Immigration; the Scientific, Penal and Criminal Investigation Service Corps; the Bolivarian National Intelligence Service; and the Ministry of the Popular Power for Foreign Relations—and their immediate family members, as nonimmigrants on business (B–1), tourist (B–2), and business/tourist (B–1/B–2) visas, is hereby suspended. Further, nationals of Venezuela who are visa holders should be subject to appropriate additional measures to ensure traveler information remains current.

(g) *Yemen.*

(i) The government of Yemen is an important and valuable counterterrorism partner, and the United States Government looks forward to expanding that cooperation, including in the areas of immigration and border management. Yemen, nonetheless, faces significant identity-management challenges, which are amplified by the notable terrorist

presence within its territory. The government of Yemen fails to satisfy critical identity-management requirements, does not share public-safety and terrorism-related information adequately, and fails to satisfy at least one key risk criterion.

(ii) The entry into the United States of nationals of Yemen as immigrants, and as nonimmigrants on business (B–1), tourist (B–2), and business/tourist (B–1/B–2) visas, is hereby suspended.

(h) *Somalia.*

(i) The Secretary of Homeland Security's report of September 15, 2017, determined that Somalia satisfies the information-sharing requirements of the baseline described in section 1(c) of this proclamation. But several other considerations support imposing entry restrictions and limitations on Somalia. Somalia has significant identity-management deficiencies. For example, while Somalia issues an electronic passport, the United States and many other countries do not recognize it. A persistent terrorist threat also emanates from Somalia's territory. The United States Government has identified Somalia as a terrorist safe haven. Somalia stands apart from other countries in the degree to which its government lacks command and control of its territory, which greatly limits the effectiveness of its national capabilities in a variety of respects. Terrorists use under-governed areas in northern, central, and southern Somalia as safe havens from which to plan, facilitate, and conduct their operations. Somalia also remains a destination for individuals attempting to join terrorist groups that threaten the national security of the United States. The State Department's 2016 Country Reports on Terrorism observed that Somalia has not sufficiently degraded the ability of terrorist groups to plan and mount attacks from its territory. Further, despite having made significant progress toward formally federating its member states, and its willingness to fight terrorism, Somalia continues to struggle to provide the governance needed to limit terrorists' freedom of movement, access to resources, and capacity to operate. The government of Somalia's lack of territorial control also compromises Somalia's ability, already limited because of poor recordkeeping, to share information about its nationals who pose criminal or terrorist risks. As a result of these and other factors, Somalia presents special concerns that distinguish it from other countries.

(ii) The entry into the United States of nationals of Somalia as immigrants is hereby suspended. Additionally, visa adjudications for nationals of Somalia and decisions regarding their entry as nonimmigrants should be subject to additional scrutiny to determine if applicants are connected to terrorist organizations or otherwise pose a threat to the national security or public safety of the United States.

Sec. 3. *Scope and Implementation of Suspensions and Limitations.* (a) *Scope.* Subject to the exceptions set forth in subsection (b) of this section and any waiver under subsection (c) of this section, the suspensions of and limitations on entry pursuant to section 2 of this proclamation shall apply only to foreign nationals of the designated countries who:

(i) are outside the United States on the applicable effective date under section 7 of this proclamation;

(ii) do not have a valid visa on the applicable effective date under section 7 of this proclamation; and

(iii) do not qualify for a visa or other valid travel document under section 6(d) of this proclamation.

(b) *Exceptions.* The suspension of entry pursuant to section 2 of this proclamation shall not apply to:

(i) any lawful permanent resident of the United States;

(ii) any foreign national who is admitted to or paroled into the United States on or after the applicable effective date under section 7 of this proclamation;

(iii) any foreign national who has a document other than a visa—such as a transportation letter, an appropriate boarding foil, or an advance parole document—valid on the applicable effective date under section 7 of this proclamation or issued on any date thereafter, that permits him or her to travel to the United States and seek entry or admission;

(iv) any dual national of a country designated under section 2 of this proclamation when the individual is traveling on a passport issued by a non-designated country;

(v) any foreign national traveling on a diplomatic or diplomatic-type visa, North Atlantic Treaty Organization visa, C–2 visa for travel to the United Nations, or G–1, G–2, G–3, or G–4 visa; or

(vi) any foreign national who has been granted asylum by the United States; any refugee who has already been admitted to the United States; or any individual who has been granted withholding of removal, advance parole, or protection under the Convention Against Torture.

(c) *Waivers.* Notwithstanding the suspensions of and limitations on entry set forth in section 2 of this proclamation, a consular officer, or the Commissioner, United States Customs and Border Protection (CBP), or the Commissioner's designee, as appropriate, may, in their discretion, grant waivers on a case-by-case basis to permit the entry of foreign nationals for whom entry is otherwise suspended or limited if such foreign nationals demonstrate that waivers would be appropriate and consistent with subsections (i) through (iv) of this subsection. The Secretary of State and the Secretary of Homeland Security shall coordinate to adopt guidance addressing the circumstances in which waivers may be appropriate for foreign nationals seeking entry as immigrants or nonimmigrants.

(i) A waiver may be granted only if a foreign national demonstrates to the consular officer's or CBP official's satisfaction that:

(A) denying entry would cause the foreign national undue hardship;

(B) entry would not pose a threat to the national security or public safety of the United States; and

(C) entry would be in the national interest.

(ii) The guidance issued by the Secretary of State and the Secretary of Homeland Security under this subsection shall address the standards, policies, and procedures for:

(A) determining whether the entry of a foreign national would not pose a threat to the national security or public safety of the United States;

(B) determining whether the entry of a foreign national would be in the national interest;

(C) addressing and managing the risks of making such a determination in light of the inadequacies in information sharing, identity management, and other potential dangers posed by the nationals of individual countries subject to the restrictions and limitations imposed by this proclamation;

(D) assessing whether the United States has access, at the time of the waiver determination, to sufficient information about the foreign national to determine whether entry would satisfy the requirements of subsection (i) of this subsection; and

(E) determining the special circumstances that would justify granting a waiver under subsection (iv)(E) of this subsection.

(iii) Unless otherwise specified by the Secretary of Homeland Security, any waiver issued by a consular officer as part of the visa adjudication process will be effective both for the issuance of a visa and for any subsequent entry on that visa, but will leave unchanged all other requirements for admission or entry.

(iv) Case-by-case waivers may not be granted categorically, but may be appropriate, subject to the limitations, conditions, and requirements set forth under subsection (i) of this subsection and the guidance issued under subsection (ii) of this subsection, in individual circumstances such as the following:

(A) the foreign national has previously been admitted to the United States for a continuous period of work, study, or other long-term activity, is outside the United States on the applicable effective date under section 7 of this proclamation, seeks to reenter the United States to resume that activity, and the denial of reentry would impair that activity;

(B) the foreign national has previously established significant contacts with the United States but is outside the United States on the applicable effective date under section 7 of this proclamation for work, study, or other lawful activity;

(C) the foreign national seeks to enter the United States for significant business or professional obligations and the denial of entry would impair those obligations;

(D) the foreign national seeks to enter the United States to visit or reside with a close family member (*e.g.,* a spouse, child, or parent) who is a United States citizen, lawful permanent resident, or alien lawfully admitted on a valid nonimmigrant visa, and the denial of entry would cause the foreign national undue hardship;

(E) the foreign national is an infant, a young child or adoptee, an individual needing urgent medical care, or someone whose entry is otherwise justified by the special circumstances of the case;

(F) the foreign national has been employed by, or on behalf of, the United States Government (or is an eligible dependent of such an employee), and the foreign national can document that he or she has provided faithful and valuable service to the United States Government;

(G) the foreign national is traveling for purposes related to an international organization designated under the International Organiza-

tions Immunities Act (IOIA), 22 U.S.C. 288 *et seq.,* traveling for purposes of conducting meetings or business with the United States Government, or traveling to conduct business on behalf of an international organization not designated under the IOIA;

(H) the foreign national is a Canadian permanent resident who applies for a visa at a location within Canada;

(I) the foreign national is traveling as a United States Government–sponsored exchange visitor; or

(J) the foreign national is traveling to the United States, at the request of a United States Government department or agency, for legitimate law enforcement, foreign policy, or national security purposes.

Sec. 4. *Adjustments to and Removal of Suspensions and Limitations.* (a) The Secretary of Homeland Security shall, in consultation with the Secretary of State, devise a process to assess whether any suspensions and limitations imposed by section 2 of this proclamation should be continued, terminated, modified, or supplemented. The process shall account for whether countries have improved their identity-management and information-sharing protocols and procedures based on the criteria set forth in section 1 of this proclamation and the Secretary of Homeland Security's report of September 15, 2017. Within 180 days of the date of this proclamation, and every 180 days thereafter, the Secretary of Homeland Security, in consultation with the Secretary of State, the Attorney General, the Director of National Intelligence, and other appropriate heads of agencies, shall submit a report with recommendations to the President, through appropriate Assistants to the President, regarding the following:

(i) the interests of the United States, if any, that continue to require the suspension of, or limitations on, the entry on certain classes of nationals of countries identified in section 2 of this proclamation and whether the restrictions and limitations imposed by section 2 of this proclamation should be continued, modified, terminated, or supplemented; and

(ii) the interests of the United States, if any, that require the suspension of, or limitations on, the entry of certain classes of nationals of countries not identified in this proclamation.

(b) The Secretary of State, in consultation with the Secretary of Homeland Security, the Secretary of Defense, the Attorney General, the Director of National Intelligence, and the head of any other executive department or agency (agency) that the Secretary of State deems appropriate, shall engage the countries listed in section 2 of this proclamation, and any other countries that have information-sharing, identity-management, or risk-factor deficiencies as practicable, appropriate, and consistent with the foreign policy, national security, and public-safety objectives of the United States.

(c) Notwithstanding the process described above, and consistent with the process described in section 2(f) of Executive Order 13780, if the Secretary of Homeland Security, in consultation with the Secretary of State, the Attorney General, and the Director of National Intelligence, determines, at any time, that a country meets the standards of the baseline described in section 1(c) of this proclamation, that a country has an adequate plan to provide such information, or that one or more of the restrictions or limitations imposed on the entry of a coun-

try's nationals are no longer necessary for the security or welfare of the United States, the Secretary of Homeland Security may recommend to the President the removal or modification of any or all such restrictions and limitations. The Secretary of Homeland Security, the Secretary of State, or the Attorney General may also, as provided for in Executive Order 13780, submit to the President the names of additional countries for which any of them recommends any lawful restrictions or limitations deemed necessary for the security or welfare of the United States.

Sec. 5. *Reports on Screening and Vetting Procedures.* (a) The Secretary of Homeland Security, in coordination with the Secretary of State, the Attorney General, the Director of National Intelligence, and other appropriate heads of agencies shall submit periodic reports to the President, through appropriate Assistants to the President, that:

(i) describe the steps the United States Government has taken to improve vetting for nationals of all foreign countries, including through improved collection of biometric and biographic data;

(ii) describe the scope and magnitude of fraud, errors, false information, and unverifiable claims, as determined by the Secretary of Homeland Security on the basis of a validation study, made in applications for immigration benefits under the immigration laws; and

(iii) evaluate the procedures related to screening and vetting established by the Department of State's Bureau of Consular Affairs in order to enhance the safety and security of the United States and to ensure sufficient review of applications for immigration benefits.

(b) The initial report required under subsection (a) of this section shall be submitted within 180 days of the date of this proclamation; the second report shall be submitted within 270 days of the first report; and reports shall be submitted annually thereafter.

(c) The agency heads identified in subsection (a) of this section shall coordinate any policy developments associated with the reports described in subsection (a) of this section through the appropriate Assistants to the President.

Sec. 6. *Enforcement.* (a) The Secretary of State and the Secretary of Homeland Security shall consult with appropriate domestic and international partners, including countries and organizations, to ensure efficient, effective, and appropriate implementation of this proclamation.

(b) In implementing this proclamation, the Secretary of State and the Secretary of Homeland Security shall comply with all applicable laws and regulations, including those that provide an opportunity for individuals to enter the United States on the basis of a credible claim of fear of persecution or torture.

(c) No immigrant or nonimmigrant visa issued before the applicable effective date under section 7 of this proclamation shall be revoked pursuant to this proclamation.

(d) Any individual whose visa was marked revoked or marked canceled as a result of Executive Order 13769 of January 27, 2017 (Protecting the Nation from Foreign Terrorist Entry into the United States), shall be entitled to a travel document confirming that the individual is permitted to travel to the United States and seek entry under the terms and conditions of the visa marked revoked or marked canceled. Any prior cancellation or revocation of a visa that was solely pursuant

to Executive Order 13769 shall not be the basis of inadmissibility for any future determination about entry or admissibility.

(e) This proclamation shall not apply to an individual who has been granted asylum by the United States, to a refugee who has already been admitted to the United States, or to an individual granted withholding of removal or protection under the Convention Against Torture. Nothing in this proclamation shall be construed to limit the ability of an individual to seek asylum, refugee status, withholding of removal, or protection under the Convention Against Torture, consistent with the laws of the United States.

Sec. 7. *Effective Dates.* Executive Order 13780 ordered a temporary pause on the entry of foreign nationals from certain foreign countries. In two cases, however, Federal courts have enjoined those restrictions. The Supreme Court has stayed those injunctions as to foreign nationals who lack a credible claim of a bona fide relationship with a person or entity in the United States, pending its review of the decisions of the lower courts.

(a) The restrictions and limitations established in section 2 of this proclamation are effective at 3:30 p.m. eastern daylight time on September 24, 2017, for foreign nationals who:

(i) were subject to entry restrictions under section 2 of Executive Order 13780, or would have been subject to the restrictions but for section 3 of that Executive Order, and

(ii) lack a credible claim of a bona fide relationship with a person or entity in the United States.

(b) The restrictions and limitations established in section 2 of this proclamation are effective at 12:01 a.m. eastern daylight time on October 18, 2017, for all other persons subject to this proclamation, including nationals of:

(i) Iran, Libya, Syria, Yemen, and Somalia who have a credible claim of a bona fide relationship with a person or entity in the United States; and

(ii) Chad, North Korea, and Venezuela.

Sec. 8. *Severability.* It is the policy of the United States to enforce this proclamation to the maximum extent possible to advance the national security, foreign policy, and counterterrorism interests of the United States. Accordingly:

(a) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this proclamation and the application of its other provisions to any other persons or circumstances shall not be affected thereby; and

(b) if any provision of this proclamation, or the application of any provision to any person or circumstance, is held to be invalid because of the lack of certain procedural requirements, the relevant executive branch officials shall implement those procedural requirements to conform with existing law and with any applicable court orders.

Sec. 9. *General Provisions.* (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of September, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9646 of September 28, 2017

National Disability Employment Awareness Month, 2017

By the President of the United States of America

A Proclamation

During National Disability Employment Awareness Month, we celebrate the many contributions of American workers with disabilities and reaffirm our admiration of the skills and talents they bring to today's workplace.

Every American who is willing and able to work should have the opportunity to provide for themselves and their families. This includes the 30 million American adults with disabilities. Many Americans with disabilities struggle to find employment opportunities, despite the wealth of skills they have to offer. In 2016, only 27.7 percent of working-age Americans with disabilities were employed. More employers should recognize the fresh perspectives and skills these men and women can add to an innovation-focused workforce. They are an incredible asset to our economy. Our goal is to help ensure that they experience the independence, economic self-sufficiency, pride, and community that come with a job.

Creating and maintaining a strong and robust American workforce is one of my Administration's top priorities. We will ensure that people who want to work have the support they need to remain on the job. Employees, along with their employers, their families, and the economy all suffer when they are forced to leave the labor force due to illness or accident. We must be able to act quickly to support these workers in their time of need. I, therefore, have directed the Department of Labor, the Social Security Administration, and other Federal agencies to identify effective strategies to help people stay at work or return to work, focusing on early intervention with Americans recently rendered disabled due to injury or a health condition.

We are committed to giving all Americans opportunities to gain the skills they need to fill the jobs of the 21st century. We know that includes Americans with disabilities, who want to work, provide for themselves and their families, contribute to their communities, and

build up our Nation. We will stand alongside them to help turn their American Dreams into reality.

The Congress, by Joint Resolution approved August 11, 1945, as amended (36 U.S.C. 121), has designated October of each year as ''National Disability Employment Awareness Month.''

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim October 2017 as National Disability Employment Awareness Month. I call upon government and labor leaders, employers, and the great people of the United States to recognize the month with appropriate programs, ceremonies, and activities across our land.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of September, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9647 of September 29, 2017

National Breast Cancer Awareness Month, 2017

By the President of the United States of America

A Proclamation

As we observe National Breast Cancer Awareness Month, our Nation joins in solidarity with those who are currently battling breast cancer and we remember those we have lost to the disease. Too many Americans endure the pain and heartbreak of losing a family member or friend to breast cancer. Memories of our loved ones, and their courage in the face of suffering, drive us to find a cure.

More than 250,000 American women and 2,000 men will likely be diagnosed with some form of breast cancer in 2017. Fortunately, thanks to early detection and improved treatment options, deaths from breast cancer have decreased significantly in the last decade. The First Lady and I encourage all women to talk to their healthcare providers about mammograms and other methods of early detection, and about their risk of developing breast cancer, and what can be done to reduce that risk.

My Administration is helping pave the way for medical breakthroughs to strengthen our fight against breast cancer by leveraging the tools provided under the 21st Century Cures Act. Our Nation's biomedical research laboratories, universities, and industry innovators are global leaders in discovering, developing, and advancing the medical breakthroughs necessary to better detect, diagnose, and treat breast cancer. Their cutting-edge therapies are redefining breast cancer care and giving patients and families affected by this disease new hope that we will defeat it once and for all.

During this month, we stand strong for those facing a breast cancer diagnosis, and we take a moment to thank our friends and family who tirelessly lend their support, and we pause to reflect on those we have lost to this terrible disease. Our Nation's researchers, innovators, doc-

tors, nurses, public health professionals, and advocates have helped improve the process and possibility of recovery, and together we hope to forge a future free of breast cancer. By raising awareness of breast cancer and supporting research, prevention, and early detection, we will move closer to eradicating this disease.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2017 as National Breast Cancer Awareness Month. I encourage citizens, government agencies, private businesses, nonprofit organizations, the media, and other interested groups to increase awareness of how Americans can fight breast cancer. I also invite the Governors of the States and Territories and officials of other areas subject to the jurisdiction of the United States to join me in recognizing National Breast Cancer Awareness Month.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of September, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9648 of September 29, 2017

National Cybersecurity Awareness Month, 2017

By the President of the United States of America
A Proclamation

All Americans are affected by threats to our Nation's cybersecurity. In recent years, bad actors in cyberspace have launched attacks on a cross-section of America: businesses both small and large, State and local governments, schoolhouses, hospitals, and infrastructure critical to public safety and national security. My Administration is committed to protecting Americans against these threats. During Cybersecurity Awareness Month, we reflect on our Nation's increasing reliance on technology and the internet and raise awareness about the importance of cybersecurity. Keeping our Nation secure in the face of cyber threats is our shared responsibility. Our agility and resilience in responding to these threats will improve as our collective awareness about their nature improves.

On May 11, 2017, I signed an Executive Order entitled *Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure* to counter the serious and increasing cyber threats facing our Nation. My Executive Order will help secure Federal networks that operate on behalf of American citizens, improve coordination with industry to protect the critical infrastructure that maintains our American way of life, strengthen our cyber deterrence posture, and promote the development of a highly capable and sustainable cybersecurity workforce.

Together, these efforts will help ensure that our country remains secure and safe from 21st century cyber threats, while keeping the internet viable, valuable, and safe for future generations. Through my Administration's cybersecurity policies, America and the world will continue

on a path toward a more open and secure internet—one that fosters innovation and spurs economic prosperity. We will accomplish this while respecting privacy and preventing cyber disruption, fraud, and theft.

This month in particular, I encourage public and private-sector organizations to work together to provide Americans with the information, guidance, and tools they need to improve their safety and security in the digital age. I also encourage every American to learn more about how to protect themselves and their businesses through the Department of Homeland Security's *Stop.Think.Connect.* campaign.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2017 as National Cybersecurity Awareness Month. I call upon the people, companies, and institutions of the United States to recognize the importance of cybersecurity and to observe this month through events, training, and education to further our country's national security and resilience.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of September, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9649 of September 29, 2017

National Domestic Violence Awareness Month, 2017

By the President of the United States of America
A Proclamation

Domestic violence is never acceptable. During National Domestic Violence Awareness Month, I call on all Americans to promote the safety and liberty of the women, men, and children who are subjected to violent, intimidating, or controlling behavior at the hands of those closest to them.

All humans have inherent dignity, and no one deserves to be in an abusive relationship. While the rate of domestic violence in our country has decreased over the last two decades, domestic violence continues to spread across our Nation. Nearly 1 in 4 American women aged 18 and older have been the victim of physical violence by an intimate partner, and domestic violence is still the leading cause of injury to women. Emotional abuse is also sadly too prevalent in our communities, and can inflict deep scars on those caught in an up-and-down cycle of belittling, aggressive behavior even in what can feel like a healthy relationship.

We share a moral obligation to recognize, address, and stop domestic violence. Each of us must be a voice for those suffering in silence and must speak up when we see signs of physical or emotional abuse. Together we can bolster victims' support networks and encourage and empower them to report offenses.

We recognize and applaud the many advocates, clergy, victim-service providers, educators, law enforcement officers, family members, and friends who render daily aid to victims of harmful and destructive relationships, often as first responders. Tens of thousands of women and children find refuge in domestic violence emergency shelters and transition housing each day, but thousands more are turned away. That is why the Department of Health and Human Services and the Department of Housing and Urban Development are engaged in the critical work of funding domestic violence shelters and hotlines. And each year, the Department of Justice Office on Violence Against Women awards hundreds of millions of Federal grant dollars to support law enforcement efforts to assist victims and hold offenders accountable.

During National Domestic Violence Awareness Month, I encourage Americans affected by domestic violence to seek help. Your neighbors, places of worship, community, and Nation stand ready to support you. I remain deeply committed to ensuring that our Nation is one where all may live free of fear, violence, and abuse, especially in their own homes.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2017 as National Domestic Violence Awareness Month. I call on all Americans to stand firm in condemning domestic violence and supporting victims of these crimes in finding the safety and recovery they need and to support, recognize, and trust in the efforts of law enforcement to hold offenders accountable, protect victims of crime and their communities, and prevent future violence.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of September, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9650 of September 29, 2017

Child Health Day, 2017

By the President of the United States of America
A Proclamation

On Child Health Day, we commit to protecting and promoting the health and well-being of our Nation's young people. How we treat our young people is a fundamental test of who we are as a society. Today, we reaffirm that all children deserve to grow up in healthy, safe, and loving homes, with parents or guardians who nurture, inspire, and empower them to realize their full potential.

As a father, I know the hope and joy children bring to our lives. They are society's most precious treasures and our most vulnerable population. We all share the moral responsibility to protect the health of our children, born and unborn, so they have the chance to achieve their potential.

To these ends, my Fiscal Year 2018 Budget provides a $30 million increase for the Maternal and Child Health Services Block Grant program, which enhances access to critical health services for 57 million women and children. In close partnership with States and communities, this program helps ensure mothers receive critical prenatal care and nutrition, provides aid for children with disabilities, and opens access to other vital health services. The program also addresses emerging issues that painfully affect our children, such as mental health disorders and our Nation's devastating opioid epidemic. The number of infants born physically dependent on opioids has more than quadrupled over the past decade. In addition, during the past 2 years, many States have experienced dramatic increases in the number of children in their foster-care systems, as parents have struggled with addiction and its terrible consequences. I am committed to aggressively combating the scourge of opioid abuse, so that children do not bear the burden of its devastation.

Together, we will strive to create an environment in which children of all of ages and backgrounds grow up healthy and secure, so they may use their unique talents to improve their communities and our world.

The Congress, by a joint resolution approved May 18, 1928, as amended (36 U.S.C. 105), has called for the designation of the first Monday in October as Child Health Day and has requested that the President issue a proclamation in observance of this day.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States do hereby proclaim Monday, October 2, 2017, as Child Health Day. I call upon families, child health professionals, faith-based and community organizations, and governments to help ensure that America's children stay safe and healthy.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of September, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9651 of October 2, 2017

Honoring the Victims of the Tragedy in Las Vegas, Nevada

By the President of the United States of America

A Proclamation

Our Nation is heartbroken. We mourn with all whose loved ones were murdered and injured in last night's horrible tragedy in Las Vegas, Nevada. As we grieve, we pray that God may provide comfort and relief to all those suffering.

As a mark of respect for the victims of the senseless act of violence perpetrated on October 1, 2017, by the authority vested in me as President of the United States by the Constitution and the laws of the

United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, October 6, 2017. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of October, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9652 of October 5, 2017

German-American Day, 2017

By the President of the United States of America
A Proclamation

On October 6, 1683, 13 families landed in Philadelphia, having set sail earlier that year from the German city of Krefeld. These pioneers founded the first German settlement in America: Germantown, Pennsylvania, the first American community to formally protest the evils of slavery. Since this auspicious beginning, millions of German immigrants have come to our Nation in pursuit of personal and religious freedoms and economic opportunity. These immigrants and their descendants have changed the trajectory of the United States, and on German-American Day, we celebrate their role in helping our country thrive.

The more than 44 million Americans who claim German heritage join previous generations in making important contributions to every facet of American life. As the proud grandson of German grandparents, I am keenly aware of how German Americans have helped drive our economy, enrich our culture, and protect and defend the land they embrace as their own. Notable German-American leaders in business and finance include William Boeing, John D. Rockefeller, Henry Heinz, and Milton S. Hershey. Many others, such as Neil Armstrong, George Herman ''Babe'' Ruth Jr., Walt Disney, Amelia Earhart, and the inimitable ''Dr. Seuss'' (Theodor Seuss Geisel) have become beloved figures. German Americans Chester Nimitz, John Pershing, and Norman Schwarzkopf, Jr. are among the most decorated military officers in American history. American painters of German descent include Emanuel Leutze, best known for his classic work *Washington Crossing the Delaware,* and Albert Bierstadt, whose canvas captured the majestic beauty of the American West. German Americans have also designed some of the most iconic landmarks in the United States, including Johann August Roebling's Brooklyn Bridge. Even the quintessential American hot dog owes a debt to German immigrant Charles Feltman, who debuted the savory treat when he opened the first hot dog stand at Coney Island.

Today, the United States and Germany enjoy a close relationship through our shared history and common interests. As our Nation's largest ancestry group, German Americans are rightfully proud of how their deep cultural, historical, and familial ties have helped strengthen this robust transatlantic relationship. A strong partnership between the United States and Germany is vital to ensuring that we live in a peaceful world filled with vibrant economic opportunities for all.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 6, 2017, as German-American Day. I call upon all Americans to celebrate the achievements and contributions of German Americans to our Nation with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of October, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9653 of October 6, 2017

Fire Prevention Week, 2017

By the President of the United States of America

A Proclamation

During Fire Prevention Week, we recognize the dangers posed by fires and emphasize the importance of fire prevention and preparation. We also honor our Nation's brave firefighters who have lost their lives in the line of duty and their families, and those firefighters who continue to put their lives on the line each day.

Each year, an average 1.4 million fires burn in the United States. In 2015, fires caused approximately 3,360 deaths and 15,700 injuries. This year, the American West has especially suffered, as wildfires have raged from California to Oregon and Montana. These fires have already consumed more than 8 million acres and destroyed more than 650 homes and other structures. All of this destruction can be sparked by a single careless act. We must remain vigilant whenever we are around fire. By taking the appropriate precautions, we can prevent fires, save lives, and protect property and the environment. In particular, we should always mind dishes on the stovetop, carefully contain and completely extinguish campfires, take care to handle fireworks away from flammable materials, and ensure that cigarettes are handled appropriately and discarded after use.

When a fire breaks out, every second counts. A working smoke alarm can buy the few extra moments necessary to save a life. A well-conceived and regularly practiced plan can help ensure a safe and orderly fire escape for families. All Americans should create a fire escape plan and practice it yearly with their families. We must make sure to teach our children how to escape on their own and make special plans for family members with limited mobility. The National Fire Protection

Association's *Every Second Counts: Plan Two Ways Out* campaign can help your family prepare for home fires.

As we observe Fire Prevention Week, we pray for the Federal, State, local, and tribal responders battling the wildfires in the West and around the country and for all those who have lost their homes to fires. We recommit ourselves to preventing fire-related disasters by, among other things, staying current with the latest fire-prevention techniques and raising awareness about fire-safety practices.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 8 through October 14, 2017, as Fire Prevention Week. On Sunday, October 8, 2017, in accordance with Public Law 107–51, the flag of the United States will be flown at half-staff at all Federal office buildings in honor of the National Fallen Firefighters Memorial Service. I call on all Americans to participate in this observance with appropriate programs and activities and by renewing their efforts to prevent fires and their tragic consequences.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of October, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9654 of October 6, 2017

National School Lunch Week, 2017

By the President of the United States of America
A Proclamation

The health and well-being of our children is vital to the success of our Nation. When our Nation's youth have their basic needs fulfilled, they can better focus on succeeding in school and in life. During National School Lunch Week, we recognize the benefits that school lunch programs offer to our communities and to our Nation's future.

The National School Lunch Program is a partnership between Federal, State, and local governments working together to facilitate the health and development of our Nation's children. Since its inception more than 70 years ago, millions of students have received low-cost or free meals and learned life-long healthy eating habits. Today, the National School Lunch Program serves more than 31 million students every school day, at nearly 100,000 schools and residential child-care institutions across our Nation.

For many children, school lunch may be their most substantial meal of the day. Adequate nutrition is essential to a child's mental, physical, and emotional well-being, and students who lack sufficient vitamins and minerals, such as iron, vitamin E, vitamin B, thiamine, iodine, and zinc, may suffer from inhibited cognitive functioning and a diminished ability to concentrate. Poor nutrition, especially from excess sugar consumption, may also lead to behavioral problems. School lunches, in

addition to providing balanced nutrition, can teach students the relationship between nutrition and classroom performance.

The Congress created the National School Lunch Act to, ''safeguard the health and well-being of the Nation's children.'' More than seven decades later, dedicated Americans continue to work to ensure the nutritional health of our greatest treasure—our young people. During National School Lunch Week, we recognize the food service professionals, school administrators, community members, parents, and all those who dedicate themselves to the health of our schoolchildren. To emphasize the importance of the National School Lunch Program to our youth's nutrition, the Congress, by joint resolution of October 9, 1962 (Public Law 87–780), as amended, has designated the week beginning on the second Sunday in October each year as ''National School Lunch Week'' and has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 8 through October 14, 2017, as National School Lunch Week. I call upon all Americans to join the countless individuals who administer the National School Lunch Program in activities that support and promote awareness of the health and well-being of our Nation's children.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of October, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9655 of October 6, 2017

National Manufacturing Day, 2017

By the President of the United States of America
A Proclamation

America's manufacturers have laid the foundation for our Nation's vibrant economy and have secured our reputation as an economic superpower. Our manufacturing products consistently set the global standard for design and quality. American manufacturing has been enduringly successful because it is the potent combination of the two great pillars of the American economy: the American entrepreneur and the American worker. The American entrepreneur is renowned throughout the world for a steadfast determination to deliver value and innovation to the global marketplace. The American worker has consistently demonstrated the unique and precious ability to harness unmatched work ethic and ingenuity and turn visions and dreams into reality. On National Manufacturing Day, we celebrate the American manufacturers and their workers who drive our economy, strengthen our national security, and give meaning to the famous phrase, ''Made in the USA.'' We also highlight the many new and exciting opportunities for future generations to create the next wave of world-class American products.

Today's American manufacturers are consistently finding new ways to incorporate advanced technology into the traditional assembly line to produce previously unfathomable breakthroughs in areas like aerospace, medicine, and computers. These manufacturers are writing their chapter into the story of American innovation, while providing countless job opportunities to machinists, designers, computer programmers, and engineers, among others. In 2016, manufacturing contributed more than 11 percent to our gross domestic product and employed more than 12 million workers. The American manufacturers of the 21st century employ innovative minds equipped with problem-solving skills and knowledge steeped in science, technology, engineering, and mathematics, to build their incredible products. It is no surprise, then, that manufacturing workers earn higher annual salaries, on average, than similar workers employed in other sectors.

For too long, we have taken manufacturing, which represents the pioneering, hard-working American spirit, for granted. Due to government neglect and inaction we have witnessed our Nation's manufacturers move their jobs and innovation overseas. Remarkably, we have stood by as our outdated tax system has required job-creators to put their money toward tax preparation and a bloated government, rather than into new jobs and innovations. It has also trapped earnings that could be invested in America, and instead encouraged corporations to invest overseas. Our business tax rate is currently 60 percent higher than that of our average foreign competitor in the developed world. By contrast, my tax plan would lower the tax rate for businesses, so they can stay and do business here and bring back profits invested abroad. Careless and unfair trade deals are also at fault for the diminished state of American manufacturing today. These deals have severely disadvantaged American exports. My Administration, however, will right these wrongs and ensure a level playing field for American manufacturing going forward. Our manufacturers and workers deserve no less. American drive, ingenuity, and innovation will ultimately win, and our great manufacturing sector will thrive once again.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 6, 2017, as National Manufacturing Day. I call upon all Americans to celebrate the entrepreneurs and workers in manufacturing who are making our communities strong.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of October, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9656 of October 6, 2017

Columbus Day, 2017

By the President of the United States of America
A Proclamation

Five hundred and twenty-five years ago, Christopher Columbus completed an ambitious and daring voyage across the Atlantic Ocean to the Americas. The voyage was a remarkable and then-unparalleled feat that helped launch the age of exploration and discovery. The permanent arrival of Europeans to the Americas was a transformative event that undeniably and fundamentally changed the course of human history and set the stage for the development of our great Nation. Therefore, on Columbus Day, we honor the skilled navigator and man of faith, whose courageous feat brought together continents and has inspired countless others to pursue their dreams and convictions—even in the face of extreme doubt and tremendous adversity.

More than five centuries after his initial voyage, we remember the ''Admiral of the Ocean Sea'' for building the critical first link in the strong and enduring bond between the United States and Europe. While Isabella I and Ferdinand II of Spain sponsored his historic voyage, Columbus was a native of the City of Genoa, in present day Italy, and represents the rich history of important Italian American contributions to our great Nation. There can be no doubt that American culture, business, and civic life would all be much less vibrant in the absence of the Italian American community. We also take this opportunity to reaffirm our close ties to Columbus's country of birth, Italy. Italy is a strong ally and a valued partner in promoting peace and promoting prosperity around the world.

In commemoration of Christopher Columbus's historic voyage, the Congress, by joint resolution of April 30, 1934, and modified in 1968 (36 U.S.C. 107), as amended, has requested the President proclaim the second Monday of October of each year as ''Columbus Day.''

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 9, 2017, as Columbus Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities. I also direct that the flag of the United States be displayed on all public buildings on the appointed day in honor of our diverse history and all who have contributed to shaping this Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of October, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9657 of October 6, 2017

Leif Erikson Day, 2017

By the President of the United States of America
A Proclamation

More than a thousand years ago, explorer Leif Erikson—son of Iceland and grandson of Norway—sailed with his crew to Newfoundland, Nova Scotia, and perhaps even as far west as Maine. These intrepid explorers were likely the first Europeans to reach our great home, North America. On Leif Erikson Day, we celebrate their remarkable journey and the brave Viking culture that lies at the core of the New World's passion for discovery and determination to tackle unimaginable challenges.

Throughout our country's history, Nordic Americans have made notable contributions to our society. From the everyday to the extraordinary, Nordic accomplishments have touched every aspect of our lives. We owe our hamburgers to Danish-American Louis Lassen, and the famed St. Louis Arch to Finnish-American Eero Saarinen. Norwegian-American and cartoonist Charles M. Schulz brought us the Charlie Brown, Snoopy, and the rest of the iconic *Peanuts* comic strip, and Finnish-American John Morton signed the Declaration of Independence.

Today, we take pride in our strong relationship with the Nordic countries. In 2016, we exported $11 billion in goods to the Nordics, and our trading partnerships in the region are only growing stronger. The Nordics are also staunch allies in the war on terrorism and are valued members of the Global Coalition to Defeat the Islamic State of Iraq and Syria. We share in their sorrow from suffering caused by terrorists in places like Turku, Stockholm, and Oslo. We stand together with the Nordic people in solidarity against the threat of terrorism. As we strive for peace, prosperity, and security, we will work to ensure that our relationship with the Nordic countries continues to reflect the indomitable spirit of Leif Erikson.

To honor Leif Erikson and celebrate our Nordic-American heritage, the Congress, by joint resolution (Public Law 88–566) approved on September 2, 1964, has authorized the President of the United States to proclaim October 9 of each year as ''Leif Erikson Day.''

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 9, 2017, as Leif Erikson Day. I call upon all Americans to celebrate the achievements and contributions of Nordic Americans to our Nation with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of October, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9658 of October 10, 2017

General Pulaski Memorial Day, 2017

By the President of the United States of America
A Proclamation

Today, we commemorate General Casimir Pulaski, a Polish immigrant whose heroic contributions to the American Revolutionary War helped shape our Nation's history. Known as the ''Father of the American Cavalry,'' General Pulaski demonstrated bravery as a soldier and exceptional leadership as a military officer. General Pulaski is internationally renowned for having supported and fought for independence and freedom, both in his native Poland and in the United States.

Born into Polish nobility, General Pulaski and his family fought to preserve a free and self-governing Poland. Exiled from his country after a failed uprising against Russian control of Poland, the Marquis de Lafayette and Benjamin Franklin recruited General Pulaski to join the fight for freedom in the American Revolution. During his first military engagement with the British, at the Battle of Brandywine, General Pulaski led a courageous charge that averted a defeat of the American cavalry, saving the life of General George Washington and earning him the rank of Brigadier General in the United States Continental Army.

General Pulaski gave his complete devotion to the American cause for freedom. He spent the harsh winter that ran from 1777 into 1778 at Valley Forge with General Washington, and used his own personal finances to supply his cavalry legion when resources were scarce. Fatefully, on October 9, 1779, General Pulaski was severely wounded leading a daring charge against British forces, this time in the Battle of Savannah. General Pulaski died shortly thereafter, paying the ultimate sacrifice for his adopted American compatriots.

General Pulaski once wrote to General Washington: ''I came here, where freedom is being defended, to serve it, and to live or die for it.'' In recognition of his selfless devotion to our country and its cause, the Congress, in 2009, granted honorary citizenship to General Pulaski, one of only eight people ever to have earned this distinction. He is an example for all those who love freedom and seek the courage to defend it.

General Pulaski's defense of the Polish-American values of liberty, the rule of law, and the sovereignty of the people symbolizes the close bond between the United States and Poland. We have helped one another in the most challenging of times, from the American Revolution to the Polish liberation from communism. Today, our strong bilateral relationship with Poland, forged initially by remarkable individuals like General Pulaski, continues to enhance the important security, economic, and social ties that help bring prosperity to both countries.

More than 200 years after General Pulaski's heroic death, there are 9.5 million Americans of Polish descent. They carry forward General Pulaski's legacy by protecting our shared values, strengthening our cultural heritage, and serving in our Armed Forces. They remind us that the story of Poland, like the story of America, is of a people who have never lost hope, have never been broken, and have never forgotten who they are.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 11, 2017, as the 88th anniversary of General Pulaski Memorial Day. I encourage all Americans to commemorate on this occasion those who have contributed to the furthering of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of October, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9659 of October 12, 2017

National Energy Awareness Month, 2017

By the President of the United States of America

A Proclamation

During National Energy Awareness Month, we commit to achieving an America First energy policy that will lower energy costs for hard-working Americans, protect our national security, and promote responsible stewardship of the environment. The United States is blessed with extraordinary energy abundance, and we must encourage policies that allow innovative Americans to unleash our Nation's energy potential and drive robust job growth and expansion in every sector of our economy.

It is time we make America's energy dominance a priority. Since 1954, America has been a net importer of energy. My Administration is working to change that and make America become a net energy exporter by 2026. We must empower Americans to access the vast reserves of coal, oil, and natural gas stored across our land, and to develop nuclear, hydropower, and all other types of clean and renewable energy. Recently, the Department of Energy approved applications to expand our exports of liquefied natural gas (LNG) and establish our Nation as a top LNG supplier to the world. We are also starting to see the effects of ending the war on coal. In the first months of my Administration, United States coal exports have increased by nearly 60 percent from the same time period last year. Together with the Congress and with our State and local partners, we can better enable improvements in energy infrastructure, streamline our Nation's complex regulations, and we can become energy dominant.

An America First energy policy goes hand-in-hand with responsible environmental protection. Protecting our streams, lakes, and air, and preserving all of our natural habitats, will always be high priority for my Administration. Since 1970, aggregate emissions of six common air pollutants have fallen by 73 percent. We have aggressively fought pollution and reduced emissions even as our population, energy use, and energy production have all grown. Innovative technologies focused on achieving affordable and reliable energy—from Alaska's North Slope to the Great Plains and the Gulf of Mexico—will continue to allow our country to protect our environment, while also reducing our trade defi-

cits, strengthening energy security, raising wages, and supporting job growth for the hundreds of thousands of Americans currently employed in the energy sector.

During National Energy Awareness Month, we are mindful of our energy use and determined to safeguard our energy security. We must remember that some countries do not share our belief in universal access to clean and affordable energy. We thus recommit to freeing our Nation from reliance on the Organization of Petroleum Exporting Countries (OPEC) cartel and to helping our friends and allies overseas reduce their dependence on those who seek to use energy as a weapon. An energy dominant America is good for Americans—and good for the world.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2017 as National Energy Awareness Month.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of October, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9660 of October 13, 2017

National Character Counts Week, 2017

By the President of the United States of America
A Proclamation

We celebrate National Character Counts Week because few things are more important than cultivating strong character in all our citizens, especially our young people. The grit and integrity of our people, visible throughout our history, defines the soul of our Nation. This week, we reflect on the character of determination, resolve, and honor that makes us proud to be American.

As President Reagan declared, ''There is no institution more vital to our Nation's survival than the American family. Here the seeds of personal character are planted, the roots of public virtue first nourished.'' Character is built slowly. Our actions—often done first out of duty—become habits ingrained in the way we treat others and ourselves. As parents, educators, and civic and church leaders, we must always work to cultivate strength of character in our Nation's youth.

Character can be hard to define, but we see it in every day acts—raising and providing for a family with loving devotion, working hard to make the most of an education, and giving back to devastated communities. These and so many other acts big and small constitute the moral fiber of American culture. Character is forged around kitchen tables, built in civic organizations, and developed in houses of worship. It is refined by our choices, large and small, and manifested in what we do when we think no one is paying attention.

As we strive every day to improve our character and that of our Nation, we pause and thank those individuals whose strength of character has inspired us and who have provided a supporting hand during times of need. In particular, we applaud families as they perform the often thankless task of raising men and women of character.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 15 through October 21, 2017, as National Character Counts Week. I call upon public officials, educators, parents, students, and all Americans to observe this week with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of October, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9661 of October 13, 2017

National Forest Products Week, 2017

By the President of the United States of America

A Proclamation

During National Forest Products Week, we recognize the invaluable contribution forest products make to our daily lives, the forest products industry's importance to our economy, and the incredible beauty and recreational opportunities provided by our Nation's woodlands. This year, many of our forests and surrounding communities face blazing wildfires, so we also pray for the safety of our people, our first responders, and our forest habitats.

Our Nation is blessed with millions of acres of forested lands. These lands produce abundant renewable and sustainable natural resources that support our economy. They provide 2.4 million jobs, primarily in rural communities across America, and produce products that help improve our everyday lives. Whether we are writing a note, building a home, or sending a delivery, paper and wood products enable us to do our jobs and live comfortable lives.

America's thriving forest products market helps protect and preserve our abundant forests for future generations. Demand for forest products encourages landowners to replant and maintain healthy forests, knowing that through proper stewardship and responsible management, our precious forests will continue to contribute to our economic prosperity and quality of life.

During National Forest Products Week, we acknowledge and celebrate the many uses of our parks, forests, and woodlands, and we honor the dedicated Americans who work to ensure our forests remain productive and magnificent for future generations.

Recognizing the economic value of the products yielded in our Nation's forests, the Congress, by Public Law 86–753 (36 U.S.C. 123), as

amended, has designated the week beginning on the third Sunday in October of each year as ''National Forest Products Week'' and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 15 through October 21, 2017, as National Forest Products Week. I call upon all Americans to observe this week with appropriate ceremonies and activities and to reaffirm our commitment to our Nation's forests.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of October, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9662 of October 13, 2017

Blind Americans Equality Day, 2017

By the President of the United States of America
A Proclamation

On Blind Americans Equality Day, we celebrate the achievements of our blind and visually impaired citizens. These individuals make meaningful contributions every day to our country, enhancing and strengthening our communities and our culture. On this day, we reflect as a Nation on how we will continue to set the global standard in ensuring that our blind and visually impaired citizens live in communities of opportunity, respect, and civic engagement. Not only do the blind and visually impaired deserve to live in such communities, but we know that when they do, our schools, businesses, and society are stronger and more vibrant.

Blind and visually impaired Americans face unique barriers and obstacles in their lives as they strive to achieve their goals and aspirations. As a Nation, we will work to eliminate those hindrances and to ensure that everyone has the opportunity to achieve the American Dream. Through technological advances, job training and educational opportunities, and the engagement of business and industry leaders, our blind and visually impaired citizens can continue to enrich our Nation with their gifts and talents and write their own stories of success.

My Administration plans to create 25 million new American jobs over the next decade that will ignite economic growth, allowing all our citizens, including millions of Americans with disabilities, to reach their full potential and enjoy greater prosperity. By Executive Order on June 15, 2017, we expanded apprenticeships, giving more Americans, including individuals with disabilities, access to relevant skills and the tools they need to secure high-paying jobs. Paid apprenticeships are critical positions in our economy, as they provide the opportunity to develop skills that meet the needs of employers and add value to the workplace. My Administration's existing and forthcoming workforce initiatives will provide increased opportunities for blind and visually

impaired Americans to realize their aspirations and achieve success, inclusion, and independence.

By joint resolution approved on October 6, 1964 (Public Law 88–628, as amended), the Congress designated October 15 of each year as ''White Cane Safety Day'' to recognize the contributions of Americans who are blind or have impaired vision. Today, we rededicate our efforts and continue working to ensure all Americans, including those who are blind or visually impaired, have every opportunity to achieve success.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 15, 2017, as a day to celebrate and recognize the accomplishments and contributions of blind and visually impaired Americans. I call upon all Americans to observe this day with appropriate ceremonies and activities to reaffirm our commitment to achieving equality for all Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of October, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9663 of October 20, 2017

Minority Enterprise Development Week, 2017

By the President of the United States of America

A Proclamation

Since our earliest days, hardworking entrepreneurs have driven our Nation's prosperity. During Minority Enterprise Development Week, we recognize the contributions that minority-owned businesses make to our economy and our way of life, and we strive to ensure that small business owners have access to the resources they need to achieve the American Dream.

The United States is entering upon a new period of economic revival. Unemployment is at a 16-year low, businesses are expanding, and wages are rising. Ensuring that minority-owned businesses remain strong and vibrant is vital to the growth of our great Nation. Minority-owned firms employ eight million people and generate more than $1 trillion in annual economic output. They export their products at a greater rate than non-minority businesses and provide a great boost to our global competitiveness.

My Administration is committed to creating a business climate in which minority business enterprises can thrive and expand. The Unified Framework for Fixing Our Broken Tax Code, my Administration's basic plan for tax cuts and tax reform, calls for a steep reduction to the corporate tax rate from 35 to 20 percent. This reform will lift up our entrepreneurs, our businesses, and our families. The Framework also caps the top tax rate for millions of family-owned and small- and

mid-sized businesses at 25 percent—the lowest it has been in more than 80 years. We also want Americans to be able to invest in capital to build their businesses, so for 5 years, we will allow them to deduct 100 percent of their capital investments. By eliminating needless regulations, promoting fair and reciprocal trade relationships, lowering taxes, and increasing the flow of capital, the United States will further cement its status as a global economic powerhouse.

During Minority Enterprise Development Week, we recommit to empowering every hardworking American to write our next great chapter. Let us work together to ensure that every American citizen can flourish and give back to our country and our communities.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 22 through October 28, 2017, as National Minority Enterprise Development Week. I call upon all Americans to celebrate this week with programs, ceremonies, and activities to recognize the many contributions of American minority business enterprises.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of October, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9664 of October 23, 2017

United Nations Day, 2017

By the President of the United States of America

A Proclamation

On United Nations Day, we recognize the more than seven decades of contributions the United Nations has made to peace and security among nations. The United Nations was founded on the vision that diverse nations could cooperate to preserve sovereignty, enhance security, build prosperity, and promote human rights and fundamental freedoms. Its purpose remains as essential today as ever before. As the world faces increasing transnational threats—including the spread of terrorism and mass atrocities around the globe, the risk of famine and humanitarian crises, and nuclear proliferation by rogue regimes that threaten others with the most destructive weapons known to humanity—we call on all member states to reaffirm their commitments to the obligations and responsibilities enshrined in the United Nations Charter.

Member states should work together as the founders of the United Nations intended and confront those who threaten chaos, turmoil, and terror. We continue to believe that the United Nations can play an important role in resolving international disputes and that its success depends on a coalition of strong sovereign nations. This year alone, the United States has led efforts at the United Nations to strengthen and expand sanctions against North Korea, review the mandates of peacekeeping missions to make sure they are achievable, and promote an

ambitious campaign of reform, including with respect to the United Nations Human Rights Council. The United Nations Security Council, of which the United States is a permanent member, remains, as ever, a valuable forum for responding to threats to international peace and security.

We remain hopeful that the United Nations can achieve its goals of maintaining international peace and security and developing friendly relations among nations. We expect member states to hold the United Nations accountable, just as we expect people around the world to hold their own governments accountable. Although a great deal of work remains to be done for the United Nations to realize its full potential, we reaffirm our commitment to its goals in order to build a better tomorrow for future generations.

On United Nations Day, we also pause to acknowledge the men and women who serve in faraway peacekeeping missions, who provide humanitarian assistance to people in war-torn countries, who endeavor to keep the world safe from weapons of mass destruction, and who protect innocent children. Through their effort and personal sacrifice, they bring hope and relief to countless people in need.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 24, 2017, as United Nations Day. I urge the Governors of the 50 States, the Governor of the Commonwealth of Puerto Rico, and the officials of all other areas under the flag of the United States, to observe United Nations Day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of October, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9665 of October 31, 2017

Critical Infrastructure Security and Resilience Month, 2017

By the President of the United States of America

A Proclamation

During Critical Infrastructure Security and Resilience Month, we emphasize the importance of safeguarding our Nation's infrastructure. Critical infrastructure systems are those physical and virtual assets that are essential to our physical security, economic security, or public health. We need resilient, well-maintained critical infrastructure so that all Americans have access to safe food, reliable electricity, clean water, convenient transportation systems, quality public health and medical services, and instant communication every day.

The natural disasters our country has experienced in recent months provide a sobering reminder of the necessity for secure, reliable, and resilient infrastructure. Damage from wind, flood, and fire has ravaged

communities and industries, damaging electric grids and transmission lines, dams, roads, cellular towers, hospitals, nursing homes, and businesses. America's critical infrastructure is among the most secure and resilient in the world, but as recent events have shown, we must continue to invest in research and development to ensure the vital services it provides withstand complex and dynamic threats.

Our critical infrastructure also faces threats from capacity-induced strain, terrorist attacks, accidents, pandemics, space weather, and cyberattacks. To confront these diverse challenges systematically, we must take steps to enhance our Nation's economic, intellectual, and technological leadership. My Administration will help our businesses invest in needed capital and research and development by reducing burdensome regulations and enacting comprehensive tax reform. We will also renew our Nation's focus on ensuring that the next generation has the education and training, particularly in science, technology, engineering, and math, required to meet the known and unknown threats of the future.

This month, we recommit ourselves to keeping America strong, prosperous, and resilient. We highlight the importance of infrastructure in our daily lives and challenge all Americans to help protect, preserve, and strengthen these indispensable national capabilities.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2017 as Critical Infrastructure Security and Resilience Month. I call upon the people of the United States to recognize the importance of protecting our Nation's infrastructure and to observe this month with appropriate measures to enhance our national security and resilience.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9666 of October 31, 2017

National Adoption Month, 2017

By the President of the United States of America

A Proclamation

Every year, generous and loving families adopt thousands of children and provide them with the affection, attention, and opportunity they deserve. Adoption is a true blessing that greatly enriches the lives of parents and children alike. During National Adoption Month, we celebrate the thousands of families who have expanded through adoption, and we acknowledge the strength and resiliency of the children who are still waiting to find their forever home.

My Administration recognizes the profound importance of adoption for the American family. Adoption is a life-changing and life-affirming act that signals that no child in America—born or unborn—is unwanted or

unloved. Adoptive parents are a selfless and loving part of God's plan for their future children. As a Nation, we extend sincere appreciation and gratitude to those families who have welcomed a young person into their hearts and homes, sharing the precious gift of family and a lifetime of support.

We must continue to remove barriers to adoption whenever we can, so that the love and care of prospective adoptive parents can be directed to children waiting for their permanent homes. This year's National Adoption Month, we focus on our commitment to helping older youth experience the transformative value of permanency and love. A child is never too old for adoption. A supportive family can provide the critical direction that older children need as they enter adulthood, helping them attain educational and employment goals, and, in certain cases, avoid homelessness or incarceration. We never outgrow the need for family, and older youth who are adopted are more likely to finish high school and feel emotionally secure than those who age out of foster care without a permanent family.

This month, let us celebrate the gift of adoption—an act of love that provides deserving young people with the foundation they need to achieve their potential and pursue the American Dream.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2017 as National Adoption Month. I encourage all Americans to observe this month by helping children in need of a permanent home secure a more promising future with a forever family, so they may enter adulthood with the love we all deserve.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9667 of October 31, 2017

National Entrepreneurship Month, 2017

By the President of the United States of America
A Proclamation

National Entrepreneurship Month celebrates one of our Nation's proudest qualities: our innovative, hardworking, entrepreneurial spirit. American entrepreneurs invent and sell fascinating and endlessly useful new products and services, creating millions of jobs and driving American global leadership along the way. This month, we emphasize the importance of creating and maintaining an economic and regulatory environment that helps new businesses thrive and inspires generations of entrepreneurs for the future.

For America to be the land of opportunity, we must ensure that entrepreneurs have access to the capital, markets, and networks they need to get off the ground, to finance and build helpful innovations, and to

export their products and services around the world. My Administration will continue its work to eliminate unnecessary, burdensome regulations and to fight for a simpler, fairer tax code that eases burdens on doing business and enhances access to capital. We want entrepreneurs to spend less time dealing with red tape and more time growing their businesses.

The American Dream should be within reach of all those who work hard. For too long, women, despite hard work and a drive to succeed, faced significant barriers in achieving their economic vision. Today, we celebrate that women entrepreneurs are growing their businesses all over the country. The number of women-owned firms is growing much faster than the national average for all firms. Our Nation has more than 11 million women-owned businesses that employ nearly 9 million people and generate more than $1 trillion in revenue. My Administration is committed to expanding opportunities for women entrepreneurs, including by expanding women's access to needed capital and networks, because our economy and our communities thrive when women are empowered.

For our entrepreneurs to thrive, we must protect their innovations, which are the result of their long hours of work and years of training. My Administration is committed to ensuring that American and global intellectual property regimes firmly protect American innovations at home and abroad. Our entrepreneurs have already done great things with that research and innovation—like bringing us the smartphones that connect us more closely, the medicine that keeps us and our loved ones healthy for longer than ever before, and the myriad other technologies that make our lives better, at home and at work. Our researchers deserve their investments of time and effort—their property—to be protected against theft and unfair practices.

Entrepreneurship has played an important part of my life and the lives of my family members. I know that starting and growing a business takes tremendous grit and that facing the unknown requires determination. I also know that taking on that risk makes our Nation and our world a better place. Entrepreneurship is the fuel of our Nation's economic engine, and this month, I call upon Americans to recognize the entrepreneurs who strengthen our economy, drive creativity, and increase the vibrancy of our great Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2017 as National Entrepreneurship Month. I call upon all Americans to commemorate this month with appropriate programs and activities and to celebrate November 21, 2017, as National Entrepreneurs' Day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9668 of October 31, 2017

National Family Caregivers Month, 2017

By the President of the United States of America
A Proclamation

Every day, compassionate Americans devote time, energy, and resources to ensure that family members who are disabled, elderly, chronically ill, or injured can remain in the stability and comfort of familiar surroundings. During National Family Caregivers Month, we honor those whose extraordinary selflessness provides others with independence and comfort.

The unselfish devotion of family caregivers affirms the importance of respecting the dignity of life in all stages and underscores the importance of the family unit. Family caregivers empower their spouses, parents, and siblings to maintain ties with family, friends, and community. They also enable their loved ones to live with a measure of independence, sense of security, and peace of mind.

Many family caregivers provide innumerable services to people in need, including meal preparation, shopping, finance management, transportation, and companionship. In addition, they often manage both simple and complex healthcare issues, and coordinate medical appointments to ensure continuity of care. Caregivers must often be available around the clock, which can require them to forgo or postpone priorities for their own lives. Through sacrificial love, caregivers endure emotional, physical, and financial strain for the sake of another.

My Administration proudly supports community efforts and programs across the country that equip caregivers to navigate emotionally complex situations. The Administration for Community Living, through the National Family Caregiver Support Program and Lifespan Respite Care Program, facilitates services for eligible caregivers, including counseling, training, support groups, and respite care. The Caregiver Support Program within the Department of Veterans Affairs helps address the specific needs of those who provide critical support to our Nation's veterans, offering education, financial assistance, peer support mentoring, and respite care services to eligible family members.

Each November we acknowledge the commitment of exceptional Americans who embody the compassion and spirit of our Nation. We support the life-affirming work of our Nation's caregivers and thank them for the sacrificial devotion that improves the lives and honors the dignity of their loved ones.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States do hereby proclaim November 2017 as National Family Caregivers Month. I encourage all Americans to acknowledge, and express our gratitude to, all who provide compassionate care to enhance the lives of their loved ones in need.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand seventeen, and

of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9669 of October 31, 2017

National Native American Heritage Month, 2017

By the President of the United States of America
A Proclamation

American Indians and Alaska Natives are inextricably linked with the history of the United States. Beginning with the Pilgrims' arrival at Plymouth Colony and continuing until the present day, Native American's contributions are woven deeply into our Nation's rich tapestry. During National Native American Heritage Month, we honor and celebrate the first Americans and recognize their contributions and sacrifices.

Native Americans have influenced every stage of America's development. They helped early European settlers survive and thrive in a new land. They contributed democratic ideas to our constitutional Framers. And, for more than 200 years, they have bravely answered the call to defend our Nation, serving with distinction in every branch of the United States Armed Forces. The Nation is grateful for the service and sacrifice of all American Indians and Alaska Natives.

My Administration is committed to tribal sovereignty and self-determination. A great Nation keeps its word, and this Administration will continue to uphold and defend its responsibilities to American Indians and Alaska Natives. The United States is stronger when Indian Country is healthy and prosperous. As part of our efforts to strengthen American Indian and Alaska Native communities, my Administration is reviewing regulations that may impose unnecessary costs and burdens. This aggressive regulatory reform, and a focus on government-to-government consultation, will help revitalize our Nation's commitment to Indian Country.

In addition to adopting policies to enhance economic well-being of Native American communities, my Administration will always come to the aid of Native American people in times of crisis. In the wake of Hurricane Irma, I signed the first Presidential Emergency Declaration for a tribal nation. We will ensure the Seminole Tribe of Florida has access to the resources it needs to rebuild. As part of our American family, Native Americans will never be left behind under this Administration. Together, we will strengthen the relationship between the United States Government and Native Americans.

Native Americans are a testament to the deep importance of culture and vibrancy of traditions, passed down throughout generations. This month, I encourage all of our citizens to learn about the rich history and culture of the Native American people.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Novem-

ber 2017 as National Native American Heritage Month. I call upon all Americans to commemorate this month with appropriate programs and activities and to celebrate November 25, 2017, as Native American Heritage Day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of October, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9670 of November 1, 2017

National Veterans and Military Families Month, 2017

By the President of the United States of America
A Proclamation

During National Veterans and Military Families Month, we honor the significant contributions made by American service members, their families, and their loved ones. We set aside this month surrounding Veterans Day to hold observances around the country to honor and thank those whose service and sacrifice represent the very best of America. We renew our Nation's commitment to support veterans and military families. They deserve it.

Our veterans are our heroes. Our Armed Forces have preserved the security and freedom that allow us to flourish as a Nation. They have braved bitter winters, treacherous jungles, barren deserts, and stormy waters to defend our Nation. They have left their families to face danger and uncertainty, and they have endured the wounds of war, all to protect our Nation's interests and ideals established during the Founding.

Our military families endure many hardships along with those who defend our Nation. They are separated from their loved ones for months on end and frequently relocated across the country and around the world. They often live far from their extended families, and they know what it is like to celebrate holidays and milestones with an empty seat at the table. Many military spouses face the task of making ends meet while their loved ones are away and of securing new employment with each change in duty station. Children of service members often grow up living a nomadic life—periodically calling a new place ''home'' and adjusting to different schools, trying out for new sports teams, and making new friends. In these lives of frequent change and transition, however, our incredible military families not only survive, they thrive.

It is our patriotic duty to honor veterans and military families. As part of our efforts to answer President Lincoln's charge to care for those who have ''borne the battle,'' I have asked the Department of Veterans Affairs (VA) to lead the Nation in a month of observances across the country to honor our veterans.

As veterans and military families attend these events, they will see the reforms and improvements that we have made at the VA. Over the last 9 months, we have made important changes that enable better service

for our veterans. We have increased accountability and enhanced protections for whistleblowers. We have improved transparency, customer service, and continuity of care. We are working every day to ensure a future of high quality care and timely access to the benefits veterans have earned through their devoted service to a grateful Nation.

This month, in which Americans traditionally pause to give thanks for our blessings, it is fitting that we come together to honor with gratitude our extraordinary veterans and military families and their service to our country. May God continue to bless our Armed Forces and those families that love and support them.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2017 as National Veterans and Military Families Month. I encourage all communities, all sectors of society, and all Americans to acknowledge and honor the service, sacrifices, and contributions of veterans and military families for what they have done and for what they do every day to support our great Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of November, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9671 of November 5, 2017

Honoring the Victims of the Sutherland Springs, Texas Shooting

By the President of the United States of America

A Proclamation

We are deeply saddened by the shooting in Sutherland Springs, Texas, which took the lives of more than 25 innocent victims while they were attending church. As we mourn the victims of this unprovoked act of violence, we pray for healing and comfort for all the family members and loved ones who are grieving.

As a mark of respect for the victims of this senseless act of violence perpetrated on November 5, 2017, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, November 9, 2017. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of November, in the year of our Lord two thousand seventeen, and of

the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9672 of November 7, 2017

Veterans Day, 2017

By the President of the United States of America
A Proclamation

Our veterans represent the very best of America. They have bravely answered the call to serve in the finest military force in the world, and they have earned the dignity that comes with wearing the uniform and defending our great flag. On Veterans Day, we honor all Americans who have served in the Army, Navy, Air Force, Marines, and Coast Guard, both in times of war and peace. For nearly 100 years, since the end of World War I, Veterans Day has given us a time to pay due respect to our veterans, who have passed the torch of liberty from one generation to the next.

Part of paying our respect means recommitting to our Nation's sacred obligation to care for those who have protected the freedom we often take for granted. I have pledged to provide our service members with the best equipment, resources, and support in the world—support that must continue after they return to civilian life as veterans. This is why veterans' healthcare is a top priority for my Administration. I have signed legislation that improves accountability at the Department of Veterans Affairs (VA) and provides additional funding for the Veterans Choice Program, which ensures veterans continue to receive care in their communities from providers they trust. I have also signed legislation to give veterans GI Bill education benefits for their lifetime, and legislation to fix the VA appeals process, to ensure veterans can access the resources they are rightly due.

Additionally, this Veterans Day, more than 50 years from the beginning of the Vietnam War, I will be in Da Nang, Vietnam, with leaders of the Asia-Pacific Economic Cooperation forum. As we discuss ways to improve economic relationships between the United States and Asia in a country where Americans and Vietnamese once fought a war, we are compelled to recall and recognize the sacrifices of the more than 8 million Vietnam veterans who served here, beginning with those who arrived in the first American troop deployment in 1965 and ending with those who fought through the cease-fire of 1973. These men and women dedicated themselves, during one of the most challenging periods in our history, to promoting freedom across the globe. Many spent years away from their loved ones as they endured the burdens of battle and some experienced profound pain and anguish as their fellow warriors, more than 50,000 of them, lost their lives. Some of these heroes have yet to return home, as 1,253 of America's sons and daughters still remain missing. Along with our Vietnamese partners, however, we continue to work to account for them and to bring them home to American soil. We will not rest until that work is done.

With respect for, and in recognition of, the contributions our service members have made to the cause of peace and freedom around the world, the Congress has provided (5 U.S.C. 6103(a)) that November 11 of each year shall be set aside as a legal public holiday to honor our Nation's veterans. As Commander in Chief of our heroic Armed Forces, I humbly thank our veterans and their families as we remember and honor their service and their sacrifice.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim November 11, 2017, as Veterans Day. I encourage all Americans to recognize the fortitude and sacrifice of our veterans through public ceremonies and private thoughts and prayers. I call upon Federal, State, and local officials to display the flag of the United States and to participate in patriotic activities in their communities. I call on all Americans, including civic and fraternal organizations, places of worship, schools, and communities to support this day with commemorative expressions and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of November, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9673 of November 8, 2017

World Freedom Day, 2017

By the President of the United States of America
A Proclamation

For 28 years, the Berlin Wall divided families, friends, and communities, barricading oppressed Germans living on the Eastern side from seeking the freedom they deserved in the West. This World Freedom Day, 28 years after the fall of the Berlin Wall, we celebrate the day on November 9, 1989, when people of East and West Germany tore down the Berlin Wall and freedom triumphed over Communism. We laud the courage of all people who insist on a better future for themselves, their families, and their country, as we reflect on the state of freedom in our world today and those who have made the ultimate sacrifice defending it.

The fall of the Berlin Wall spurred the reunification of Germany and the spread of democratic values across Central and Eastern Europe. Through democratic elections, and a strong commitment to human rights, these determined men and women ensured that their fellow and future citizens could live their lives in freedom. Today, we are reminded that the primary function of government is precisely this, to secure precious individual liberties.

While we live in a time of unprecedented freedom, terrorism and extremism around the world continue to threaten us. The ultimate triumph of freedom, peace, and security over repressive totalitarianism depends on our ability to work side-by-side with our friends and allies. When nations work together, we have and we will secure and advance freedom and stability throughout our world.

On World Freedom Day, we recommit to the advancement of freedom over the forces of repression and radicalism. We continue to make clear that oppressive regimes should trust their people and grant their citizens the liberty they deserve. The world will be better for it.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 9, 2017, as World Freedom Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities, reaffirming our dedication to freedom and democracy.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of November, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9674 of November 10, 2017

Commemoration of the 50th Anniversary of the Vietnam War

By the President of the United States of America

A Proclamation

Today, I lead our Nation in somber reflection as we continue the 13-year Commemoration of the 50th Anniversary of the Vietnam War that began in 2012. We salute our brave Vietnam veterans who, in service to our Nation and in defense of liberty, fought gallantly against the spread of communism and defended the freedom of the Vietnamese people.

Fifty years ago, in 1967, nearly 500,000 American troops served in South Vietnam, along with approximately 850,000 troops of our allies. Today, during Veterans and Military Families Month and as the Federal Government observes Veterans Day, I am in Vietnam alongside business and political leaders to advance the interests of America, and to promote peace and stability in this region and around the world. I cherish this opportunity to recall, with humility, the sacrifices our veterans made for our freedom and our Nation's strength.

During this Commemoration of the 50th Anniversary of the Vietnam War, we embrace our responsibility to help our Vietnam veterans and their families heal from the heavy toll of war. We remember the more than 58,000 whose names are memorialized on a black granite wall in our Nation's capital for having borne the heaviest cost of war. We also pay tribute to the brave patriots who suffered as prisoners of war, and we stand steadfast in our commitment not to rest until we account for the 1,253 heroes who have not yet returned to American soil.

To ensure the sacrifices of the 9 million heroes who served during this difficult chapter of our country's history are remembered for generations to come, I signed into law the Vietnam War Veterans Recognition Act of 2017, designating March 29 of each year as National Vietnam War Veterans Day. Throughout this Commemoration of the 50th Anni-

versary of the Vietnam War, and every March 29 thereafter, we will honor all those who answered our Nation's call to duty. We vow to never again confuse personal disapproval of war with prejudice against those who honorably wear the uniform of our Armed Forces. With conviction, our Nation pledges our enduring respect, our continuing care, and our everlasting commitment to all Vietnam veterans.

We applaud the thousands of local, State, and national organizations, businesses, and governmental entities that have already partnered with the Federal Government in the Commemoration of the 50th Anniversary of the Vietnam War. Because of their remarkable leadership and dedication, countless Vietnam veterans and their families have been personally and publicly thanked and honored in ceremonies in towns and cities throughout our country. During my Administration, I promise to continue coordinated efforts to recognize all veterans of the Vietnam War for their service and sacrifice, and to provide them with the heartfelt acknowledgement and gratitude that they and their families so richly deserve.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby confirm the commitment of this Nation to the Commemoration of the 50th Anniversary of the Vietnam War, which began on Memorial Day, 2012 and will continue through Veterans Day, 2025. I call upon all Americans to offer each of our Vietnam veterans and their families a thank you on behalf of the Nation, both privately and during public ceremonies and programs across our country.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of November, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9675 of November 10, 2017

American Education Week, 2017

By the President of the United States of America

A Proclamation

During American Education Week, we recognize that the foundation of the American Dream is a quality education that instills lifelong skills and develops strong character. All our Nation's children deserve the chance to be successful, to live fulfilling lives, and to give back to our communities. As parents, teachers, and advocates, we recommit to ensuring that all children in America have a meaningful opportunity to harness their full potential.

Parents and guardians are the best advocates for their children's success. Through engagement with teachers and local school boards, parents have the power to shape their children's education. The importance of family and community involvement is why I signed an Executive Order earlier this year to protect and preserve State and local control over the curriculum, administration, and personnel of our coun-

try's schools. Moreover, we must protect parents' access to a wide range of high-quality educational choices, including strong public, charter, magnet, private, online, parochial, and homeschool options. Each child is precious and unique, and we must enable our communities to provide a range of schooling options, which will allow students to thrive and prepare them to be successful in adulthood.

My Administration understands that the quality of our Nation's education shapes our future. We must equip students with the tools and skills they need to succeed in the workforce of tomorrow. In September, I directed the Department of Education to prioritize increasing high-quality education programs in science, technology, engineering, and mathematics for students across our Nation. Additionally, I signed an Executive Order to make it easier for companies to provide much needed apprenticeship programs. By promoting lifelong learning and continuing to ensure relevant postsecondary education is more accessible to students, we can help all Americans achieve their dreams.

This week, we also reiterate the vital importance of family involvement in education. Whether that means checking homework, setting high expectations, or establishing healthy evening and morning routines, schools rely on families to accelerate student achievement. When families devote time and effort to their children's education, students earn higher grades, have more positive attitudes about school and homework, and are more likely to graduate. There can be no greater investment than into the success of our children.

As we celebrate American Education Week, we are reminded of the vital importance of education for our children, for our communities, and for our world. Education unlocks a world of opportunity, something every American deserves.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 12 through November 18, 2017, as American Education Week. I commend our Nation's schools, their teachers and leaders, and the parents of students across this land. And I call on States and communities to support high-quality education to meet the needs of all students.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of November, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9676 of November 10, 2017

National Apprenticeship Week, 2017

By the President of the United States of America

A Proclamation

During National Apprenticeship Week, we recognize the important role apprenticeships play in unleashing the American workforce. Americans are known for our remarkable productivity, industriousness, and

innovative thinking. By pairing these valued traits with the right training, our Nation can renew one of our greatest assets—the American worker.

Affordable education options and training opportunities that lead to stable, well-paying jobs are critical for the health and well-being of our families and communities. Our Nation's existing higher education system, however, does not always provide the right forms of training. According to a recent survey, only 11 percent of employers strongly agreed that America's institutions of higher education are teaching graduates the skills their companies need.

At the same time, the cost of college is rising, putting it out of reach for many and burdening others with increasing amounts of student debt. Those in the class of 2015 who borrowed to finance their education graduated with nearly $30,000 in student debt, on average. During the past administration, the stagnation of wages, which increased by less than six-tenths of 1 percent per year, and education costs that ballooned by more than 20 percent, prevented too many Americans from getting the skills they need to thrive in today's workforce.

Apprenticeships provide an alternative path to a high-paying job by providing opportunities to gain real-world skills while earning a paycheck. In addition, research suggests that graduates of apprenticeship programs earn $300,000 more throughout their lifetime than non-apprentices working in the same field. Because new jobs in our 21st century economy—from healthcare to advanced manufacturing—demand technical skills, apprenticeship programs are uniquely able to provide the affordable and relevant training workers need to fill in-demand jobs throughout the economy.

My Administration has taken important steps to promote and expand apprenticeships. The Department of Labor is fully implementing my Executive Order on Expanding Apprenticeships in America, which directs it to work with other Federal departments and agencies to make it easier for companies to create and grow apprenticeship programs. It also directs the agencies to explore ways to support the development of apprenticeships in industries where the earn-and-learn model has been historically underutilized, including in key sectors such as manufacturing, healthcare, cybersecurity, and information technology.

This week, I challenge businesses, educational institutions, and government entities to expand apprenticeship opportunities and other quality job-training programs to help open more doors for more Americans. As we put the education and training of our people first, American companies will join us by rededicating their efforts to hire American. Together, we will build an even stronger workforce and provide new and exciting opportunities for generations of Americans to learn, earn, and succeed.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 13 through November 19, 2017, as National Apprenticeship Week.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of November, in the year of our Lord two thousand seventeen, and of

the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9677 of November 17, 2017

National Family Week, 2017

By the President of the United States of America

A Proclamation

During National Family Week, we emphasize the importance of preserving and promoting strong families, the cornerstone of our society. Families are as diverse as our Nation. They often extend beyond moms, dads, and their children, and include adoptive and foster parents, grandparents, and extended relatives. But no matter their makeup, families share a unique quality—they naturally form the fundamental unit of our society. They hold more influence over our communities and our Nation than any other structure, so it is incumbent upon us, as a Nation, to strengthen and support them.

We cannot take strong families for granted. Each member of each family must work every day to nurture the bonds of love and loyalty that form the latticework of strong families. We can show support to our family members by loving selflessly, forgiving quickly, and spending quality time together.

In addition, Federal policy should be directed to facilitating the success of our families. Tax policy is a prime example. My Administration believes that Americans should be able to dedicate more of their resources and earnings to the task and duty of providing for their families. More of each paycheck should go toward supporting families and less should be directed to an all-too-often inefficient Federal Government. Our policies must also support working mothers, and enable them to reach their full potential. That is why I am committed to cutting taxes for middle-income families—including by expanding the child tax credit—and fundamentally reforming our Nation's outdated tax code. Our work will enable families to spend more of their hard-earned dollars on the success of their children.

Federal policy must also guard against threats to the family. In 2016, we lost at least 64,000 lives to opioid and other drug overdoses, devastating American families and communities. To combat this growing crisis, my Administration has already dedicated more than $1 billion in funding to address the drug addiction and opioid crisis since taking office. Last month, my Administration declared the opioid epidemic to be a nationwide public health emergency in order to focus needed Federal resources and attention on this critical matter. We will not abandon our families as they fight the scourge of opioids.

Throughout our Nation's history, in times of both turmoil and triumph, the strength and hope of the American family has sustained our citizens. The family is our foundation, a pillar of our past, and a key to our future prosperity. Strong families teach integrity and patriotism, encourage and foster teamwork, and demonstrate unconditional love and acceptance. When these foundational principles overflow from our

homes into neighborhoods and communities, they strengthen and fortify the Nation.

During National Family Week, we support and encourage American families to create healthy, nurturing environments for their children and future generations. I hope all Americans will join me in gratitude to our Creator for the many ways families bless and enrich our lives and our Nation.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 19 through November 25, 2017, as National Family Week. I invite communities, churches, and individuals to observe this week with appropriate ceremonies and activities to honor our Nation's families.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of November, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9678 of November 17, 2017

Thanksgiving Day, 2017

By the President of the United States of America

A Proclamation

On Thanksgiving Day, as we have for nearly four centuries, Americans give thanks to Almighty God for our abundant blessings. We gather with the people we love to show gratitude for our freedom, for our friends and families, and for the prosperous Nation we call home.

In July 1620, more than 100 Pilgrims boarded the Mayflower, fleeing religious persecution and seeking freedom and opportunity in a new and unfamiliar place. These dauntless souls arrived in Plymouth, Massachusetts, in the freezing cold of December 1620. They were greeted by sickness and severe weather, and quickly lost 46 of their fellow travelers. Those who endured the incredible hardship of their first year in America, however, had many reasons for gratitude. They had survived. They were free. And, with the help of the Wampanoag tribe, and a bountiful harvest, they were regaining their health and strength. In thanks to God for these blessings, the new governor of the Plymouth Colony, William Bradford, proclaimed a day of thanksgiving and gathered with the Wampanoag tribe for three days of celebration.

For the next two centuries, many individual colonies and states, primarily in the Northeast, carried on the tradition of fall Thanksgiving festivities. But each state celebrated it on a different day, and sometime on an occasional basis. It was not until 1863 that the holiday was celebrated on one day, nationwide. In the aftermath of the Battle of Gettysburg, of one of the bloodiest battles of our Nation's Civil War, President Abraham Lincoln proclaimed that the country would set aside one day to remember its many blessings. ''In the midst of a civil war of unequalled magnitude and severity,'' President Lincoln proclaimed,

we recall the ''bounties, which are so constantly enjoyed that we are prone to forget the source from which they come.'' As President Lincoln recognized: ''No human counsel hath devised nor hath any mortal hand worked out these great things. They are the gracious gifts of the Most High God, who, while dealing with us in anger for our sins, hath nevertheless remembered mercy.''

Today, we continue to celebrate Thanksgiving with a grateful and charitable spirit. When we open our hearts and extend our hands to those in need, we show humility for the bountiful gifts we have received. In the aftermath of a succession of tragedies that have stunned and shocked our Nation—Hurricanes Harvey, Irma, and Maria; the wildfires that ravaged the West; and, the horrific acts of violence and terror in Las Vegas, New York City, and Sutherland Springs—we have witnessed the generous nature of the American people. In the midst of heartache and turmoil, we are grateful for the swift action of the first responders, law enforcement personnel, military and medical professionals, volunteers, and everyday heroes who embodied our infinite capacity to extend compassion and humanity to our fellow man. As we mourn these painful events, we are ever confident that the perseverance and optimism of the American people will prevail.

We can see, in the courageous Pilgrims who stood on Plymouth Rock in new land, the intrepidness that lies at the core of our American spirit. Just as the Pilgrims did, today Americans stand strong, willing to fight for their families and their futures, to uphold our values, and to confront any challenge.

This Thanksgiving, in addition to rejoicing in precious time spent with loved ones, let us find ways to serve and encourage each other in both word and deed. We also offer a special word of thanks for the brave men and women of our Armed Forces, many of whom must celebrate this holiday separated from the ones for whom they are most thankful. As one people, we seek God's protection, guidance, and wisdom, as we stand humbled by the abundance of our great Nation and the blessings of freedom, family, and faith.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Thursday, November 23, 2017, as a National Day of Thanksgiving. I encourage all Americans to gather, in homes and places of worship, to offer a prayer of thanks to God for our many blessings.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of November, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9679 of November 30, 2017

National Impaired Driving Prevention Month, 2017

By the President of the United States of America
A Proclamation

On average, every 50 minutes, a person in the United States dies in a vehicle crash involving alcohol. We have seen too many lives cut short by impaired driving, and too many drivers continue to put themselves and others at risk every day. During National Impaired Driving Prevention Month, we reemphasize that impaired driving is never acceptable. We recognize that we can eliminate impaired driving through our choices, and we pledge to make the right choice by driving sober.

Forty years ago, alcohol was a factor in almost two-thirds of all traffic fatalities. Through the tireless efforts of States, communities, and advocacy organizations, we have made tremendous progress in reducing impaired driving and protecting the American people. Unfortunately, for the second consecutive year, we have seen an increase in the number of alcohol-impaired traffic fatalities on America's roadways. In 2016, more than 10,000 people died in alcohol-impaired crashes, accounting for 28 percent of all traffic fatalities. We must reverse this trend.

Drinking and driving affects all Americans. In 2012, 4.2 million adults reported having driven at least once within a 30-day span while impaired by alcohol. Driving while impaired, even after one drink, can dramatically change the lives of drivers, passengers, innocent bystanders, and their loved ones. My Administration is committed to raising awareness about the dangers of impaired driving and to eliminating it from our communities. Additionally, by reducing hundreds of harmful regulations, we are supporting our innovative American companies as they create new technology that can help us address impaired driving, from ride-hailing services to advanced vehicle technology. My Administration is also providing vital resources to law enforcement to support their efforts to keep our surroundings safe.

Ultimately, the responsibility for preventing impaired driving lies with each of us. We care for our loved ones when we keep them safe and prevent them taking the wheel after drinking alcohol. By taking action to educate our fellow Americans, through coordinated efforts with family, friends, neighbors, schools, churches, and community organizations, we can reduce deaths and accidents arising from impaired driving.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 2017 as National Impaired Driving Prevention Month. I urge all Americans to make responsible decisions and take appropriate measures to prevent impaired driving.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of November, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9680 of November 30, 2017

World AIDS Day, 2017

By the President of the United States of America

A Proclamation

The first documented cases of the human immunodeficiency virus infection (HIV) and acquired immune deficiency syndrome (AIDS) 36 years ago became the leading edge of an epidemic that swept across the United States and around the globe, devastating millions of individuals, families, and communities. As a Nation, we felt fear and uncertainty as we struggled to understand this new disease. In the decades since—through public and private American leadership, innovation, investment, and compassion—we have ushered in a new, hopeful era of prevention and treatment. Today, on World AIDS Day, we honor those who have lost their lives to AIDS, we celebrate the remarkable progress we have made in combatting this disease, and we reaffirm our ongoing commitment to end AIDS as a public health threat.

Since the beginning of the HIV/AIDS epidemic, more than 76 million people around the world have become infected with HIV and 35 million have died from AIDS. As of 2014, 1.1 million people in the United States are living with HIV. On this day, we pray for all those living with HIV, and those who have lost loved ones to AIDS.

As we remember those who have died and those who are suffering, we commend the immense effort people have made to control and end the HIV/AIDS epidemic. In the United States, sustained public and private investments in HIV prevention and treatment have yielded major successes. The number of annual HIV infections fell 18 percent between 2008 and 2014, saving an estimated $14.9 billion in lifetime medical costs. We have also experienced successes around the globe. Through the President's Emergency Plan for AIDS Relief (PEPFAR) and its data-driven investments in partnership with more than 50 countries, we are supporting more than 13.3 million people with lifesaving antiretroviral treatment. We remain deeply committed to supporting adolescent girls and young women through this program, who are up to 14 times more likely to contract HIV than young men in some sub-Saharan African countries. Our efforts also include the DREAMS (Determined, Resilient, Empowered, AIDS-free, Mentored, and Safe) public-private partnership, which has resulted in a 25–40 percent decline in new HIV infections among young women in districts in 10 highly affected African countries during the last 2 years.

While we have made considerable progress in recent decades, tens of thousands of Americans are infected with HIV every year. My Administration will continue to invest in testing initiatives to help people who are unaware they are living with HIV learn their status. Internationally, we will rapidly implement the recent *PEPFAR Strategy for Accelerating HIV/AIDS Epidemic Control* (2017–2020), which uses data to guide investments and efforts in more than 50 countries to reach epidemic control.

Due to America's leadership and private sector philanthropy and innovation, we have saved and improved millions of lives and shifted the HIV/AIDS epidemic from crisis toward control. We are proud to continue our work with many partners, including governments, private-

sector companies, philanthropic organizations, multilateral institutions, civil society and faith-based organizations, people living with HIV, and many others.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim December 1, 2017, as World AIDS Day. I urge the Governors of the States and the Commonwealth of Puerto Rico, officials of the other territories subject to the jurisdiction of the United States, and the American people to join me in appropriate activities to remember those who have lost their lives to AIDS and to provide support and compassion to those living with HIV.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of November, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9681 of December 4, 2017

Modifying the Bears Ears National Monument

By the President of the United States of America
A Proclamation

In Proclamation 9558 of December 28, 2016, and exercising his authority under section 320301 of title 54, United States Code (the ''Antiquities Act''), President Barack Obama established the Bears Ears National Monument in the State of Utah, reserving approximately 1.35 million acres of Federal lands for the care and management of objects of historic and scientific interest identified therein. The monument is managed jointly by the Department of the Interior's Bureau of Land Management (BLM) and the Department of Agriculture's United States Forest Service (USFS). This proclamation makes certain modifications to the monument.

Proclamation 9558 identifies a long list of objects of historic or scientific interest. It describes cultural resources such as ancient cliff dwellings (including the Moon House and Doll House Ruins), Moki Steps, Native American ceremonial sites, tools and projectile points, remains of single-family dwellings, granaries, kivas, towers, large villages, rock shelters, caves, and a prehistoric road system, as well as petroglyphs, pictographs, and recent rock art left by the Ute, Navajo, and Paiute peoples. It also identifies other types of historic objects, such as remnants of Native American sheep-herding and farming operations and early engineering by pioneers and settlers, including smoothed sections of rock, dugways, historic cabins, corrals, trails, and inscriptions carved into rock, and the Hole-in-the-Rock and Outlaw Trails. It also describes landscape features such as the Bears Ears, Comb Ridge, Cedar Mesa, the Valley of the Gods, the Abajo Mountains, and the San Juan River, and paleontological resources such as the fossil remains of fishes, amphibians, reptiles, and mammals, as well as dinosaur trackways and traces of other terrestrial animals. Finally, it

identifies several species, including animals like the porcupine, badger, and coyote; birds like the red-tailed hawk, Mexican spotted owl, American kestrel, and turkey vulture; and plants such as the Fremont cottonwood, Abajo daisy, western sandbar willow, and boxelder.

The Antiquities Act requires that any reservation of land as part of a monument be confined to the smallest area compatible with the proper care and management of the objects of historic or scientific interest to be protected. Determining the appropriate protective area involves examination of a number of factors, including the uniqueness and nature of the objects, the nature of the needed protection, and the protection provided by other laws.

Some of the objects Proclamation 9558 identifies are not unique to the monument, and some of the particular examples of these objects within the monument are not of significant scientific or historic interest. Moreover, many of the objects Proclamation 9558 identifies were not under threat of damage or destruction before designation such that they required a reservation of land to protect them. In fact, objects described in Proclamation 9558 were then—and still are—subject to Federal protections under existing laws and agency management designations. For example, more than 500,000 acres were already being managed to maintain, enhance, or protect their roadless character before they were designated as part of a national monument. Specifically, the BLM manages approximately 380,759 acres of lands within the existing monument as Wilderness Study Areas, which the BLM is required by law to manage so as not to impair their suitability for future congressional designation as Wilderness. On lands managed by the USFS, 46,348 acres are part of the congressionally designated Dark Canyon Wilderness Area, which, under the 1964 Wilderness Act, 16 U.S.C. 1131–1136, and the Utah Wilderness Act of 1984, Public Law 98–428, the USFS must manage so as to maintain or enhance its wilderness character. Approximately 89,396 acres of the USFS lands are also included in 8 inventoried roadless areas, which are managed under the USFS's 2001 Roadless Rule so as to protect their wilderness character.

A host of laws enacted after the Antiquities Act provide specific protection for archaeological, historic, cultural, paleontological, and plant and animal resources and give authority to the BLM and USFS to condition permitted activities on Federal lands, whether within or outside a monument. These laws include the Archaeological Resources Protection Act of 1979, 16 U.S.C. 470aa–470mm, National Historic Preservation Act, 54 U.S.C. 300101 *et seq.,* Bald and Golden Eagle Protection Act, 16 U.S.C. 668–668d, Endangered Species Act of 1973, 16 U.S.C. 1531 *et seq.,* Federal Cave Resources Protection Act of 1988, 16 U.S.C. 4301 *et seq.,* Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 *et seq.,* Migratory Bird Treaty Act, 16 U.S.C. 703–712, National Forest Management Act, 16 U.S.C. 1600 *et seq.,* Native American Graves Protection and Repatriation Act of 1976, 25 U.S.C. 3001 *et seq.,* and Paleontological Resources Preservation Act, 16 U.S.C. 470aaa–470aaa–11. Of particular note, the Archaeological Resources Protection Act specifically protects archaeological resources from looting or other desecration and imposes criminal penalties for unauthorized excavation, removal, damage, alteration, or defacement of archaeological resources. Federal land management agencies can grant a permit authorizing excavation or removal, but only when undertaken for the purpose of furthering archaeological knowledge. The Paleontological Resources

Preservation Act contains very similar provisions protecting paleontological resources. And the Migratory Bird Treaty Act and Endangered Species Act protect migratory birds and listed endangered and threatened species and their habitats. Moreover, the BLM and the USFS were already addressing many of the threats to objects identified in Proclamation 9558 in their governing land-use plans before designation of the monument.

Given the nature of the objects identified on the lands reserved by Proclamation 9558, the lack of a threat of damage or destruction to many of those objects, and the protection for those objects already provided by existing law and governing land-use plans, I find that the area of Federal land reserved in the Bears Ears National Monument established by Proclamation 9558 is not confined to the smallest area compatible with the proper care and management of those objects. The important objects of scientific or historic interest can instead be protected by a smaller and more appropriate reservation of 2 areas: Shash Jáa and Indian Creek. Revising the boundaries of the monument to cover these 2 areas will ensure that, in accordance with the Antiquities Act, it is no larger than necessary for the proper care and management of the objects to be protected within the monument.

The Shash Jáa area contains the heart of the national monument: the iconic twin buttes known as the Bears Ears that tower 2,000 feet above the surrounding landscape and are considered sacred to the Native American tribes that call this area their ancestral home. Many of the significant objects described by Proclamation 9558 can be found throughout the Shash Jáa area. Ancestral Puebloan occupation of the area began during the Basketmaker II period at least 2,500 years ago, and it left behind objects such as pit houses, storage pits, lithic scatters, campsites, rock shelters, pictographs, and baskets, as well as manos and metates for grinding corn. Occupation dating to the Basketmaker III period, from approximately 500 to 750 C.E., left additional evidence of maize- and bean-based agriculture, along with pottery, bows and arrows, pit houses, kivas, storage rooms, and dispersed villages.

New waves of human settlement occurred around 900 C.E., when the Pueblo I period gave rise to large villages near Comb Wash, and 1050 C.E., when inhabitants from the Pueblo II period built expansive and complex multi-family dwellings. Around 1150 C.E., the dawn of the Pueblo III period, the area's inhabitants increasingly sought shelter in cliff dwellings and left behind evidence of an era of unrest. Several centuries later, the Ute, Paiute, and Navajo came to occupy the area.

East of the Bears Ears is Arch Canyon, within which paleontologists have found numerous fossils from the Permian and Upper Permian eras. Cliff dwellings are hidden throughout the canyon, and the mouth of the canyon holds the fabled Arch Canyon ruin, which spans the Pueblo II and III periods and contains pictographs and petroglyphs ranging from the Archaic to the historic periods.

Just south of Arch Canyon are the north and south forks of Mule Canyon. Five-hundred feet deep, 5 miles long, and decorated with alternating layers of red and white sandstone, these 2 striking canyons contain shelter-cliff dwellings and other archaeological sites, including the scenic and accessible House on Fire Ruin, which includes differing masonry styles that indicate several episodes of construction and use.

Perched high on the open tablelands above the south fork of Mule Canyon are the Mule Canyon ruins, where visitors can see exposed masonry walls of ancient living quarters and a partially restored kiva. The deep canyons and towering mesas of the Shash Jáa area are full of similar sites, including rock art, remains of single-family dwellings, granaries, kivas, towers (including the Cave Towers), and large villages primarily from the Pueblo II and III periods, along with sites from the Basketmaker and Archaic periods.

The Shash Jáa area also includes Comb Ridge, a north-south trending monocline that originates near the boundary of the Manti-La Sal National Forest, ends near the San Juan River, and contains remnants from the region's thousands of years of human habitation, including cliff dwellings, granaries, kivas, ceremonial sites, and the Butler Wash ruin, a world-famous Ancestral Puebloan ruin with multiple rooms and kivas. Comb Ridge also includes world-class examples of ancient rock art, such as the Butler Wash Kachina Panel, a wall-sized mural of San Juan Anthropomorph figures that dates to the Basketmaker period and is considered to be one of the Southwest's most important petroglyph panels for understanding the daily life and rituals of the Basketmaker people. Significant fossil sites have also been discovered in Butler Wash.

Just north of upper Butler Wash, the aspen-filled Whiskers Draw contains a series of alcoves that have sheltered evidence of human habitation for thousands of years, including Cave 7, the site where Richard Wetherill, as part of the Hyde Expedition in 1893, first identified what we know today as the Basketmaker people. The nearby Milk Ranch Point is home to a rich concentration of kivas, granaries, dwellings, and other evidence that Pueblo I farmers used this area to cultivate corn, beans, and squash.

The Shash Jáa area also contains the Comb Ridge Fossil site, which includes a trackway created by a giant arthropod *(Diplichnites cuithensis),* the first recorded instance of such a trackway in Utah. Also, the diverse landscape of the Shash Jáa area provides habitat for the vast majority of plant and animal species described by Proclamation 9558.

Finally, the Shash Jáa area as described on the accompanying map includes 2 non-contiguous parcels of land that encompass the Moon House Ruin, an example of iconic Pueblo-decorated architecture, which was likely the last occupied site on Cedar Mesa, as well as Doll House Ruin, a fully intact and well-preserved single room granary that is associated with an extensive agricultural area on the mesa top. These significant ruins are important examples of cultural resource objects that should remain within the monument's boundaries.

The Indian Creek area likewise contains objects of significance described in Proclamation 9558. At its center is the broad Indian Creek Canyon, which is characterized by sheer red cliffs and spires of exposed and eroded layers of Navajo, Kayenta, Wingate, and Cedar Mesa sandstone, including the iconic North and South Six-Shooter Peaks.

Also located within the Indian Creek area is the Canyonlands Research Center. Spanning lands managed by the National Park Service, BLM, USFS, and private landowners, this unique partnership works to increase our understanding of the complex natural systems on the land-

scape, providing their custodians with information they need to adapt to the challenges of a changing Colorado Plateau.

Newspaper Rock, a popular attraction in the Indian Creek area, is a roadside rock art panel that has been listed on the National Register of Historic Places since 1976. This site displays a significant concentration of rock art from multiple periods, etched into Wingate sandstone. The older art is attributed to the Ancestral Puebloan people who inhabited this region for 2,000 years, while the more recent rock art is attributed to the Ute people who still live in the Four Corners area.

In addition to Newspaper Rock, the Indian Creek area contains numerous other significant rock art sites, including the distinctive and well-preserved petroglyphs in Shay Canyon. The area also provides opportunities for cultural and scientific research and paleontological study. Dinosaur tracks in the bottom of the Shay Canyon stream bed are a unique visual reminder of the area's distant past. Additional paleontological resources can be found throughout the Indian Creek area, including vertebrate and invertebrate fossils, primarily in the Chinle Formation. The Indian Creek area also includes 2 prominent mesas, Bridger Jack Mesa and Lavender Mesa, which are home to relict plant communities, predominantly composed of pinyon-juniper woodland, with small, interspersed sagebrush parks, that exist only on these isolated islands in the desert sea and are, generally, unaltered by humans. These mesas provide the opportunity for comparative studies of pinyon-juniper woodland and sagebrush communities in other parts of the Colorado Plateau. Additionally, the Indian Creek area includes the exposed Chinle Formation, known for abundant fossilized flora and fauna, including pelecypods, gastropods, arthropods, fishes, amphibians, and reptiles (including dinosaurs). Finally, the area is well known for vertebrate trackways, including tetrapod footprints.

Some of the existing monument's objects, or certain examples of those objects, are not within the monument's revised boundaries because they are adequately protected by existing law, designation, agency policy, or governing land-use plans. For example, although the modified boundaries do not include the San Juan River or the Valley of the Gods, both of those areas are protected by existing administratively designated Areas of Critical Environmental Concern. Plant and animal species such as the bighorn sheep, the Kachina daisy, the Utah night lizard, and the *Eucosma navojoensis* moth are protected by the Endangered Species Act and existing land-use plans and policies protecting special-status species. Additionally, some of the range of these species falls within existing Wilderness Areas and Wilderness Study Areas. Finally, although Hideout Canyon is likewise not included within the modified boundaries, it is generally not threatened and is partially within a Wilderness Study Area.

The areas described above are the smallest compatible with the protection of the important objects identified in Proclamation 9558. The modification of the Bears Ears National Monument will maintain and protect those objects and preserve the area's cultural, scientific, and historic legacy.

WHEREAS, Proclamation 9558 of December 28, 2016, designated the Bears Ears National Monument in the State of Utah and reserved approximately 1.35 million acres of Federal lands for the care and man-

agement of the Bears Ears buttes and other objects of historic and scientific interest identified therein; and

WHEREAS, many of the objects identified by Proclamation 9558 are otherwise protected by Federal law; and

WHEREAS, it is in the public interest to modify the boundaries of the monument to exclude from its designation and reservation approximately 1,150,860 acres of land that I find are unnecessary for the care and management of the objects to be protected within the monument; and

WHEREAS, the boundaries of the monument reservation should therefore be reduced to the smallest area compatible with the protection of the objects of scientific or historic interest as described above in this proclamation;

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim that the boundaries of the Bears Ears National Monument are hereby modified and reduced to those lands and interests in land owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. I hereby further proclaim that the modified monument areas identified on the accompanying map shall be known as the Indian Creek and Shash Jáa units of the monument, the latter of which shall include the Moon House and Doll House Ruins. These reserved Federal lands and interests in lands cumulatively encompass approximately 201,876 acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected. Any lands reserved by Proclamation 9558 not within the boundaries identified on the accompanying map are hereby excluded from the monument.

At 9:00 a.m., eastern standard time, on the date that is 60 days after the date of this proclamation, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the public and National Forest System lands excluded from the monument reservation shall be open to:

(1) entry, location, selection, sale, or other disposition under the public land laws and laws applicable to the U.S. Forest Service;

(2) disposition under all laws relating to mineral and geothermal leasing; and

(3) location, entry, and patent under the mining laws.

Appropriation of lands under the mining laws before the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law.

Nothing in this proclamation shall be construed to remove any lands from the Manti-La Sal National Forest or to otherwise revoke, modify, or affect any withdrawal, reservation, or appropriation, other than the one created by Proclamation 9558.

Nothing in this proclamation shall change the management of the areas designated and reserved by Proclamation 9558 that remain part of the monument in accordance with the terms of this proclamation, except as provided by the following 4 paragraphs:

In recognition of the importance of tribal participation to the care and management of the objects identified above, and to ensure that management decisions affecting the monument reflect tribal expertise and traditional and historical knowledge, Proclamation 9558 established a Commission to provide guidance and recommendations on the development and implementation of management plans and on management of the monument, and to partner with Federal agencies by making continuing contributions to inform decisions regarding the management of the monument. In order to ensure that the full range of tribal expertise and traditional historical knowledge is included in such guidance and recommendations, paragraph 29 of Proclamation 9558 is hereby revised to provide that the Bears Ears Commission shall be known as the Shash Jáa Commission, shall apply only to the Shash Jáa unit as described herein, and shall also include the elected officer of the San Juan County Commission representing District 3 acting in that officer's official capacity.

Proclamation 9558 is hereby revised to clarify that, pending preparation of the transportation plan required by paragraph 34 thereof, the Secretaries of the Interior and Agriculture may allow motorized and non-mechanized vehicle use on roads and trails designated for such use immediately before the issuance of Proclamation 9558 and maintain roads and trails for such use.

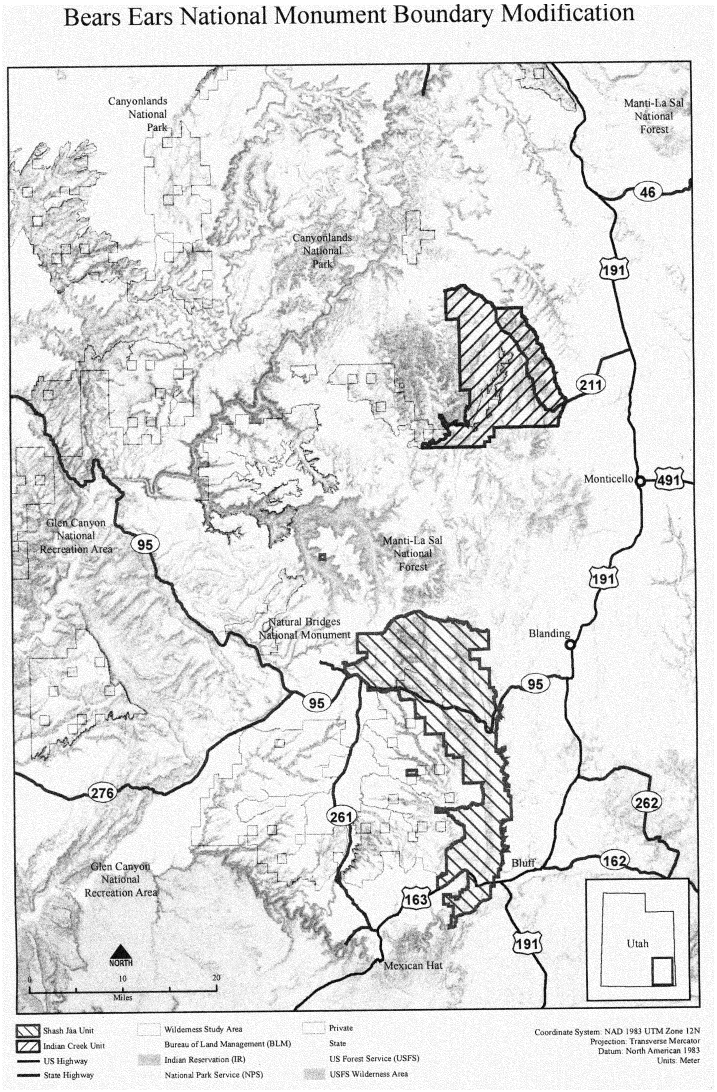
Paragraph 35 of Proclamation 9558 governing livestock grazing in the monument is hereby revised to read as follows: ''Nothing in this proclamation shall be deemed to affect authorizations for livestock grazing, or administration thereof, on Federal lands within the monument. Livestock grazing within the monument shall continue to be governed by laws and regulations other than this proclamation.''

Proclamation 9558 is amended to clarify that, consistent with the care and management of the objects identified above, the Secretaries of the Interior and Agriculture may authorize ecological restoration and active vegetation management activities in the monument.

If any provision of this proclamation, including its application to a particular parcel of land, is held to be invalid, the remainder of this proclamation and its application to other parcels of land shall not be affected thereby.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of December, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP



Proclamation 9682 of December 4, 2017

Modifying the Grand Staircase-Escalante National Monument

By the President of the United States of America

A Proclamation

In Proclamation 6920 of September 18, 1996, and exercising his authority under the Act of June 8, 1906 (34 Stat. 225) (the ''Antiquities Act''), President William J. Clinton established the Grand Staircase-Escalante National Monument in the State of Utah, reserving approximately 1.7

million acres of Federal lands for the care and management of objects of historic and scientific interest identified therein. The monument is managed by the Department of the Interior's Bureau of Land Management (BLM). This proclamation makes certain modifications to the monument.

Proclamation 6920 identifies a long list of objects of historic or scientific interest within the boundaries of the monument. In the 20 years since the designation, the BLM and academic researchers have studied the monument to better understand the geology, paleontology, archeology, history, and biology of the area.

The Antiquities Act requires that any reservation of land as part of a monument be confined to the smallest area compatible with the proper care and management of the objects of historic or scientific interest to be protected. Determining the appropriate protective area involves examination of a number of factors, including the uniqueness and nature of the objects, the nature of the needed protection, and the protection provided by other laws.

Proclamation 6920 identifies the monument area as rich with paleontological sites and fossils, including marine and brackish water mollusks, turtles, crocodilians, lizards, dinosaurs, fishes, and mammals, as well as terrestrial vertebrate fauna, including mammals, of the Cenomanian-Santonian ages, and one of the most continuous records of Late Cretaceous terrestrial life in the world. Nearly 2 decades of intense study of the monument has provided a better understanding of the areas with the highest concentrations of fossil resources and the best opportunities to discover previously unknown species. While formations like the Wahweap and Kaiparowits occur only in southern Utah and provide an important record of Late Cretaceous fossils, others like the Chinle and Morrison formations occur throughout the Colorado Plateau. The modified monument boundaries take into account this new information and, as described in more detail below, retain the majority of the high-potential areas for locating new fossil resources that have been identified within the area reserved by Proclamation 6920.

Proclamation 6920 also identifies a number of unique geological formations and landscape features within the monument boundaries. These include the Grand Staircase, White Cliffs, Vermilion Cliffs, Kaiparowits Plateau, Upper Paria Canyon System, Upper Escalante Canyons, Burning Hills, Circle Cliffs, East Kaibab Monocline, Grosvenor Arch, and Escalante Natural Bridge, all of which are retained in whole or part within the revised monument boundaries. The Waterpocket Fold, however, is located mostly within the Capitol Reef National Park and the portions within the monument are not unique or particularly scientifically significant. Therefore, the boundaries of the monument may be modified to exclude the Waterpocket Fold without imperiling the proper care and management of that formation. The more general landscape features discussed in the proclamation, such as serpentine canyons, arches, and natural bridges, are common across the Colorado Plateau both within and outside of the modified boundaries of the monument described below.

Archeological and historic objects identified within the monument are more generally discussed in Proclamation 6920, which specifically identifies only the Hole-in-the-Rock Trail, the Paria Townsite, and Dance Hall Rock as objects of historic or scientific interest, all 3 of

which will remain within the revised monument boundaries, although a portion of the Hole-in-the-Rock Trail will be excluded. Proclamation 6920 also describes Fremont and Ancestral Puebloan rock art panels, occupation sites, campsites, and granaries, as well as historic objects such as those left behind by Mormon pioneers, including trails, inscriptions, ghost towns, rock houses, and cowboy line camps. These are artifacts that are known to generally occur across the Four Corners region, particularly in southern Utah, and the examples found within the monument are not, as described, of any unique or distinctive scientific or historic significance. In light of the prevalence of similar objects throughout the region, the existing boundaries of the monument are not ''the smallest area compatible with the proper care'' of these objects, and they may be excluded from the monument's boundaries. Further, many of these objects or examples of these objects are retained within the modified boundaries described below.

Finally, with respect to the animal and plant species, Proclamation 6920 characterizes the area as one of the richest floristic regions in the Intermountain West, but it identifies only a few specific species as objects of scientific or historic interest. The revised boundaries contain the majority of habitat types originally protected by Proclamation 6920.

Thus, many of the objects identified by Proclamation 6920 are not unique to the monument, and some of the particular examples of those objects within the monument are not of significant historic or scientific interest. Moreover, many of the objects identified by Proclamation 6920 are not under threat of damage or destruction such that they require a reservation of land to protect them; in fact, many are already subject to Federal protection under existing law and agency management designations. The BLM manages nearly 900,000 acres of lands within the existing monument as Wilderness Study Areas, which the BLM is already required by law to manage so as not to impair the suitability of such areas for future congressional designation as Wilderness.

A host of laws enacted after the Antiquities Act provide specific protection for archaeological, historic, cultural, paleontological, and plant and animal resources and give authority to the BLM to condition permitted activities on Federal lands, whether within or outside a monument. These laws include the Archaeological Resources Protection Act of 1979, 16 U.S.C. 470aa–470mm, National Historic Preservation Act, 54 U.S.C. 300101 *et seq.,* Bald and Golden Eagle Protection Act, 16 U.S.C. 668–668d, Endangered Species Act of 1973, 16 U.S.C. 1531 *et seq.,* Federal Cave Resources Protection Act of 1988, 16 U.S.C. 4301 *et seq.,* Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 *et seq.,* Migratory Bird Treaty Act, 16 U.S.C. 703–712, Native American Graves Protection and Repatriation Act of 1976, 25 U.S.C. 3001 *et seq.,* and Paleontological Resources Preservation Act, 16 U.S.C. 470aaa–470aaa–11. Of particular note, the Paleontological Resources Preservation Act, enacted in 2009, imposes criminal penalties for unauthorized excavation, removal, damage, alteration, or defacement of paleontological resources. Federal land management agencies can grant permits authorizing excavation or removal, but only when undertaken for the purpose of furthering paleontological knowledge. The Archaeological Resources Protection Act contains very similar provisions protecting archeological resources. And the Migratory Bird Treaty Act and Endangered Species Act protect migratory birds and listed endangered and threatened species and their habitats.

Especially in light of the research conducted since designation, I find that the current boundaries of the Grand Staircase-Escalante National Monument established by Proclamation 6920 are greater than the smallest area compatible with the protection of the objects for which lands were reserved and, therefore, that the boundaries of the monument should be reduced to 3 areas: Grand Staircase, Kaiparowits, and Escalante Canyons. These revisions will ensure that the monument is no larger than necessary for the proper care and management of the objects.

The Grand Staircase area is named for one of the iconic landscapes in the American West. An unbroken sequence of cliffs and plateaus, considered to be the most colorful exposed geologic section in the world, has inspired wonder in visitors since the days of early western explorers.

The White Cliffs that rise more than 1,500 feet from the desert floor are the hardened remains of the largest sand sea that ever existed. The deep red Vermilion Cliffs, once the eastern shore of the ancient Lake Dixie, contain a rich fossil record from the Late Triassic period to the early Jurassic period, including petrified wood, fish, dinosaur, and other reptilian bones. Fossil footprints are also common, including those at the Flag Point tracksite, which includes dinosaur fossil tracks adjacent to a Native American rock art panel depicting dinosaur tracks. This area also contains a number of relict vegetative communities occurring on isolated mesa tops, an example of which, No Mans Mesa, was identified in Proclamation 6920.

The archaeology of the Grand Staircase area is dominated by sites constructed by the Virgin Branch of the Ancestral Puebloans—ancient horticulturalists and farmers who subsisted largely on corn, beans, and squash, and occupied the area from nearly 2000 B.C.E. to about 1250 C.E. The landscape was also the home of some of the earliest corn-related agriculture in the Southwest, and it continues to hold remnants of these early farmsteads and small pueblos. The evidence of this history, including remnants of the beginning of agriculture, development of prehistoric farming systems, and the final abandonment of the area, is concentrated in the lower levels of the Grand Staircase. The higher cliffs, benches, and plateaus hold evidence of occupation by Archaic and Late Prehistoric people, including Clovis and other projectile points and residential pit structures that indicate occupation by hunter-gatherers starting about 13,000 years ago.

Following the abandonment of the area by Ancestral Puebloans, the area was re-occupied by a new population of hunter-gatherers, the people known today as the Southern Paiute Indians. The Southern Paiute Indians identify this area as part of their ancestral homeland. Still later Mormon pioneers settled the area, as evidenced by remnants of roads, trails, line shacks, rock houses, and abandoned town sites.

The Kaiparowits area is dominated by a dissected mesa that rises thousands of feet above the surrounding terrain. These vast, rugged badlands are characterized by towering cliffs and escarpments that expose tiers of fossil-rich formations.

In addition to striking scenery, the area is world-renowned for rich fossil resources, including 16 species that have been found nowhere else. The plateau is considered one of the best, most continuous records of Late Cretaceous life in the world. It includes fossils of mollusks, rep-

tiles, dinosaurs, fishes, and mammals, as well as the only evidence in our hemisphere of terrestrial vertebrate fauna from the Cenomanian through Santonian ages. Since 2000, nearly 4,000 new fossil sites have been documented on the plateau. The Dakota, Tropic Shale, Wahweap, and Kaiparowits formations in the area have been found to contain numerous important fossils, including those of early mammals and reptiles (Dakota); marine reptiles, including 5 species of plesiosaur and North America's oldest mosasaur (Tropic Shale); and multiple new species of dinosaurs (Wahweap and Kaiparowits), including the *Diabloceratops eatoni,* a relative of the Triceratops named for its devil-like horns, and the *Lythronax argestes,* whose name means ''Gore King of the Southwest.''

The Kaiparowits area also includes objects of geologic interest, which Proclamation 6920 identified. The rugged canyons and natural arches of the Upper Paria River expose the colorful and varied Carmel and Entrada formations that draw visitors to the area. One of the most famous arches, Grosvenor Arch, is a rare double arch that towers more than 150 feet above the desert floor. The area also contains ''hydrothermal-collapse'' pipes and dikes that have revealed to researchers a fascinating story of a geologic catastrophe triggered by either a massive earthquake or an asteroid impact.

The western side of the Kaiparowits area includes the majority of the East Kaibab Monocline, which features an erosional ''hogback'' known as the ''Cockscomb,'' as well as broad exposures of multicolored rocks and intricate canyons. It is considered one of the true scenic and geologic wonders of the area. On the east side of the plateau, the scorched earth of the Burning Hills is a geologic curiosity: a vast underground coal seam that some researchers believe has been burning for eons, sending acrid smoke up through vents in the ground and turning the hillsides brick red. Finally, along the eastern edge of the Kaiparowits Plateau is a series of oddly shaped arches and other rock formations known as the Devil's Garden.

The Kaiparowits area also contains a unique record of human history. The overall archaeology of the Kaiparowits Plateau is dominated by Archaic and Late Prehistoric era sites. There are, however, a few important sites that tell the story of occupation first by the Fremont, who came from an area to the east, and later by Virgin and Kayenta Ancestral Puebloans. These sites show new types of architecture and pottery that mixed traditional Fremont and Ancestral Puebloan styles. Prehistoric cliff structures in parts of the Kaiparowits Plateau are well preserved and provide researchers and visitors an opportunity to better understand the apparently peaceful mixture of 3 cultures starting in the early 1100s. In particular, the Fifty-Mile Mountain area contains hundreds of cultural resource sites, including Ancestral Puebloan habitations, granaries, and masonry structures.

Historical use of the Kaiparowits area plays a very important part in the rich ranching history of southern Utah, which is evidenced by a complex pattern of roads, stock trails, line shacks, attempted farmsteads, and small mining operations. Fifty-Mile Mountain, in particular, contains a number of historic cabins, as well as other evidence of pioneer living, including ruins, rip-gut fences, and historic trails. It is believed that Zane Grey used the Fifty-Mile Mountain area as a landscape reference point when he wrote ''Wild Horse Mesa.'' There are also a number of historic signature panels across the plateau that docu-

ment continued grazing and ranching use of the landscape by multiple generations of the same families.

To the east of Fifty-Mile Mountain in the Escalante Desert, Dance Hall Rock stands out as an important landmark of Mormon pioneers. While the Hole-in-the-Rock Trail was under construction in 1879, Mormon pioneers camped in this area and held meetings and dances here. Similarly, as described above, the old Paria Townsite is an important ghost town within the Kaiparowits area, as it served as the only town and post office site within the area at the turn of the 20th century.

The Escalante Canyons area likewise contains objects of significance. The canyonlands of the area provide a fantastic display of geologic activities and erosional forces that, over millions of years, created a network of deep, narrow canyons, high plateaus, sheer cliffs, and beautiful sandstone arches and natural bridges, including the 130-foot-tall Escalante Natural Bridge. Additionally, this area boasts Calf Creek Canyon, a canyon of red alcoved walls with expanses of white slickrock that is named for its use as a natural cattle pen at the end of the 19th century.

To the east of the Canyonlands, Circle Cliffs is a breached anticline with spectacular painted-desert scenery, the result of exposed sedimentary rocks of the Triassic Chinle and Moenkopi formations. The Circle Cliffs area also contains large, unbroken petrified logs up to 30 feet in length. A nearly complete articulated skeleton of Poposauras—a rare bipedal crocodilian fossil—was also found here.

The Escalante Canyons area also contains a high density of Fremont prehistoric sites, including pithouses, villages, storage cysts, and rock art. The canyon of the Escalante River and its tributary canyons contain one of the highest densities of rock art sites in southwestern Utah outside of Capitol Reef National Park, with sites dating from the Archaic to the Historic periods. The Hundred Hands rock art panel is located in the river canyon, and is spiritually significant to all tribes that claim ancestry in the area.

There are also significant historic sites in this area related to grazing and ranching, along with the Boulder Mail Trail, which was used to ferry mail between the small desert outpost towns of Escalante and Boulder beginning in 1902. Today, much of the trail is still visible, and it has become popular with backpackers.

The areas described above are the smallest compatible with the proper care and management of the objects to be protected. The Grand Staircase-Escalante National Monument, as modified by this proclamation, will maintain and protect those objects and preserve the area's cultural, scientific, and historic legacy.

WHEREAS, Proclamation 6920 of September 18, 1996, established the Grand Staircase-Escalante National Monument in the State of Utah and reserved approximately 1.7 million acres of Federal lands for the care and management of the objects of historic and scientific interest identified therein; and

WHEREAS, many of the objects identified by Proclamation 6920 are otherwise protected by Federal law; and

WHEREAS, it is in the public interest to modify the boundary of the monument to exclude from its designation and reservation approxi-

mately 861,974 acres of land that I find are no longer necessary for the proper care and management of the objects to be protected within the monument; and

WHEREAS, the boundaries of the monument reservation should therefore be reduced to the smallest area compatible with the protection of the objects of scientific or historic interest, as described above in this proclamation;

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim that the boundary of the Grand Staircase-Escalante National Monument is hereby modified and reduced to those lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. I hereby further proclaim that the modified monument areas identified on the accompanying map shall be known as the Grand Staircase, Kaiparowits, and Escalante Canyons units of the monument. These reserved Federal lands and interests in lands cumulatively encompass approximately 1,003,863 acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.

Any lands reserved by Proclamation 6920 not within the boundaries identified on the accompanying map are hereby excluded from the monument.

At 9:00 a.m., eastern standard time, on the date that is 60 days after the date of this proclamation, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the public lands excluded from the monument reservation shall be open to:

(1) entry, location, selection, sale or other disposition under the public land laws;

(2) disposition under all laws relating to mineral and geothermal leasing; and

(3) location, entry, and patent under the mining laws.

Appropriation of lands under the mining laws before the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law.

Nothing in this proclamation shall be construed to revoke, modify, or affect any withdrawal, reservation, or appropriation, other than the one created by Proclamation 6920.

Nothing in this proclamation shall change the management of the areas designated and reserved by Proclamation 6920 that remain part of the monument in accordance with the terms of this proclamation, except as provided by the following 5 paragraphs:

Paragraph 14 of Proclamation 6920 is updated and clarified to require that the Secretary of the Interior (Secretary) prepare and maintain a management plan for each of the 3 units of the monument with maximum public involvement including, but not limited to, consultation

with federally recognized tribes and State and local governments. The Secretary, through the BLM, shall also consult with other Federal land management agencies in the local area in developing the management plans.

Proclamation 6920 is amended to provide that the Secretary shall maintain one or more advisory committees under the Federal Advisory Committee Act (5 U.S.C. App.) to provide information and advice regarding the development of the above-described management plans, and, as appropriate, management of the monument. Any advisory committee maintained shall consist of a fair and balanced representation of interested stakeholders, including State and local governments, tribes, recreational users, local business owners, and private landowners.

Proclamation 6920 is clarified to provide that, consistent with protection of the objects identified above and other applicable law, the Secretary may allow motorized and non-mechanized vehicle use on roads and trails existing immediately before the issuance of Proclamation 6920 and maintain roads and trails for such use.

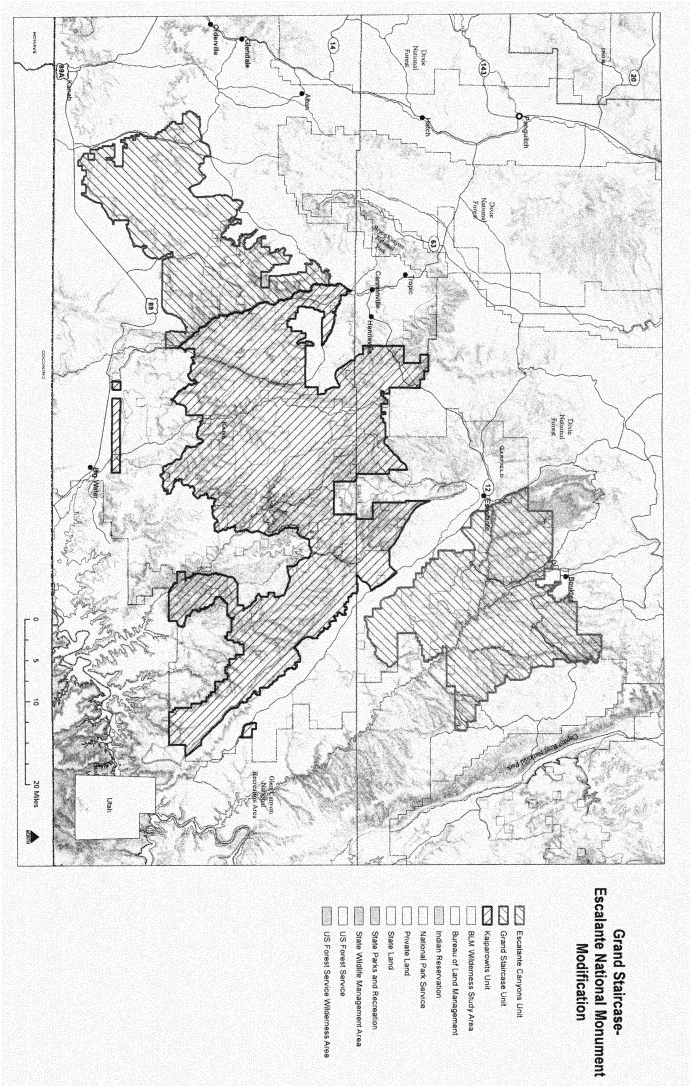
Paragraph 12 of Proclamation 6920 governing livestock grazing in the monument is hereby modified to read as follows: ''Nothing in this proclamation shall be deemed to affect authorizations for livestock grazing, or administration thereof, on Federal lands within the monument. Livestock grazing within the monument shall continue to be governed by laws and regulations other than this proclamation.''

Proclamation 6920 is amended to clarify that, consistent with the care and management of the objects identified above, the Secretary may authorize ecological restoration and active vegetation management activities in the monument.

If any provision of this proclamation, including its application to a particular parcel of land, is held to be invalid, the remainder of this proclamation and its application to other parcels of land shall not be affected thereby.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of December, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP



Proclamation 9683 of December 6, 2017

Recognizing Jerusalem as the Capital of the State of Israel and Relocating the United States Embassy to Israel to Jerusalem

By the President of the United States of America
A Proclamation

The foreign policy of the United States is grounded in principled realism, which begins with an honest acknowledgment of plain facts. With

respect to the State of Israel, that requires officially recognizing Jerusalem as its capital and relocating the United States Embassy to Israel to Jerusalem as soon as practicable.

The Congress, since the Jerusalem Embassy Act of 1995 (Public Law 104–45) (the ''Act''), has urged the United States to recognize Jerusalem as Israel's capital and to relocate our Embassy to Israel to that city. The United States Senate reaffirmed the Act in a unanimous vote on June 5, 2017.

Now, 22 years after the Act's passage, I have determined that it is time for the United States to officially recognize Jerusalem as the capital of Israel. This long overdue recognition of reality is in the best interests of both the United States and the pursuit of peace between Israel and the Palestinians.

Seventy years ago, the United States, under President Truman, recognized the State of Israel. Since then, the State of Israel has made its capital in Jerusalem—the capital the Jewish people established in ancient times. Today, Jerusalem is the seat of Israel's government—the home of Israel's parliament, the Knesset; its Supreme Court; the residences of its Prime Minister and President; and the headquarters of many of its government ministries. Jerusalem is where officials of the United States, including the President, meet their Israeli counterparts. It is therefore appropriate for the United States to recognize Jerusalem as Israel's capital.

I have also determined that the United States will relocate our Embassy to Israel from Tel Aviv to Jerusalem. This action is consistent with the will of the Congress, as expressed in the Act.

Today's actions—recognizing Jerusalem as Israel's capital and announcing the relocation of our embassy—do not reflect a departure from the strong commitment of the United States to facilitating a lasting peace agreement. The United States continues to take no position on any final status issues. The specific boundaries of Israeli sovereignty in Jerusalem are subject to final status negotiations between the parties. The United States is not taking a position on boundaries or borders.

Above all, our greatest hope is for peace, including through a two-state solution, if agreed to by both sides. Peace is never beyond the grasp of those who are willing to reach for it. In the meantime, the United States continues to support the status quo at Jerusalem's holy sites, including at the Temple Mount, also known as Haram al Sharif. Jerusalem is today—and must remain—a place where Jews pray at the Western Wall, where Christians walk the Stations of the Cross, and where Muslims worship at Al-Aqsa Mosque.

With today's decision, my Administration reaffirms its longstanding commitment to building a future of peace and security in the Middle East. It is time for all civilized nations and people to respond to disagreement with reasoned debate—not senseless violence—and for young and moderate voices across the Middle East to claim for themselves a bright and beautiful future. Today, let us rededicate ourselves to a path of mutual understanding and respect, rethinking old assumptions and opening our hearts and minds to new possibilities. I ask the leaders of the Middle East—political and religious; Israeli and Pales-

tinian; and Jewish, Christian, and Muslim—to join us in this noble quest for lasting peace.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim that the United States recognizes Jerusalem as the capital of the State of Israel and that the United States Embassy to Israel will be relocated to Jerusalem as soon as practicable.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of December, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9684 of December 7, 2017

National Pearl Harbor Remembrance Day, 2017

By the President of the United States of America
A Proclamation

On National Pearl Harbor Remembrance Day, we honor those who perished in defense of our homeland and the veterans who selflessly answered the call to freedom during World War II. In our Nation's history, few events have been as pivotal as the ''date which will live in infamy.''

Seventy-six years ago today, on the morning of December 7, 1941, Japanese air and naval forces carried out an unprovoked surprise attack on American military installations in Oahu, Hawaii. Horrific sounds of war shattered that peaceful Sunday morning, and our Nation was forever changed. More than 2,400 Americans lost their lives, and more than 1,000 service members and civilians were wounded in the attack. This horrific act of aggression galvanized the Nation and propelled us into World War II. Americans would not awaken to another peaceful dawn for nearly 4 long years.

In our darkest hours, the greatness of America emerged. Throughout the long and difficult war, our citizens remained courageous and resilient. Thousands answered the call to arms, left family and loved ones behind, and embarked on long and onerous journeys to fight America's enemies abroad. On the home front, American industry, ingenuity, and innovation increased our warfighting capacity and helped turn the tide in both the Atlantic and the Pacific theaters. The war effort motivated soldier and civilian alike. Families and communities came together, sacrificing personal comfort and prosperity for the greater good. Our country also solidified partnerships with like-minded nations committed to the promise of freedom. The spirit and soul of our Nation were tested in the fires of adversity, and we emerged even more determined, confident, and resolute.

The USS Arizona Memorial in Honolulu, Hawaii, is a sacred resting place for many of the ship's 1,177 sailors and Marines who perished on that fateful December morning. Even though these American patri-

ots are entombed in a watery grave within the sunken hull of a battleship, their names are etched into the marble wall in the structure above. Just last month the First Lady and I had the distinct honor of visiting this hallowed site to pay our respects to the American heroes that were taken from us on that infamous day. The rusted wreckage is a haunting and sober reminder of the sacrifice of these heroes and their families, while the iconic, striking white memorial stands as a somber reminder of what we lost and also what we must fight to preserve.

Today, a new generation of brave men and women in uniform stand ready to oppose any threat to our Nation and the civilized world. Though the decades have passed, we are careful to never forget the lessons of Pearl Harbor. Our Armed Forces must be strong and vigilant, prepared to fight and preserve all we hold dear. It is our greatest obligation—our most solemn duty—to ensure our Nation remains the land of the free and the home of the brave. The day after the attack on Pearl Harbor, President Franklin Roosevelt told the Congress that ''With confidence in our Armed Forces—with the unbounding determination of our people—we will gain the inevitable triumph.'' That confidence and determination is undiminished today as we combat the ever-changing threats to freedom.

On this National Pearl Harbor Remembrance Day, we pray for all who died on the island of Oahu that dreadful Sunday morning, and for those who perished around the world in the battles of World War II. May we never forget their bravery, their selflessness, and their sacrifice for the noble causes of liberty and peace.

The Congress, by Public Law 103–308, as amended, has designated December 7 of each year as ''National Pearl Harbor Remembrance Day.''

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim December 7, 2017, as National Pearl Harbor Remembrance Day. I encourage all Americans to observe this solemn day of remembrance and to honor our military, past and present, with appropriate ceremonies and activities. I urge all Federal agencies and interested organizations, groups, and individuals to fly the flag of the United States at half-staff in honor of those American patriots who died as a result of their service at Pearl Harbor.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of December, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9685 of December 8, 2017

Human Rights Day, Bill of Rights Day, and Human Rights Week, 2017

By the President of the United States of America

A Proclamation

Our great country was forged in the fires of a revolution to overthrow the rule of a tyrant, by a free people who understood the fundamental

truth that liberty is best secured when the state's power is carefully limited. From the Declaration of Independence, to the Constitution, and through the Bill of Rights, our country and our people have always known the true, God-given nature of liberty and the ability of law to safeguard it against the state. For 226 years, the final piece of this freedom-sustaining bulwark—the Bill of Rights—has formed the bedrock of the constitutional protections every American holds dear as their birthright.

On Bill of Rights Day, we recognize the importance of the first 10 Amendments to our Constitution to protecting our liberty and freedom against the inevitable encroachment of government. Our Founding Fathers understood the threat of expansive, omnipresent government. From the beginning of our republic, therefore, they endeavored to enhance the Constitution with a bill of rights, a specific enumeration of fundamental rights that would prevail even against a future government inclined to abuse the power it has over the lives of citizens.

On June 8, 1789, James Madison, originally skeptical of the need for a bill of rights, introduced in the Congress several amendments to the Constitution that would eventually form the Bill of Rights. During the ensuing debates, Madison told the Congress that because ''all power is subject to abuse'' it was worth taking steps to ensure that such abuse ''may be guarded against in a more secure manner.'' Many of the rights set forth in the amendments Madison introduced that day are quite familiar to us as Americans: the right to worship as we please; the right to speak our minds and consciences; the right to firearms to protect ourselves and our loved ones; the right to be free from unwarranted government searches and seizures; the right to a jury of our fellow citizens when accused of legal wrongdoing. Others—like the right to object to housing troops in our homes during peacetime—are often thought of as relics of a bygone era. Regardless of their familiarity or applicability to our daily lives, however, each clause of the Bill of Rights addresses profound and real abuses the Founders faced and each is crafted and locked into law to protect us and future generations from their repetition.

Since its adoption, the reach of the Bill of Rights has spread far beyond America's shores. As George Washington rightfully said: ''Liberty, when it begins to take root, is a plant of rapid growth.'' For example, in the wake of the devastation of World War II, the spirit of the Bill of Rights inspired the United Nations General Assembly to adopt the Universal Declaration of Human Rights in 1948. Just like the Bill of Rights, the Universal Declaration of Human Rights is grounded in the recognition that just governments must respect the fundamental liberty and dignity of their people. By enumerating core rights that should be immune from government encroachment, both the Bill of Rights and the Universal Declaration of Human Rights have helped fuel remarkable prosperity and achievement around the world.

During Human Rights Day, Bill of Rights Day, and Human Rights Week, we rededicate ourselves to steadfastly and faithfully defending the Bill of Rights and human rights. Our God-given, fundamental rights are soon overcome if not safeguarded by the people. We, therefore, also reflect upon the many individuals who are unable to enjoy the God-given rights that we as Americans know are secure. We remember those suffering under the yolk of authoritarianism and extremism for doing nothing more than standing up to injustice or daring to profess

or practice their religion, and we acknowledge those imprisoned or in peril simply because of their political views or their sex.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 10, 2017, as Human Rights Day; December 15, 2017, as Bill of Rights Day; and the week beginning December 10, 2017, as Human Rights Week. I call upon the people of the United States to mark this observance with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of December, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9686 of December 15, 2017

Wright Brothers Day, 2017

By the President of the United States of America
A Proclamation

On December 17, 1903, a handcrafted biplane lifted off the soft sand of a windswept beach in Kitty Hawk, North Carolina, ushering in the age of aviation. The flight lasted a mere 12 seconds, and covered only 120 feet, but it changed the course of history. On Wright Brothers Day, we honor the two American pioneers from Dayton, Ohio, who first achieved powered flight, one of the most remarkable triumphs of the 20th century.

Orville and Wilbur Wright shared a fascination with flight and a desire to push the limits of the possible. They were bicycle mechanics by trade, and though they lacked formal education and resources, they excelled in aviation through determination and tenacity. They built their own research facilities, learned and tested principles of engineering and aerodynamics, and endured years of failure as they improved on their designs.

Aviation has transformed modern life. The Golden Age of Flight during the 1920s and 1930s captured the imagination of the American people, and soon opened commercial opportunities for transport and trade. Two world wars led to the development of the modern U.S. Air Force, strengthening our national security and enabling us to command the battlefield and protect our homeland from the sky. Aviation has also connected far-away nations, changing the way we conduct business, spend our leisure time, and spread new ideas. In only 60 years' time, aviation expanded from the familiar to a new unknown—from speeding us through the clouds to launching us into space.

The same spirit that fueled Orville and Wilbur Wright ignited a passion in other aviation visionaries. In July 1969, American pioneers, Neil Armstrong, Buzz Aldrin, and Michael Collins, completed the first manned mission to the Moon on Apollo 11. To acknowledge aviation's humble beginnings, their spacecraft left Earth's orbit with pieces of

wood and a swath of muslin from the left wing of the biplane that made history at Kitty Hawk. The innovative spirit of the Wright brothers also inspired the legendary Joe Sutter who, in just over 2 years, designed and built the iconic 747 jetliner. This glamorous jumbo plane, and the first ever wide-body aircraft, transformed travel through the sky. It has been the aircraft of five United States presidents and was the basis for Sutter receiving the Wright Brothers Memorial Trophy in 1986.

More than a century after conquering flight, the Wright brothers continue to motivate and inspire Americans, who never tire of exploration and innovation. This great American spirit can be found in the design of every new supersonic jet and next-generation unmanned aircraft. Their revolutionary legacy lives on in each airplane take-off and spacecraft launch. On Wright Brothers Day, we celebrate their extraordinary contribution to the strength and success of our Nation.

The Congress, by a joint resolution approved December 17, 1963, as amended (77 Stat. 402; 36 U.S.C. 143), has designated December 17 of each year as ''Wright Brothers Day'' and has authorized and requested the President to issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim December 17, 2017, as Wright Brothers Day.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of December, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

Proclamation 9687 of December 22, 2017

To Take Certain Actions Under the African Growth and Opportunity Act and for Other Purposes

By the President of the United States of America

A Proclamation

1. In Proclamation 9223 of December 23, 2014, President Obama determined that the Republic of The Gambia (''The Gambia'') was not making continual progress in meeting the requirements described in section 506A(a)(1) of the Trade Act of 1974, as amended (the ''Trade Act'') (19 U.S.C. 2466a(a)), as added by section 111(a) of the African Growth and Opportunity Act (the ''AGOA''). Thus, pursuant to section 506A(a)(3) of the Trade Act (19 U.S.C. 2466a(a)(3)), President Obama terminated the designation of The Gambia as a beneficiary sub-Saharan African country for purposes of section 506A of the Trade Act.

2. In Proclamation 9145 of June 26, 2014, President Obama determined that the Kingdom of Swaziland was not making continual progress in meeting the requirements described in section 506A(a)(1) of the Trade Act. Thus, pursuant to section 506A(a)(3) of the Trade Act, President

Obama terminated the designation of the Kingdom of Swaziland as a beneficiary sub-Saharan African country for purposes of section 506A of the Trade Act.

3. Section 506A(a)(1) of the Trade Act authorizes the President to designate a country listed in section 107 of the AGOA (19 U.S.C. 3706) as a beneficiary sub-Saharan African country if the President determines that the country meets the eligibility requirements set forth in section 104 of the AGOA (19 U.S.C. 3703), as well as the eligibility criteria set forth in section 502 of the Trade Act (19 U.S.C. 2462).

4. Pursuant to section 506A(a)(1) of the Trade Act, based on actions that The Gambia and the Kingdom of Swaziland have taken, I have determined that The Gambia and the Kingdom of Swaziland meet the eligibility requirements set forth in section 104 of the AGOA and section 502 of the Trade Act, and I have decided to designate The Gambia and the Kingdom of Swaziland as beneficiary sub-Saharan African countries.

5. On April 22, 1985, the United States and Israel entered into the Agreement on the Establishment of a Free Trade Area between the Government of the United States of America and the Government of Israel (the ''USIFTA''), which the Congress approved in section 3 of the United States-Israel Free Trade Area Implementation Act of 1985 (the ''USIFTA Act'') (19 U.S.C. 2112 note).

6. Section 4(b) of the USIFTA Act provides that, whenever the President determines that it is necessary to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, the President may proclaim such withdrawal, suspension, modification, or continuance of any duty, or such continuance of existing duty-free or excise treatment, or such additional duties, as the President determines to be required or appropriate to carry out the USIFTA.

7. In order to maintain the general level of reciprocal and mutually advantageous concessions with respect to agricultural trade with Israel, on July 27, 2004, the United States entered into an agreement with Israel concerning certain aspects of trade in agricultural products during the period January 1, 2004, through December 31, 2008 (the ''2004 Agreement'').

8. In Proclamation 7826 of October 4, 2004, consistent with the 2004 Agreement, President Bush determined, pursuant to section 4(b) of the USIFTA Act, that, in order to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, it was necessary to provide duty-free access into the United States through December 31, 2008, for specified quantities of certain agricultural products of Israel.

9. Each year from 2008 through 2016, the United States and Israel entered into agreements to extend the period that the 2004 Agreement was in force for 1-year periods to allow additional time for the two governments to conclude an agreement to replace the 2004 Agreement.

10. To carry out the extension agreements, the President in Proclamation 8334 of December 31, 2008; Proclamation 8467 of December 23, 2009; Proclamation 8618 of December 21, 2010; Proclamation 8770 of December 29, 2011; Proclamation 8921 of December 20, 2012; Proclamation 9072 of December 23, 2013; Proclamation 9223 of December 23,

2014; Proclamation 9383 of December 21, 2015; and Proclamation 9555 of December 15, 2016 modified the Harmonized Tariff Schedule of the United States (the ''HTS'') to provide duty-free access into the United States for specified quantities of certain agricultural products of Israel, each time for an additional 1-year period.

11. On December 5, 2017, the United States entered into an agreement with Israel to extend the period that the 2004 Agreement is in force through December 31, 2018, and to allow for further negotiations on an agreement to replace the 2004 Agreement.

12. Pursuant to section 4(b) of the USIFTA Act, I have determined that it is necessary, in order to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, to provide duty-free access into the United States through the close of December 31, 2018, for specified quantities of certain agricultural products of Israel, as provided in Annex I of this proclamation.

13. Section 1206(a) of the Omnibus Trade and Competitiveness Act of 1988 (the ''1988 Act'') (19 U.S.C. 3006(a)) authorizes the President to proclaim modifications to the HTS based on the recommendations of the United States International Trade Commission (the ''Commission'') under section 1205 of the 1988 Act (19 U.S.C. 3005) if he determines that the modifications are in conformity with United States obligations under the International Convention on the Harmonized Commodity Description and Coding System (the ''Convention'') and do not run counter to the national economic interest of the United States. The Commission has recommended modifications to the HTS pursuant to section 1205 of the 1988 Act to conform the HTS to amendments made to the Convention.

14. Proclamation 7987 of February 28, 2006, implemented the Dominican Republic-Central America-United States Free Trade Agreement (the ''CAFTA–DR'') with respect to the United States and, pursuant to section 201 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (the ''CAFTA–DR Act'') (19 U.S.C. 4031), the staged reductions in duty that the President determined to be necessary or appropriate to carry out or apply articles 3.3, 3.5, 3.6, 3.21, 3.26, 3.27, and 3.28, and Annexes 3.3 (including the schedule of United States duty reductions with respect to originating goods), 3.27, and 3.28 of the CAFTA–DR.

15. The United States, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua (the ''CAFTA–DR countries'') are parties to the Convention. Because changes to the Convention are reflected in slight differences of form between the national tariff schedules of the United States and the other CAFTA–DR countries, Annexes 4.1, 3.25, and 3.29 of the CAFTA–DR must be changed to ensure that the tariff and certain other treatment accorded under the CAFTA–DR to originating goods will continue to be provided under the tariff categories that were proclaimed in Proclamation 7987. The United States and the other CAFTA–DR countries have agreed to make these changes.

16. Section 201 of the CAFTA–DR Act authorizes the President to proclaim such modifications or continuation of any duty, such continuation of duty-free or excise treatment, or such additional duties, as the President determines to be necessary or appropriate to carry out or

apply articles 3.3, 3.5, 3.6, 3.21, 3.26, 3.27, and 3.28, and Annexes 3.3 (including the schedule of United States duty reductions with respect to originating goods), 3.27, and 3.28 of the CAFTA–DR.

17. I have determined that the modifications to the HTS proclaimed pursuant to section 201 of the CAFTA–DR Act and section 1206(a) of the 1988 Act (19 U.S.C. 3006(a)) are necessary or appropriate to ensure the continuation of tariff and certain other treatment accorded originating goods under tariff categories modified in Proclamation 9549 and to carry out the duty reductions proclaimed in Proclamation 7987.

18. In Proclamation 8618 of December 21, 2010, pursuant to section 111(b) of the Uruguay Round Agreements Act (the ''URAA'') (19 U.S.C. 3521(b)), President Obama proclaimed the modification of Schedule XX–United States of America, annexed to the Marrakesh Protocol to the General Agreement on Tariffs and Trade 1994 (''GATT 1994''), to reflect the implementation by the United States of the multilateral agreement on certain pharmaceuticals and chemical intermediates negotiated under the auspices of the World Trade Organization. In addition, President Obama proclaimed modifications to the pharmaceuticals appendix to the HTS to reflect the duty eliminations provided for in that agreement. I have determined, pursuant to section 604 of the Trade Act, that it is necessary to modify the annex of Proclamation 8618, as provided in Annex II of this proclamation, to correct one inadvertent omission so that the intended tariff treatment is provided.

19. In Proclamation 6763 of December 23, 1994, pursuant to section 111(a) of the URAA (19 U.S.C. 3521(a)), President Clinton proclaimed the modification of duties to carry out Schedule XX–United States of America, annexed to the Marrakesh Protocol to the GATT 1994. These modifications were set out in the annex of the proclamation, including the addition of General Note 13 and of the Pharmaceutical Appendix to the HTS. In Proclamation 8097 of December 29, 2006, pursuant to section 1206(a) of the 1988 Act (19 U.S.C. 3006(a)), President Bush proclaimed modifications to the HTS to conform it to the Convention or any amendment thereto recommended for adoption, to promote the uniform application of the Convention, to establish additional subordinate tariff categories, and to make technical and conforming changes to existing provisions. These modifications to the HTS were set out in Annex I of Publication 3898 of the Commission, which was incorporated by reference into the proclamation. In Proclamation 9466 of June 30, 2016, pursuant to section 111(b) of the URAA (19 U.S.C. 3521(b)), President Obama proclaimed modifications to the tariff categories and rates of duty set forth in the HTS to implement the World Trade Organization Declaration on the Expansion of Trade in Information Technology Products (''Declaration''). These modifications were set out in Annexes I and II of Proclamation 9466. I have determined, pursuant to section 604 of the Trade Act (19 U.S.C. 2483), that it is necessary to modify Annex I of Proclamation 9466, as provided in Annex II of this proclamation, to correct one inadvertent omission so that the intended tariff treatment is provided and to make certain additional conforming changes to Annex I of Proclamation 9466.

20. In Proclamation 9549 of December 1, 2016, pursuant to section 1206(a) of the 1988 Act, President Obama proclaimed modifications to the HTS to conform it with the Convention in order to promote the uniform application of the Convention. These modifications to the HTS were set out in Annex I of Publication 4653 of the Commission, which

was incorporated by reference into the proclamation. I have determined that it is necessary to make certain additional changes to the HTS to conform it with the Convention.

21. Sections 502(d)(1) and 503(c)(1) of the Trade Act (19 U.S.C. 2462(d)(1) and 2463(c)(1)), provide that the President may withdraw, suspend, or limit the application of the duty-free treatment accorded under the Generalized System of Preferences (the ''GSP'') with respect to any country and any article upon consideration of the factors set forth in sections 501 and 502(c) of the Trade Act (19 U.S.C. 2461 and 2462(c)).

22. Pursuant to sections 502(d)(1) and 503(c)(1) of the Trade Act and having considered the factors set forth in sections 501 and 502(c) of such Act, including, in particular, section 502(c)(5) (19 U.S.C. 2462(c)(5)) on the extent to which a designated beneficiary developing country is providing adequate and effective protection of intellectual property rights, I have determined that it is appropriate to suspend the duty-free treatment accorded under the GSP to certain eligible articles that are the product of Ukraine, as provided in Annex III of this proclamation.

23. Section 502 of the Trade Act (19 U.S.C. 2462), authorizes the President to designate countries as beneficiary developing countries for purposes of the GSP. Section 502(f)(1)(A) of the Trade Act (19 U.S.C. 2462(f)(1)(A)) requires the President to notify the Congress before designating any country as a beneficiary developing country.

24. In Proclamation 8788 of March 26, 2012, after having considered the factors set forth in section 502(b)(2)(E) of the Trade Act (19 U.S.C. 2462(b)(2)(E)), President Obama suspended Argentina's designation as a GSP beneficiary developing country because it had not acted in good faith in enforcing arbitral awards in favor of United States citizens or a corporation, partnership, or association that is 50 percent or more beneficially owned by United States citizens.

25. Pursuant to section 502(a)(1) of the Trade Act, and taking into account the factors set forth in section 502(b) (19 U.S.C. 2462(b)), in particular section 502(b)(2)(E), I have determined that the suspension pursuant to Proclamation 8788 of Argentina's designation as a GSP beneficiary developing country should end.

26. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction.

27. Section 1206(c) of the 1988 Act (19 U.S.C. 3006(c)) provides that any modifications proclaimed by the President under section 1206(a) of the 1988 Act may not take effect before the thirtieth day after the date on which the text of the proclamation is published in the *Federal Register.*

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to section 506A(a)(1) of the Trade Act (19 U.S.C. 2466a(a)(1)); section 4(b) of the USIFTA Act (19 U.S.C. 2112 note); section 1206(a) of the 1988 Act (19 U.S.C. 3006(a)); section 201 of the

CAFTA–DR Act (19 U.S.C. 4031); section 604 of the Trade Act (19 U.S.C. 2483); and sections 502(a)(1), 502(d)(1), and 503(c)(1) of the Trade Act (19 U.S.C. 2462(a)(1), 2462(d)(1), and 2463(c)(1)) do proclaim that:

(1) The Gambia and the Kingdom of Swaziland are designated as beneficiary sub-Saharan African countries.

(2) In order to reflect this designation in the HTS, general note 16(a) and U.S. note 1 to subchapter XIX of chapter 98 to the HTS are each modified by inserting ''The Gambia'' and ''Swaziland,'' in alphabetical sequence, in the list of beneficiary sub-Saharan African countries. Further, note 2(d) to subchapter XIX of chapter 98 is modified by inserting ''The Gambia'' and ''Swaziland,'' in alphabetical sequence, in the list of lesser developed beneficiary sub-Saharan African countries.

(3) In order to implement U.S. tariff commitments under the 2004 US-Israel Agreement through December 31, 2018, the HTS is modified as provided in Annex I of this proclamation.

(4) The modifications to the HTS set forth in Annex I of this proclamation shall be effective with respect to eligible agricultural products of Israel that are entered, or withdrawn from warehouse for consumption, on or after January 1, 2018.

(5) The provisions of subchapter VIII of chapter 99 of the HTS, as modified by Annex I of this proclamation, shall continue in effect through December 31, 2018.

(6) In order to provide generally for the modifications in the rules for determining whether goods imported into the customs territory of the United States are eligible for preferential tariff treatment under the CAFTA–DR, to provide preferential tariff treatment for certain other goods under the CAFTA–DR, and to make technical and conforming changes in the general notes to the HTS, the HTS is modified as set forth in Annex II of this proclamation.

(7) The modifications to the HTS made by paragraph (6) of this proclamation shall enter into effect on the date, as announced by the United States Trade Representative in the *Federal Register*, that the applicable conditions set forth in the CAFTA–DR have been fulfilled, and shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after that date.

(8) In order to provide the intended tariff treatment with respect to the modifications to the pharmaceuticals appendix to the HTS, effective with respect to goods entered, or withdrawn from warehouse or consumption, on or after January 1, 2018, and with respect to goods for which entry is unliquidated or otherwise not final as of that date, subheading 2843.29.01 is modified by inserting the symbol, ''K'', in alphabetical sequence, into the parenthetical expression in the Rates of Duty 1–Special subcolumn.

(9) In order to provide the intended tariff treatment with respect to the addition of the pharmaceuticals appendix to the HTS, effective with respect to goods entered, or withdrawn from warehouse or consumption, on or after January 1, 2018, and with respect to goods for which entry is unliquidated or otherwise not final as of that date, subheading 3907.99.50 is modified by inserting the symbol, ''K'', in alpha-

betical sequence, into the parenthetical expression in the Rates of Duty 1–Special subcolumn.

(10) In order to reflect certain additional conforming changes to Annex I of Proclamation 9466, the subheading 9030.33.34 of the HTS is modified by inserting the symbol, ''C'', in alphabetical sequence, into the parenthetical expression in the Column 1–Special Rates of Duty subcolumn.

(11) The modifications to the HTS made by paragraph (10) of this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after July 1, 2016.

(12) In order to reflect certain additional conforming changes to the HTS, additional U.S. note 1 to chapter 21 of the HTS is modified by deleting ''2202.90.30, 2202.90.35, 2202.90.36 and 2202.90.37'' and inserting ''2202.99.30, 2202.99.35, 2202.99.36 and 2202.99.37'' in lieu thereof.

(13) The modifications to the HTS made by paragraph (12) of this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on the thirtieth day after the date of publication of this proclamation in the *Federal Register.*

(14) In order to provide that Ukraine should no longer be treated as a beneficiary developing country with respect to certain eligible articles for purposes of the GSP, the HTS is modified as provided in Annex III of this proclamation.

(15) In order to reflect the suspension of certain benefits under the GSP with respect to Ukraine, the modifications made in Annex III shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 120 days after the date of publication of this proclamation in the *Federal Register.*

(16) In order to reflect in the HTS the termination of the suspension of Argentina's designation as a GSP beneficiary developing country, the HTS is modified as provided in Annex IV of this proclamation.

(17) The modifications to the HTS made by paragraph (16) of this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2018.

(18) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of December, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

ANNEX I

TEMPORARY EXTENSION OF CERTAIN PROVISIONS OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to eligible agricultural products of Israel which are entered, or withdrawn from warehouse for consumption, on or after January 1, 2018, and through the close of December 31, 2018, subchapter VIII of chapter 99 of the Harmonized Tariff Schedule of the United States is hereby modified as follows:

1. U.S. note 1 to such subchapter is modified by striking "December 31, 2017," and by inserting in lieu thereof "December 31, 2018".

2. U.S. note 3 to such subchapter is modified by adding at the end of the "Applicable time period" column in the table "Calendar year 2018" and by adding at the end of the "Quantity (kg)" column opposite such year the quantity "466,000".

3. U.S. note 4 to such subchapter is modified by adding at the end of the "Applicable time period" column in the table "Calendar year 2018" and by adding at the end of the "Quantity (kg)" column opposite such year the quantity "1,304,000".

4. U.S. note 5 to such subchapter is modified by adding at the end of the "Applicable time period" column in the table "Calendar year 2018" and by adding at the end of the "Quantity (kg)" column opposite such year the quantity "1,534,000".

5. U.S. note 6 to such subchapter is modified by adding at the end of the "Applicable time period" column in the table "Calendar year 2018" and by adding at the end of the "Quantity (kg)" column opposite such year the quantity "131,000".

6. U.S. note 7 to such subchapter is modified by adding at the end of the "Applicable time period" column in the table "Calendar year 2018" and by adding at the end of the "Quantity (kg)" column opposite such year the quantity "707,000".

ANNEX II

MODIFICATIONS TO THE RULES OF ORIGIN FOR THE UNITED STATES - CENTRAL AMERICAN-DOMINICAN REPUBLIC FREE TRADE AGREEMENT, AS REFLECTED IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods of a party to the Agreement specified in general note 29(a) to the tariff schedule that are entered, or withdrawn from warehouse for consumption, on or after the date announced by the United States Trade Representative and published in the Federal Register, general note 29(n) to the Harmonized Tariff Schedule of the United States is modified as provided herein:

1. New Tariff Classification Rule (TCR) 2A to chapter 22 is inserted in numerical sequence:

"2A A change to subheading 2202.91 from any other chapter."

2. TCRs 3 through 5, inclusive, to chapter 22 are modified by deleting "2202.90" in each instance and inserting in lieu thereof "2202.99".

3. TCR 6 to chapter 22 is deleted and the following new TCR is inserted in lieu thereof:

6. (A) A change to a beverage containing milk of subheading 2202.99, from any other chapter, except from Chapter 4 or from a dairy preparation containing over 10 percent by weight of milk solids of subheading 1901.90; or

(B) A change to any other good of subheading 2202.99 from any other chapter."

4. TCR 13 to chapter 28 is deleted and the following new TCRs are inserted in lieu thereof:

"13. A change to subheading 2811.12 from any other subheading.

13A. A change to subheading 2811.19 from any other subheading, except from subheading 2811.12 or 2811.22."

5. TCR 78 to chapter 28 is modified by deleting "headings 2847 through 2848" and inserting in lieu thereof "heading 2847".

6. TCR 12 to chapter 29 is modified by deleting "2903.90" and inserting in lieu thereof "2904.99".

7. TCR 43 to chapter 29 is modified by deleting "2914.70" and inserting in lieu thereof "2914.79".

8. TCR 1 to chapter 30 is deleted and the following new TCRs are inserted in lieu thereof:

"1. A change to subheading 3001.20 through 3001.90 from any other subheading.

1A. A change to subheading 3002.11 through 3002.19 from any other subheading outside that group.

1B. A change to subheading 3002.20 through 3003.39 from any other subheading.

1C. A change to subheading 3003.41 through 3003.49 from any other subheading outside that group.

1D. A change to subheading 3003.60 through 3003.90 from any other subheading."

9. TCR 4 to chapter to 31 is deleted and the following new TCR is inserted in lieu thereof:

"4. A change to subheading 3103.11 through 3103.19 from any other subheading outside that group."

10. TCR 9 to chapter to 38 is deleted and the following new TCRs are inserted in lieu thereof:

"9. A change to subheading 3808.52 through 3808.59 from any other subheading outside that group provided that 50 percent by weight of the active ingredient or ingredients is originating.

9A. A change to subheading 3808.61 through 3808.99 from any other subheading provided that 50 percent by weight of the active ingredient or ingredients is originating."

11. TCR 25 to chapter 38 is modified by deleting "3824.90" and inserting in lieu thereof "3824.99".

12. Chapter rule 1 to chapter 61 is modified by deleting "6005.31" and inserting in lieu thereof "6005.35".

13. Chapter rule 1 to chapter 62 is modified by deleting "6005.31" and inserting in lieu thereof "6005.35".

14. TCR 103 to chapter 84 is modified by deleting "8473.10" and inserting in lieu thereof "8473.21".

15. TCR 56 to chapter 85 is modified by deleting "8528.41" and inserting in lieu thereof "8528.42".

16. TCR 58 to chapter 85 is modified by deleting "8528.51" and inserting in lieu thereof "8528.52".

17. TCR 59A to chapter 85 is modified by deleting "8528.61" and inserting in lieu thereof "8528.62".

18. TCR 72 to chapter 85 is modified by deleting "8539.49" and inserting in lieu thereof "8539.50".

19. TCR 13 to chapter 90 is modified by deleting "9006.30" in each instance and inserting in lieu thereof "9006.40".

20. The following new TCR to chapter 96 is inserted in numerical sequence:

"26 A change to heading 9620 from any other heading."

ANNEX III

MODIFICATIONS ON THE ELIGIBILITY OF CERTAIN ARTICLES THE PRODUCT OF UKRAINE FOR PURPOSES OF THE GENERALIZED SYSTEM OF PREFERENCES

Section A. Effective with respect to certain articles the product of Ukraine entered, or withdrawn from warehouse for consumption, on or after the date that is 120 days after the date of publication of this proclamation in the Federal Register, general note 4(d) to the Harmonized Tariff Schedule of the United States is modified by:

(1) adding, in numerical sequence, the following subheading numbers and countries set out opposite such subheading numbers:

0710.80.70	Ukraine	2009.50.00	Ukraine
0712.39.10	Ukraine	2009.89.60	Ukraine
0713.10.40	Ukraine	2103.20.20	Ukraine
0902.10.10	Ukraine	2103.90.80	Ukraine
0910.91.00	Ukraine	2103.90.90	Ukraine
0910.99.60	Ukraine	2104.20.50	Ukraine
1104.12.00	Ukraine	2106.90.98	Ukraine
1104.29.90	Ukraine	2201.10.00	Ukraine
1604.13.90	Ukraine	2202.10.00	Ukraine
1604.17.10	Ukraine	2202.91.00	Ukraine
1604.18.10	Ukraine	2202.99.90	Ukraine
1604.18.90	Ukraine	2204.10.00	Ukraine
1604.19.22	Ukraine	2204.21.80	Ukraine
1604.19.82	Ukraine	2206.00.90	Ukraine
1604.20.05	Ukraine	2209.00.00	Ukraine
1704.90.35	Ukraine	3307.20.00	Ukraine
1806.32.90	Ukraine	3307.30.10	Ukraine
1806.90.90	Ukraine	3307.30.50	Ukraine
1904.10.00	Ukraine	3506.10.50	Ukraine
1905.90.90	Ukraine	3924.90.56	Ukraine
2001.10.00	Ukraine	3925.30.10	Ukraine
2001.90.38	Ukraine	3926.20.30	Ukraine
2005.20.00	Ukraine	3926.20.90	Ukraine
2005.99.97	Ukraine	3926.90.21	Ukraine
2007.99.05	Ukraine	3926.90.30	Ukraine
2007.99.10	Ukraine	3926.90.45	Ukraine
2007.99.20	Ukraine	3926.90.99	Ukraine
2007.99.25	Ukraine	4015.19.10	Ukraine
2007.99.45	Ukraine	4016.91.00	Ukraine
2007.99.75	Ukraine	4201.00.30	Ukraine
2008.19.90	Ukraine	4202.92.50	Ukraine

4202.99.10	Ukraine	8504.40.95	Ukraine
4203.10.20	Ukraine	8504.50.80	Ukraine
4203.21.80	Ukraine	8509.40.00	Ukraine
4419.11.00	Ukraine	8516.71.00	Ukraine
4419.12.00	Ukraine	8516.79.00	Ukraine
4419.19.90	Ukraine	8518.29.80	Ukraine
4419.90.90	Ukraine	8518.50.00	Ukraine
4420.10.00	Ukraine	8531.80.15	Ukraine
4420.90.80	Ukraine	8531.80.90	Ukraine
6116.10.08	Ukraine	8539.50.00	Ukraine
6204.39.60	Ukraine	8543.70.42	Ukraine
6204.49.10	Ukraine	8543.70.45	Ukraine
6216.00.35	Ukraine	8543.70.71	Ukraine
6307.90.98	Ukraine	8543.70.89	Ukraine
6406.90.10	Ukraine	8543.70.91	Ukraine
6406.90.30	Ukraine	8543.70.95	Ukraine
6506.99.60	Ukraine	8543.70.97	Ukraine
6912.00.48	Ukraine	8543.70.99	Ukraine
6913.90.50	Ukraine	8703.10.50	Ukraine
7113.20.50	Ukraine	8711.40.60	Ukraine
7117.19.15	Ukraine	8711.50.00	Ukraine
7323.93.00	Ukraine	8903.10.00	Ukraine
7615.10.50	Ukraine	9005.80.40	Ukraine
8210.00.00	Ukraine	9005.80.60	Ukraine
8413.30.90	Ukraine	9013.10.30	Ukraine
8414.51.90	Ukraine	9013.80.90	Ukraine
8414.59.65	Ukraine	9027.10.20	Ukraine
8419.89.95	Ukraine	9030.39.01	Ukraine
8421.23.00	Ukraine	9030.89.01	Ukraine
8456.11.90	Ukraine	9031.20.00	Ukraine
8456.12.90	Ukraine	9031.80.80	Ukraine
8464.90.01	Ukraine	9032.89.60	Ukraine
8465.94.00	Ukraine	9205.10.00	Ukraine
8468.10.00	Ukraine	9207.90.00	Ukraine
8479.89.94	Ukraine	9304.00.20	Ukraine
8480.49.00	Ukraine	9404.90.20	Ukraine
8480.71.80	Ukraine	9405.20.80	Ukraine
8480.79.90	Ukraine	9506.11.40	Ukraine
8501.32.20	Ukraine	9506.12.80	Ukraine
8501.40.40	Ukraine	9506.91.00	Ukraine
8501.51.40	Ukraine	9506.99.60	Ukraine
8501.51.60	Ukraine	9620.00.50	Ukraine
8504.31.40	Ukraine		

(2) adding, in alphabetical order, the country or countries set out opposite the following subheadings:

2202.99.36	Ukraine	7113.19.29	Ukraine
4011.10.10	Ukraine	7113.19.50	Ukraine
4011.10.50	Ukraine	7615.10.30	Ukraine
7113.11.50	Ukraine	8413.30.10	Ukraine

Section B. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 120 days after the date of publication of this proclamation in the Federal Register, the HTS is modified as provided in this section. For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A" and inserting the symbol "A*" in lieu thereof:

0710.80.70	2009.89.60	4203.21.80
0712.39.10	2103.20.20	4419.11.00
0713.10.40	2103.90.80	4419.12.00
0902.10.10	2103.90.90	4419.19.90
0910.91.00	2104.20.50	4419.90.90
0910.99.60	2106.90.98	4420.10.00
1104.12.00	2201.10.00	4420.90.80
1104.29.90	2202.10.00	6116.10.08
1604.13.90	2202.91.00	6204.39.60
1604.17.10	2202.99.90	6204.49.10
1604.18.10	2204.10.00	6216.00.35
1604.18.90	2204.21.80	6307.90.98
1604.19.22	2206.00.90	6406.90.10
1604.19.82	2209.00.00	6406.90.30
1604.20.05	3307.20.00	6506.99.60
1704.90.35	3307.30.10	6912.00.48
1806.32.90	3307.30.50	6913.90.50
1806.90.90	3506.10.50	7113.20.50
1904.10.00	3924.90.56	7117.19.15
1905.90.90	3925.30.10	7323.93.00
2001.10.00	3926.20.30	7615.10.50
2001.90.38	3926.20.90	8210.00.00
2005.20.00	3926.90.21	8413.30.90
2005.99.97	3926.90.30	8414.51.90
2007.99.05	3926.90.45	8414.59.65
2007.99.10	3926.90.99	8419.89.95
2007.99.20	4015.19.10	8421.23.00
2007.99.25	4016.91.00	8456.11.90
2007.99.45	4201.00.30	8456.12.90
2007.99.75	4202.92.50	8464.90.01
2008.19.90	4202.99.10	8465.94.00
2009.50.00	4203.10.20	8468.10.00

8479.89.94
8480.49.00
8480.71.80
8480.79.90
8501.32.20
8501.40.40
8501.51.40
8501.51.60
8504.31.40
8504.40.95
8504.50.80
8509.40.00
8516.71.00
8516.79.00
8518.29.80
8518.50.00
8531.80.15
8531.80.90
8539.50.00
8543.70.42
8543.70.45
8543.70.71
8543.70.89
8543.70.91
8543.70.95
8543.70.97
8543.70.99
8703.10.50
8711.40.60
8711.50.00
8903.10.00
9005.80.40
9005.80.60
9013.10.30
9013.80.90
9027.10.20
9030.39.01
9030.89.01
9031.20.00
9031.80.80
9032.89.60
9205.10.00
9207.90.00
9304.00.20
9404.90.20
9405.20.80
9506.11.40
9506.12.80
9506.91.00
9506.99.60
9620.00.50

ANNEX IV

MODIFICATIONS ON THE ELIGIBILITY OF CERTAIN ARTICLES THE PRODUCT OF ARGENTINA FOR PURPOSES OF THE GENERALIZED SYSTEM OF PREFERENCES

Section A. Effective with respect to articles the product of Argentina entered, or withdrawn from warehouse for consumption, on January 1, 2018, general note 4(a) to the HTS is modified by adding, in alphabetical order, "Argentina" to the list entitled "Independent Countries".

Section B. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2018, general note 4(d) to the HTS is modified by:

(1) adding, in numerical sequence, the following subheading numbers and countries set out opposite such subheading numbers:

0404.90.10	Argentina	3307.49.00	Argentina
0703.20.00	Argentina	3504.00.50	Argentina
2805.40.00	Argentina	3506.99.00	Argentina
2813.90.50	Argentina	3701.10.00	Argentina
2832.30.10	Argentina	3702.10.00	Argentina
2839.90.50	Argentina	3706.10.30	Argentina
2841.30.00	Argentina	3707.90.32	Argentina
2841.50.91	Argentina	3901.90.90	Argentina
2843.30.00	Argentina	3902.10.00	Argentina
2849.10.00	Argentina	3902.20.50	Argentina
2850.00.50	Argentina	3902.90.00	Argentina
2905.12.00	Argentina	3903.90.50	Argentina
2905.13.00	Argentina	3904.40.00	Argentina
2905.22.50	Argentina	3906.10.00	Argentina
2906.19.30	Argentina	3906.90.50	Argentina
2914.12.00	Argentina	3907.30.00	Argentina
2914.13.00	Argentina	3907.70.00	Argentina
2915.70.01	Argentina	3907.99.20	Argentina
2917.14.50	Argentina	3907.99.50	Argentina
2918.21.50	Argentina	3909.10.00	Argentina
2918.22.50	Argentina	3909.50.50	Argentina
2929.10.15	Argentina	3913.90.20	Argentina
2932.99.90	Argentina	3921.90.50	Argentina
2933.49.30	Argentina	3923.90.00	Argentina
2933.99.55	Argentina	4201.00.60	Argentina
3209.90.00	Argentina	4303.10.00	Argentina
3301.19.10	Argentina	7007.11.00	Argentina
3307.20.00	Argentina	7114.11.60	Argentina

7315.90.00	Argentina	8536.90.60	Argentina
7409.11.50	Argentina	8536.90.85	Argentina
7409.21.00	Argentina	8538.90.81	Argentina
7901.11.00	Argentina	8708.50.65	Argentina
8207.20.00	Argentina	8708.50.91	Argentina
8409.91.99	Argentina	8708.70.60	Argentina
8477.51.00	Argentina	8708.91.75	Argentina
8480.30.00	Argentina	8708.92.75	Argentina
8481.30.20	Argentina	8708.99.81	Argentina
8481.80.30	Argentina	8716.90.50	Argentina
8481.80.90	Argentina	9003.90.00	Argentina
8481.90.30	Argentina	9113.10.00	Argentina
8503.00.65	Argentina	9113.20.60	Argentina
8523.29.50	Argentina		

(2) adding, in alphabetical order, the country or countries set out opposite the following subheadings:

1701.13.10	Argentina	6910.90.00	Argentina
1701.14.10	Argentina	7202.21.50	Argentina
2918.22.10	Argentina	7202.30.00	Argentina
3301.90.10	Argentina	7901.12.50	Argentina
3907.61.00	Argentina	8409.91.50	Argentina
3907.69.00	Argentina	8409.99.91	Argentina
4011.10.10	Argentina		

Section C. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2018, the HTS is modified as provided in this section. For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A" and inserting the symbol "A*" in lieu thereof:

0404.90.10
0703.20.00
2805.40.00
2813.90.50
2832.30.10
2839.90.50
2841.30.00
2841.50.91
2843.30.00
2849.10.00
2850.00.50
2905.12.00
2905.13.00
2905.22.50
2906.19.30
2914.12.00
2914.13.00
2915.70.01
2917.14.50
2918.21.50
2918.22.50
2929.10.15
2932.99.90
2933.49.30
2933.99.55
3209.90.00
3301.19.10
3307.20.00
3307.49.00
3504.00.50
3506.99.00
3701.10.00
3702.10.00
3706.10.30
3707.90.32
3901.90.90
3902.10.00
3902.20.50
3902.90.00
3903.90.50
3904.40.00
3906.10.00
3906.90.50
3907.30.00
3907.70.00
3907.99.20
3907.99.50

3909.10.00
3909.50.50
3913.90.20
3921.90.50
3923.90.00
4201.00.60
4303.10.00
7007.11.00
7114.11.60
7315.90.00
7409.11.50
7409.21.00
7901.11.00
8207.20.00
8409.91.99
8477.51.00
8480.30.00
8481.30.20
8481.80.30
8481.80.90
8481.90.30
8503.00.65
8536.90.60
8536.90.85
8538.90.81
8708.50.65
8708.50.91
8708.70.60
8708.91.75
8708.92.75
8708.99.81
8716.90.50
9003.90.00
9113.10.00
9113.20.60

Proclamation 9688 of December 29, 2017

National Slavery and Human Trafficking Prevention Month, 2018

By the President of the United States of America
A Proclamation

During National Slavery and Human Trafficking Prevention Month, we recommit ourselves to eradicating the evil of enslavement. Human trafficking is a modern form of the oldest and most barbaric type of exploitation. It has no place in our world. This month we do not simply reflect on this appalling reality. We also pledge to do all in our power to end the horrific practice of human trafficking that plagues innocent victims around the world.

Human trafficking is a sickening crime at odds with our very humanity. An estimated 25 million people are currently victims of human trafficking for both sex and labor. Human traffickers prey on their victims by promising a life of hope and greater opportunity, while delivering only enslavement. Instead of delivering people to better lives, traffickers unjustifiably profit from the labor and toil of their victims, who they force—through violence and intimidation—to work in brothels and factories, on farms and fishing vessels, in private homes, and in countless industries.

My Administration continues to work to drive out the darkness human traffickers cast upon our world. In February, I signed an Executive Order to dismantle transnational criminal organizations, including those that perpetuate the crime of human trafficking. My *Interagency Task Force to Monitor and Combat Trafficking in Persons* has enhanced collaboration with other nations, businesses, civil society organizations, and survivors of human trafficking. The Department of Health and Human Services has established a new national training and technical assistance center to strengthen our healthcare industry's anti-trafficking response. The Department of State has contributed $25 million to the Global Fund to End Modern Slavery, because of the critical need for cross-nation collaborative action to counter human trafficking. The Department of Labor has released an innovative, business-focused mobile app that supports private-sector efforts to eradicate forced labor from global supply chains. And this month, I will sign into law S. 1536, the Combating Human Trafficking in Commercial Vehicles Act and S. 1532, the No Human Trafficking on Our Roads Act. These bills will keep those who commit trafficking offenses from operating commercial vehicles, improve anti-human trafficking coordination within Federal agencies and across State and local governments, and improve efforts to recognize, prevent, and report human trafficking.

In addition to these governmental actions, Americans must learn how to identify and combat the evil of enslavement. This is especially important for those who are most likely to encounter the perpetrators of slavery and their victims, including healthcare providers, educators, law enforcement officials, and social services professionals. Through the Department of Homeland Security's Blue Campaign, all Americans can learn to recognize the signs of human trafficking and how to report suspected instances. By taking steps to become familiar with the tell-

tale signs of traffickers or the signals of their victims, Americans can save innocent lives.

Our Nation is and will forever be a place that values and protects human life and dignity. This month, let us redouble our efforts to ensure that modern day slavery comes to its long overdue end.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 2018 as National Slavery and Human Trafficking Prevention Month, culminating in the annual celebration of National Freedom Day on February 1, 2018. I call upon industry associations, law enforcement, private businesses, faith-based and other organizations of civil society, schools, families, and all Americans to recognize our vital roles in ending all forms of modern slavery and to observe this month with appropriate programs and activities aimed at ending and preventing all forms of human trafficking.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of December, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP